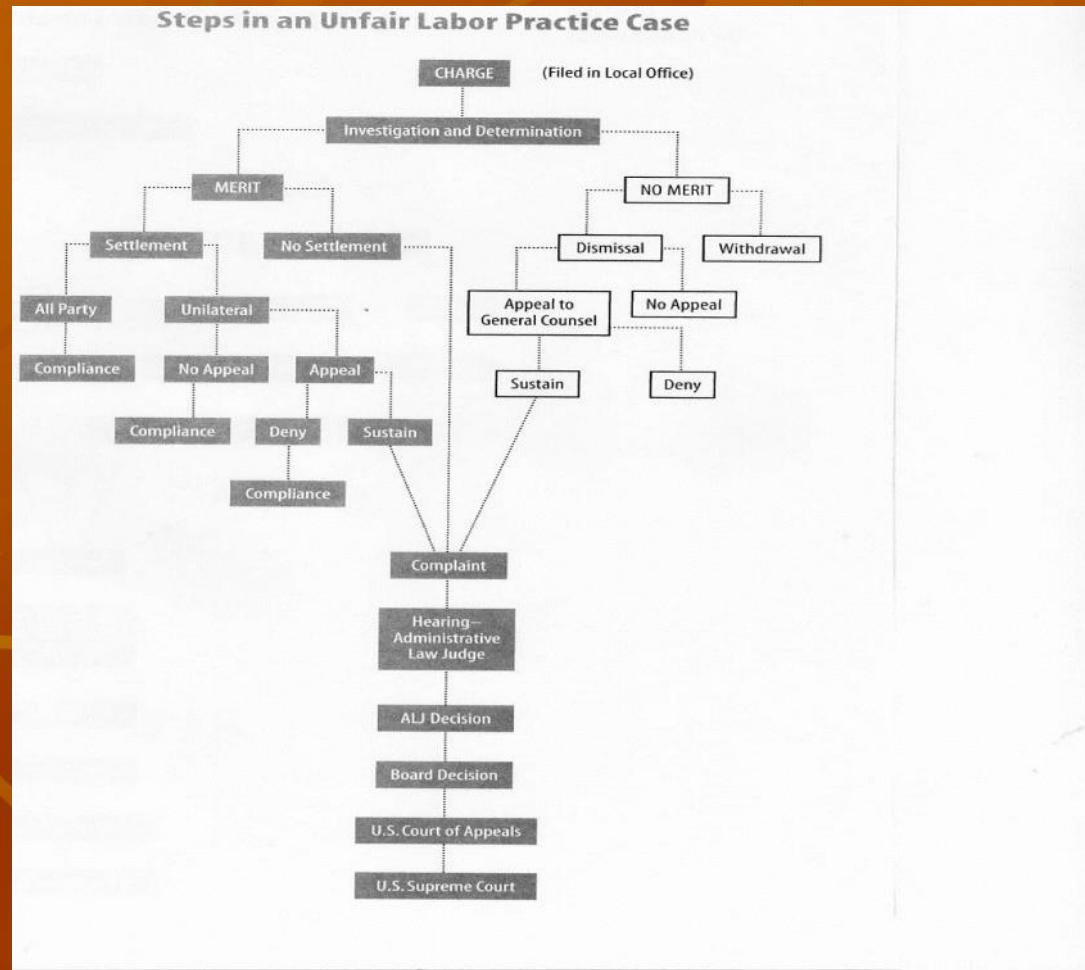


NATIONAL LABOR RELATIONS ACT

EFFECTIVE UNFAIR LABOR
PRACTICES



Steps in ULP



Step One

- If a party believes that an employer or union has committed an unfair labor practice, that individual (or organization) files a charge with the NLRB. The charge must be filed within six months of the date on which the alleged unfair practice occurred.

Step Two

- If the case falls within the authority and jurisdiction of the NLRB, the charge is sent to a person who works for the General Counsel. The General Counsel has the responsibility to investigate the charge and determine if it has merit.

