

NATIONAL LABOR RELATIONS BOARD
REGION 8

Clarice K. Atherholt,
(Petitioner)

Dana Corp.,
(Employer)

Case No. 8-RD-1976

and

International Union, United Automobile Aerospace
and Agricultural Implement Workers of
America, AFL-CIO ("UAW")
(Union)

**DECLARATION OF CLARICE K. ATHERHOLT IN SUPPORT
OF HER DECERTIFICATION PETITION**

I, Clarice K. Atherholt, pursuant to Section 1746 of the Judicial Code, 28 U.S.C. § 1746, declare as follows:

1. My name is Clarice K. Atherholt. I have first hand knowledge of all of the facts set forth herein, and if called to testify could do so competently. I live at 302 S. Fifth Street, Upper Sandusky, OH. 43351. I am employed by Dana Corporation ("Dana") at its facility in Upper Sandusky, OH. ("Dana Upper Sandusky").
2. I am the Petitioner in this case, and circulated on non-work time the showing of interest against the UAW union that accompanied the filing of the Petition. I am part of a bargaining unit of approximately 180 employees at Dana Upper Sandusky.
3. Several months ago Dana and the UAW announced that they had become parties to some sort of "neutrality agreement." Although the employees at Dana Upper Sandusky (among others) are the targets of the agreement, the agreement was initially kept secret from us, although some of the union's organizers had their own copies. Only after I and many other employees complained, and only after the UAW was recognized by Dana at Upper Sandusky, was I told that I could go to Human Resources and read a copy of this agreement, but could not make any copies and could not take a copy away in

order to consult with an independent legal advisor. (Attached as Exhibits 1 and 2 are true and correct copies of letters exchanged between me and Dana related to this subject). As a result of the secrecy, employees at Dana Upper Sandusky know very little of what is contained in the "neutrality agreements" the UAW signed with Dana.

4. Our local management was not allowed to inform any of us about the specific details of the neutrality agreement. We were told that employees would not be permitted to vote in a secret ballot election and that the union organizers would have access to employees' personal information (like home addresses), and access to employees in the plant. Also, we were strongly encouraged "for our own benefit" to attend one of several "captive audience" speeches while on paid company time. At these meetings, officials from Dana Corporation in Toledo and UAW officials from Detroit told us that the UAW and Dana had entered into a "partnership," and that this partnership would be beneficial to us in getting new business from the Big Three into the plant. The implication was that our plant would lose work opportunities or jobs if we did not sign cards and bring in the UAW. I was an outspoken critic of the UAW at this time, and I tried to attend several of the scheduled meetings. The UAW apparently told Dana Human Resources that they did not want me to attend all of these meetings, that my presence was a threat and a distraction, and that the UAW would turn out more supporters if I attended other sessions. I attended two sessions in total, one on my own time and one while on paid company time.

5. Apparently pursuant to the neutrality agreement, UAW organizers came into our plant and stayed there until the "voluntary recognition" was achieved. But the UAW's "card check" drive was nothing like a secret ballot election. UAW organizers did everything they could to make people sign union cards. The UAW put constant pressure on some employees to sign cards by having union organizers bother them while on break time at work, and visit them at home. I believe that the UAW organizers also misled many employees as to the purpose and the finality of the cards. Overall, many employees signed the cards just to get the UAW organizers off their back, not because they really wanted the UAW to represent them.

6. On or about December 4, 2003, Dana suddenly announced that the UAW was our union representative. There was no vote. Many of my co-workers and I were very upset that this union could be thrust upon us without a chance to vote in a secret ballot election. I don't understand how Dana and the UAW can sign away my rights to an election and bring in a union without giving employees the right to vote.

7. I am not aware, as of the date of this Declaration, of Dana and the UAW engaging in any negotiations or bargaining sessions for a collective bargaining agreement since the

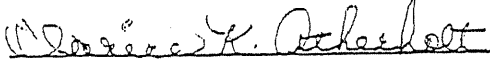
UAW was recognized on or about December 4, 2003. I understand that the UAW is just now beginning to form a temporary bargaining committee, but nothing else has happened as of this time in terms of negotiating.

8. I strongly believe that it is wrong that Dana management declared that the UAW was our representative without a secret ballot vote. Judging by the fact that over 35% of employees in the bargaining unit signed a decertification petition within just a few days after I began circulating it, I am not alone.

9. I fail to see how the UAW union can properly be considered our representative without a secret ballot vote. If the UAW really believes that it has the support of over 50% of employees, then it has nothing to fear by giving employees a chance to vote. If employees vote and the union wins, then by all means it is our representatives as stated and we move forward. But if the UAW loses, then it and Dana must concede to the fact and the UAW must leave, as per our request.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 13, 2004


Clarice K. Atherholt