

DAVIS GRIMM PAYNE & MARRA

Attorneys at Law

701 FIFTH AVENUE, SUITE 4040
SEATTLE, WA 98104
(206) 447-0182 (Phone)
(206) 622-9927 (Fax)
www.dgplaw.com

JOSEPH L. DAVIS (Retired)
WILLIAM T. GRIMM
JOHN M. PAYNE
JOSEPH G. MARRA
EILEEN M. LAWRENCE

BRIAN P. LUNDGREN
PATRICK S. PEARCE
SELENA C. SMITH
CHRISTOPHER L. HILGENFELD
AMY C. PLENEFISCH (Of Counsel)

February 17, 2009

Hand-Delivered

Mr. Allen Hobart, President
Teamsters Joint Council 28
14675 Interurban Avenue S.
Tukwila, WA 98168

Re: Oak Harbor Freight Lines

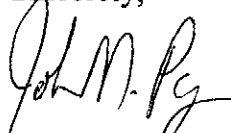
Dear Mr. Hobart:

In response to your notice on February 12, 2009, that Teamster Local Union Nos. 81, 174, 231, 252, 324, 483, 589, 690, 760, 763, 839 and 962, have made an **Unconditional Offer To Return To Work**, please be advised as follows:

- 1) Oak Harbor Freight Lines **will on Wednesday, February 18, 2009, return all striking employees to work.** However, simultaneously with the return to work, some returning employees will be suspended pending investigation into discipline for misconduct, some employees have previously advised us of their voluntary termination, and some returning employees will be laid off for lack of work. See paragraphs 2, 3 and 4 below.
- 2) Some employees have engaged in misconduct during the Unions' strike against the Company. Those employees will, simultaneous with the return to work of all employees on Wednesday, February 18, 2009, be suspended pending an investigation into their misconduct. Such suspended employees are identified on the terminal employee list attached. Oak Harbor has made a reasonable effort to identify all striking employees who have engaged in misconduct. Any inadvertent oversight by Oak Harbor should not be construed as condoning picket line misconduct or as a waiver of Oak Harbor's rights to further investigate discipline.

- 3) During the Unions' strike against the Company, some employees have advised Oak Harbor of their voluntary termination from employment for reasons of retirement or otherwise. Such employees are identified on the attached terminal employee list. Because Oak Harbor has no knowledge regarding the status of such employees, they are going to be returned to work. Upon advice by such employee's representative Local Union or by the employee, that such person is, in fact, not interested in returning, Oak Harbor will take appropriate action regarding their return to work.
- 4) Simultaneous with all striking employees' return to work on Wednesday February 18, 2009, some returning employees are not currently needed to perform terminal work due to reduced business resulting from the Unions' strike against the Company and/or other economic conditions. These returning strikers will be laid off. The layoff will be according to the status quo seniority provisions in Article 4 of the terminated CBA. Such laid off employees are identified on the attached terminal employee list as laid off employees.
- 5) As you know, the Everett Terminal is temporarily closed due to lack of work. The returning striking employees shall be afforded their Article 4 seniority rights to follow the work and are included on the appropriate terminal employee list attached.
- 6) Pursuant to Oak Harbor's drug and alcohol practices and DOT Regulations, returning striking employees in safety-sensitive jobs who have been out of the Oak Harbor drug testing pool in excess of thirty (30) days will be asked to take an appropriate drug and alcohol test after this return to work.
- 7) Oak Harbor hereby gives notice to each Local Union that Oak Harbor is prepared to promptly meet and confer with each Local Union representing returning striking employees to resolve any unforeseen issue regarding the employees' orderly return to work.
- 8) Oak Harbor Freight Lines is prepared to meet in mediation with each Local Union or their designated representatives and continue to negotiate a successor contract.

Sincerely,


John M. Payne

JMP:tac

Enclosures

cc: Bob Braun (w/encl.)