Step Three

- After the investigation, the General Counsel must make a final decision whether the case does or does not have merit as a complaint. If the decision is that there is no merit to the case, the charge is dismissed. The party filing the charge can then appeal to the General Counsel or give up. If an appeal is filed and it is sustained, the NLRB will consider the complaint. If the appeal is denied, the case ends. Generally no appeals of this decision may be brought.

Step three con't

- If the party filing the charges wants to, and the General Counsel agrees, the charge can be withdrawn voluntarily before a no-merit decision is made.
- There are two types of dismissal. Long and short form.

Step Four

- If the case has been found to have merit, the General Counsel (or board agent) will almost always try to get the parties involved to settle the case rather than carrying it up to the next level. The vast majority of cases are settled. If the parties don't agree to settle themselves, the General Counsel may unilaterally adopt an offer to settle and impose it. The Union will be put in the position to sign on or not.

Step Five

- If parties don't settle and no offer to settle is accepted by the General Counsel, a formal complaint is issued and a hearing is set before an administrative law judge of the NLRB. A full hearing is then held in which the NLRB acts as the prosecuting attorney against the party charged in the complaint. The charging party is also entitled to prosecute the case with the NLRB attorney.

Step Six

- When the hearing, is completed the administrative law judge will make a decision including finding of fact, conclusions of law pertaining to the situation, and a recommended order for the NLRB to issue. Any of the parties involved can appeal this decision.

Step Seven

- The case, if appealed, finally comes before the appointed members of the National Labor Relations Board itself. Three of five members will serve on a panel that reviews the complaint. If the case deals with particularly complex or novel issue, all five members of the Board may review the case. The board reviews the written record of the case.

Step Eight

- Once the Board has issued a decision, either the person who filed the original complaint or the person against whom the complaint is filed can appeal the Board's decision to the U.S. Court of Appeals. From here the case may be appealed all the way to the U.S. Supreme Court. If a party fails to follow a valid Board order, then the Board can go to the U.S. Court of Appeals which can order compliance by holding the non-complying party in contempt.

Charges Against Employer

- 8(a) (1)

To interfere with, restrain, or coerce employees in exercise of their rights under Section 7 (to join or assist a labor organization or refrain).

8 (a) (2)

- To dominate or interfere with the formation or administration of a labor organization or contribute financial or other support to it.

8 (a) (3)

- By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization.

8 (a) (4)

- To discharge or otherwise discriminate against employees because they have given testimony under the Act.

8 (a) (5)

- To refuse to bargain collectively with representatives of its employees.

This includes grievance handling, failure to give information requested for bargaining, or any unilateral changes.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case	Date Filed
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INSTRUCTIONS:

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer	b. Number of Workers Employed
c. Address (street, city, State, ZIP, Code)	d. Employer Representative
	e. Telephone No.
	Fax No.
f. Type of Establishment (factory, mine, wholesaler, etc.)	g. Identify Principal Product or Service

h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of Section 8(a), subsections (1) and (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices.)

By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

4a. Address (street and number, city, State, and ZIP Code)	4b. Telephone No.
	Fax No.

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By _____
(Signature of representative or person making charge)

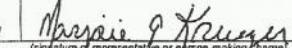
Fax No. _____
(Title, if any)

Address _____
(Telephone No.) _____ Date _____

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

**Please Review the Following
Important Information
Before Filling Out a Charge Form!**

- Please call an Information Officer in the Regional Office nearest you for assistance in filing a charge. The Information Officer will be happy to answer your questions about the charge form or to draft the charge on your behalf. Seeking assistance from an Information Officer may help you to avoid having the processing of your charge delayed or your charge dismissed because of mistakes made in completing the form.
- Please be advised that not every workplace action that you may view as unfair constitutes an unfair labor practice within the jurisdiction of the National Labor Relations Act (NLRA). Please click on the Help Desk button for more information on matters covered by the NLRA.
- The section of the charge form called, "Basis of Charge," seeks only a brief description of the alleged unfair labor practice. You should **NOT** include a detailed recounting of the evidence in support of the charge or a list of the names and telephone numbers of witnesses.
- After completing the charge form, be sure to sign and date the charge and mail or deliver the completed form to the appropriate Regional Office.
- A charge should be filed with the Regional Office which has jurisdiction over the geographic area of the United States where the unfair labor practice occurred. For example, an unfair labor practice charge alleging that an employer unlawfully discharged an employee would usually be filed with the Regional Office having jurisdiction over the worksite where the employee was employed prior to his/her discharge. An Information Officer will be pleased to assist you in locating the appropriate Regional Office in which to file your charge.
- The NLRB's Rules and Regulations state that it is the responsibility of the individual, employer or union filing a charge to timely and properly serve a copy of the charge on the person, employer or union against whom such charge is made.
- By statute, only charges filed and served within **six (6) months** of the date of the event or conduct, which is the subject of that charge, will be processed by the NLRB.

