

**LETTER OF AGREEMENT
#32
PHARMACY TECHNICIANS. DATED 12/10/2010**

Effective January 2, 2011, King Soopers and UFCW Local No. 7 hereby agree to the following modification to all Clerk collective bargaining agreements in Colorado. It is understood and agreed that this Letter of Agreement supersedes and replaces the existing Letter of Agreement (#32 dated 6/7/00) contained in the current collective bargaining agreement(s) between the parties.

- Effective January 2, 2011, the Certified Pharmacy Technician rates for employees hired and assigned in the Bargaining Unit on or after March 6, 2005 shall be modified as follows. Current Certified Pharmacy Technicians currently working in the first three progression levels will be placed into the new wage rates at the new entry rate and shall be required to work 1,040 hours before progressing to the next. All other Certified Pharmacy Technicians shall move straight across into the new rates and they shall continue to progress based on hours earned to date in their current progression.

	<u>9/12/2010</u>		<u>1/2/2011</u>	<u>9/11/2011</u>	<u>9/9/2012</u>
CERTIFIED - PHARMACY TECHNICIANS					
1st 1040 hours worked	\$10.13				
Next 1040 hours worked	\$11.03				
Next 1040 hours worked	\$11.80				
Next 1040 hours worked	\$12.55	1st 1040 hours worked	\$12.55	\$12.55	\$12.55
Next 1040 hours worked	\$13.25	Next 1040 hours worked	\$13.25	\$13.25	\$13.25
Next 1040 hours worked	\$14.00	Next 1040 hours worked	\$14.00	\$14.00	\$14.00
Next 520 hours worked	\$14.80	Next 520 hours worked	\$14.80	\$14.80	\$14.80
Thereafter	\$16.81	Thereafter	\$16.81	\$17.06	\$17.31

- Effective January 2, 2011, the Non-Certified Pharmacy Technician rates for employees hired and assigned in the Bargaining Unit on or after March 6, 2005 shall be modified as follows. Current Non-Certified Pharmacy Technicians working in the first three progression levels will be placed into the new wage rates at the new entry rate and shall be required to work 1,040 hours before progressing to the next. All other Certified Pharmacy Technicians shall move straight across into the new rates and they shall continue to progress based on hours earned to date in their current progression.

PHARMACY TECHNICIANS	<u>9/12/2010</u>		<u>1/2/2011</u>	<u>9/11/2011</u>	<u>9/9/2012</u>
1st 1040 hours worked	\$7.79				
Next 1040 hours worked	\$8.45				
Next 1040 hours worked	\$9.10				
Next 1040 hours worked	\$9.75	1st 1040 hours worked	\$9.75	\$9.75	\$9.75
Next 1040 hours worked	\$10.40	Next 1040 hours worked	\$10.40	\$10.40	\$10.40
Next 1040 hours worked	\$11.05	Next 1040 hours worked	\$11.05	\$11.05	\$11.05
Next 1040 hours worked	\$11.70	Next 1040 hours worked	\$11.70	\$11.70	\$11.70
Next 520 hours worked	\$12.35	Next 1,040 hours worked	\$12.35	\$12.35	\$12.35
Thereafter	\$14.18	Thereafter	\$14.18	\$14.43	\$14.68

In determining the proper progression rate for Non-Certified Technicians, in addition to progression credit granted under the Experience Credit Provision of the Collective Bargaining Agreement, Non-Certified Technicians shall also be awarded 1,040 hours of progression credit for each 12 semester hours of college, university or trade school credits earned (excluding credits earned for pharmacy technician program) plus 2,080 hours of progression credit for completion of a non-Kroger sponsored Pharmacy Technician Program of 8 months or greater in length (1,040 hours if program is less than 8 months in length) not to exceed a maximum for college, university, trade school and pharmacy technician program progression credit of 4,160 hours.

Upon certification, these technicians will be promoted to the classification of Certified Pharmacy Technician effective the first Sunday following notice of certification, by the Technician, to the King Soopers Director of Pharmacy.

3. Non-Certified Pharmacy Technicians will continue to be paid the current rate for Pharmacy Technicians. Upon certification, these technicians will be promoted to the classification of Certified Pharmacy Technician effective the first Sunday following notice of certification, by the technician, to the King Soopers Director of Pharmacy.
4. Any employee hired into, or assigned to, the classification of Pharmacy Technician must take the first company authorized pharmacy technician certification exam following their 8th month of hire or assignment as a pharmacy technician. If the technician fails this certification exam, then the technician must take the next scheduled certification exam following notification of the failure of the first exam. If the technician fails the retest, then the technician may be demoted to another position in accordance with the demotion and step-down procedures of the collective bargaining agreement.
5. Any pharmacy technician, who is currently classified as a Pharmacy Technician and has been employed, as a pharmacy technician in excess of eight months, must take the next scheduled company authorized certification exam. If the technician fails this certification exam, then the technician must take the next scheduled certification exam following notification of the failure of the first test. If the technician fails to take the initial exam or fails the re-test, then the technician may be demoted to another position in accordance with the demotion and step-down procedures of the collective bargaining agreement.
6. Any technician, who on the effective date of this amendment, has taken and failed two or more certification exams, will be allowed at their expense, to take the next scheduled certification exam. If the technician fails this exam, then the technician may be demoted to another position in accordance with the demotion and step-down procedures of the collective bargaining agreement.
7. Upon certification, all certified pharmacy technicians must maintain certification. The certified technician must present an updated copy of their renewed certification to the Director of Pharmacy not later than 90 days following the expiration of their most recent certification. In the event that a certified pharmacy technician fails to maintain certification, then the employee may be demoted to another position in accordance with the demotion and step-down procedures of the collective bargaining agreement.
8. The Company provides a pre-certification training course of at least eight (8) hours and a study manual for all employees classified as Pharmacy Technicians and who are within their eight months of assignment as a Pharmacy Technician. If a pharmacy technician fails their first exam as described above, the Company provides an additional eight (8) hours of training to prepare the

employee for the re-test.

9. The Company pays for the initial certification exam, if taken immediately following the technicians eighth month of employment or assignment as a technician and the subsequent re-test exam, if necessary. Any technician desiring to take the exam prior to their eighth month may do so at their own expense, however, if the technician passes this exam, then the Company will reimburse them for the cost of the exam.

UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL NO. 7

BY: *Kevin C. Cordova*

DATE: 12-13-10

KING SOOPERS, INC

BY: *John J. DeLore*

DATE: 12/14/10