

WHEREAS, this responsibility to the public is the mutual responsibility of both employees and the management of the Company and requires that any disputes arising between the employees and the management be adjusted and settled in an orderly manner without interruption of said service to the public; and

WHEREAS, both parties hereto recognize this mutual responsibility of service to the public; and

WHEREAS, both parties hereto desire to enter into an agreement eliminating as nearly as possible any reason for strikes, stoppage of work or lockouts during the term of the said agreement and during any period while negotiations are in progress between them for any change or renewal of said agreement.

NOW, THEREFORE, for and in consideration of the premises and the mutual promises and agreements hereinafter contained, it is agreed that:

ARTICLE I

Recognition of the Union

Section 1. Unit Defined

Based on an election certified by the National Labor Relations Board dated October 5, 2010, Case Number 6-RC-12769 the Company recognizes the Union as the exclusive bargaining unit in all matters pertaining to wages, hours, working and all other conditions of employment for all full-time and regular part-time production and maintenance employees, including OP technicians/M (maintenance and electricians), chemical technicians, Op technicians/O (operations), Op technicians/C (bulk material/coal handling/solid waste processing), material technicians (storeroom), results technicians and planners employed by the Company at its Harrison Power Station located in Haywood, WV; excluding all office clerical employees (administrative assistants), foremen and guards, professional employees and supervisors as defined in the Act, and all other employees.

The Company and Union agree to treat all employees covered by said certification as a single bargaining unit for purposes of collective bargaining.

This Agreement shall have no application to any employee who is not within the unit described in Section 1 of this Article.

Section 2. Non-Discrimination

It is the policy of the Company and the Union that the provisions of this Agreement be applied to all employees covered by this Agreement without regard to such employee's race, color, creed, sex, religion, national origin, age, handicap, or Vietnam Era Veteran status.