FORM NLRB-501 (11-10)		FORM EXEMPT UNDER 44 U.S.C. 3512	
UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD First Amended CHARGE AGAINST EMPLOYER		DO NOT WRITE IN THIS SPACE	
		Case	Date Filed
		05-CA-129521	07/09/2014
INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.			
1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer United Telephone Company of Pennsylvania D/B/A CenturyLink		b. Tel. No. 717.245.6229	c. Cell No. 717.366.9062
d. Address (street, city, state, ZIP code) Chambersburg and Fort Littleton, PA locations Employer representative address is 1201 Walnut Bottom Road, Carlisle, PA 17015		e. Employer Representative Jennifer Franklin, Labor Relations Manager	f. Fax No. 913.397.3752
i. Type of Establishment (factory, mine, wholesaler, etc.) Communications		j. Identify principal product or service Telephone and Internet	g. e-Mail Jennifer.Franklin@centurylink
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) (5), of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
l. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since in or around December 2013, and at all times thereafter, the above-named Employer, by its officers, agents and supervisors, by the following conduct and other acts and conduct, has refused and continues to refuse to bargain collectively with the authorized agents of Communications Workers of America, District 2-13, a labor organization chosen by a majority of its employees at the Chambersburg and Fort Littleton, PA locations, for collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment:</p> <ul style="list-style-type: none"> - unilaterally changing: <ul style="list-style-type: none"> - employees' work schedules; - field call out procedures; - the Employee Stock Purchase Plan; - policies regarding employee-contact with customers; - procedures for offering overtime opportunities to employees; - procedures regarding the transfer of work assignments by employees; and - procedures regarding the classification and documentation of repeats and discounted repeats. - unilaterally implementing new programs such as Link 2 Success and assessments. 			
m. Full name of party filing charge (if labor organization, give full name, including local name and number) Communications Workers of America, District 2-13			
n. Address (street and number, city, state, and ZIP code) 1370 Washington Pike, Suite 407, Bridgeville, PA 15017		o. Tel No. 412.221.2525 p. Cell No. 412.897.3825 q. Fax No. 412.221.4422 r. e-Mail mkrueger@cwa-union.org	
s. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Communications Workers of America, District 2-13, AFL-CIO			
t. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel No. 412.221.2525	
By  (Signature of representative or person making charge)	Marjorie Krueger, Administrative Director (Print/type name and title or office, if any)	Office, if any, Cell No. 412.897.3825	
Marjorie Krueger 1370 Washington Pike, Suite 407, Bridgeville, PA 15017 (Address)	7/9/2014 (Date)	Fax No. 412.221.4422 e-Mail mkrueger@cwa-union.org	
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)			
PRIVACY ACT STATEMENT Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses			

How to file

- After the form is filled out sign.
- Send original and 4 copies to NLRB to Regional Director. This can be done by fax.
- Must send a letter that outlines the specifics of the case with the name of witnesses and any documentation.

Prep Witnesses

- Witnesses must be available to give an affidavit to the NLRB board agent assigned to the case.
- If the witness is represented a union rep can attend the meeting.
- In any case the witness **MUST** ask for a copy of the affidavit for our records. We need to know if all the information we need has been presented.

PREP WITNESS

- WITNESS SHOULD KNOW EXACTLY WHAT YOU BELIEVE THE VIOLATION IS AND WHAT HE NEEDS TO SAY (Exactly what is the illegal action)
- MAKE YOUR WITNESS WRITE UP HIS STATEMENT BEFORE HE MEETS WITH THE BOARD AGENT
- REVIEW THE STATEMENT WITH THE WITNESS MAKING SURE THEY UNDERSTAND WHAT THEY NEED TO SAY. THE BOARD AGENT WILL ASK QUESTIONS AND MAY NOT ASK THE RIGHT QUESTIONS SO THE WITNESS SHOULD BE PREPARED TO MAKE SURE THEY PROVIDE THE RELEVANT INFORMATION.

ULP's when a contract is in effect.

- The NLRB has determined in the Collyer Insulated Wire case, that if a collective bargaining agreement provides for arbitration, the Board will defer unfair labor practice charges alleging a unilateral change in violation of Section 8 (a) (5) , that might also be a contract violation , to arbitration.

PRESSURE TACTICS

- OUR FOCUS IS TO CREATE CHARGES USING 8 (a) 5 VIOLATIONS

➤ CHANGES IN STATUS QUO

➤ INFORMATION REQUESTS

Information Requests

- INFORMATION REQUESTS SHOULD BE FILED OVER MANDATORY SUBJECTS OF BARGAINING AS THE COMPANY MUST BARGAIN ABOUT AND CAN'T LEGALLY CHANGE WITHOUT AN AGREEMENT OR GOING TO IMPASSE IF BARGAINING IS REQUESTED.

MANDATORY SUBJECTS

- WAGES
- SEVERANCE
- PROFIT SHARING
- LEAVES
- DISCIPLINE
- SUB-CONTRACTING
- ACCESS
- DISCRIMINATION
- DRUG TESTING
- SUPER SENIORITY
- BENEFITS
- OVERTIME
- SENIORITY
- VACATIONS
- SAFETY
- DURATION
- GRIEVANCE
- HOURS
- MANAGEMENT RIGHTS

MANDATORY SUBJECTS CONT

- CLOSURE
- NO-STRIKE
- LOCKOUTS
- BARGAINING UNIT WORK
- WORK LOAD
- HOUR OF WORK
- OVERTIME
- PARKING
- UNION SECURITY
- INCENTIVE PLANS
- WORK RULES
- BULLETIN BOARDS
- REST BREAKS
- TECHNOLOGY
- SAFETY SHOES
- SMOKING RULES
- OTHERS

INFORMATION REQUESTS

IT IS IMPORTANT TO REQUEST RELEVANT INFORMATION AND DETAILED INFORMATION . IT IS ALSO IMPORTANT TO TRACK THE INFORMATION AND CHALLENGE THE COMPANY WHEN ALL THE INFORMATION IS NOT SUPPLIED . ALWAYS PUT THE REQUEST IN WRITING AND PUT A DATE YOU WANT THE INFORMATION.

(See examples of requests)

STATUS QUO

- IN A NEWLY ORGANIZED UNIT YOU HAVE THE RIGHT TO BARGAIN OVER ANY CHANGE THE COMPANY MAY MAKE.
- IN AN ESTABLISHED UNIT IF CHANGES ARE MADE DURING BARGAINING YOU HAVE THE RIGHT TO BARGAIN OVER ANY CHANGE. YOU MAY HAVE TO ASK FOR BARGAINING OVER THE SUBJECT , MAKE SURE YOU REQUEST THE BARGAINING IN WRITING.

EXAMPLES OF CHANGES

- SHIFTS
- SCHEDULES
- DISCIPLINE
- TRAINING
- WORK RULES
- WORK PRACTICES
- NEW PROGRAMS
- CHANGES IN ATTENDANCE
- TECHNOLOGY
- OVERTIME IMPLEMENTATION
- HEALTH CARE
- 401K

The purpose of these strategies are to help create some leverage in situations where we have a small unit with a national employer. Our belief is the company will get tired of answering voluminous information requests and paying legal fees to defend charges if they don't provide the information. If we are effective at bargaining over every change in the workplace the way technology is moving it limits the ability of the company to operate. Our goal is to have the Company understand this will stop when we have a contract. Combined with mobilization this can be the difference between getting a contract or a decert.

- Created by Marge Krueger, CWA
Administrative Director District 2-13. Many of
the ideas and information are from the
Offensive Bargaining Book by David
Rosenfeld.