

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5

MID-ATLANTIC REGIONAL COUNCIL OF
CARPENTERS OF THE UNITED BROTHERHOOD
OF CARPENTERS AND JOINERS OF AMERICA

and

CALVIN CARR, AN INDIVIDUAL	Case 5-CB-10168
ROBERT JEWELL, AN INDIVIDUAL	Case 5-CB-10174
JOHN A. JONES, SR., AN INDIVIDUAL	Case 5-CB-10176
JOHN LISENBEE, AN INDIVIDUAL	Case 5-CB-10178
MICHAEL A. PERHACH, AN INDIVIDUAL	Case 5-CB-10186

**ORDER CONSOLIDATING CASES,
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

Calvin Carr, an individual, herein called Charging Party Carr, has charged in Case 5-CB-10168, Robert Jewell, an individual, herein called Charging Party Jewell, has charged in Case 5-CB-10174, John A. Jones, Sr., an individual, herein called Charging Party Jones, has charged in Case 5-CB-10176, John Lisenbee, an individual, herein called Charging Party Lisenbee, has charged in Case 5-CB-10178, and Michael A. Perhach, an individual, herein called Charging Party Perhach, has charged in Case 5-CB-10186, that the Mid-Atlantic Regional Council of Carpenters, herein correctly called the Mid-Atlantic Regional Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America, and hereinafter referred to as Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151, et seq., herein called the Act. Based thereon, and in order to avoid unnecessary costs or delay, the General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.33 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, ORDERS that these cases are consolidated.

These cases having been consolidated, the General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issues this Order Consolidating Cases, Consolidated Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in Case 5-CB-10168 was filed by Charging Party Carr on May 10, 2007, and a copy was served by mail on Respondent on May 14, 2007.

(b) The charge in Case 5-CB-10174 was filed by Charging Party Jewell on May 10, 2007, and a copy was served by mail on Respondent on May 11, 2007.

(c) The charge in Case 5-CB-10176 was filed by Charging Party Jones on May 10, 2007, and a copy was served by mail on Respondent on May 11, 2007.

(d) The charge in Case 5-CB-10178 was filed by Charging Party Lisenbee on May 10, 2007, and a copy was served by mail on Respondent on May 10, 2007.

(e) The charge in Case 5-CB-10186 was filed by Charging Party Perhach on May 10, 2007, and a copy was served by mail on Respondent on May 15, 2007.

2. (a) At all material times, Giant Food Stores, LLC, a Delaware limited liability company with a principal office and place of business in Landover, Maryland, has been engaged in the operation of retail grocery stores, processing plants, and distribution centers at various locations in Maryland, Virginia, Delaware, New Jersey, and Washington D.C.

(b) During the past twelve months, a representative period, Giant Food Stores, LLC, in conducting its business operations described above in paragraph 2(a), derived gross revenues in excess of \$500,000.

(c) During the same period of time described above in paragraph 2(b), Giant Food Stores, LLC, purchased and received at its Landover, Maryland facility, products, goods, and materials valued in excess of \$5,000 directly from points located outside of the State of Maryland.

(d) At all material times, Giant Food Stores, LLC has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3. (a) At all material times, the United Brotherhood of Carpenters and Joiners of America, herein called the Union, has been a labor organization within the meaning of Section 2(5) of the Act.

(b) At all material times, the Mid-Atlantic Regional Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America, herein called Respondent, has been an association composed of various constituent labor organizations, including the United Brotherhood of Carpenters and Joiners of America, Local Union Number 132, the United Brotherhood of Carpenters and Joiners of America, Local Union Number 1145, and the United Brotherhood of Carpenters and Joiners of America, Local Union Number 1694, and exists for the purpose of representing these constituent labor organizations in bargaining collectively and dealing with employers, including Giant Food Stores, LLC, concerning grievances, labor disputes, and terms and conditions of employment.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of Section 2(13) of the Act:

Richard W. Eppard	-	Respondent's Virginia District Manager
Bill Halbert	-	Respondent's CEO/Executive Secretary-Treasurer
Dennis Myers	-	Secretary of the United Brotherhood of Carpenters and Joiners of America, Local Union Number 1145
James Reese	-	Financial Secretary of the United Brotherhood of Carpenters and Joiners of America, Local Union Number 1694

5. (a) In or around December 2005, the exact date being presently unknown to the undersigned, Charging Party Carr faxed a request to withdraw from membership to Respondent and the United Brotherhood of Carpenters and Joiners of America, Local Union Number 132.

(b) On or about December 5, 2005, Charging Party Jewell submitted an honorary resignation affirmation to the United Brotherhood of Carpenters and Joiners of America, Local Union Number 1145.

(c) On or about December 8, 2005, Charging Party Jones faxed an honorary resignation affirmation to Respondent.

(d) On or about November 14, 2005, Charging Party Lisenbee submitted a letter to the United Brotherhood of Carpenters and Joiners of America, Local Union Number 1694, requesting to resign membership from the Union.

(e) In or around late November of 2005, or early December of 2005, the exact date being presently unknown to the undersigned, Charging Party Perhach submitted a request to withdraw from membership to the United Brotherhood of Carpenters and Joiners of America, Local Union Number 132.

6. (a) On or about January 22, 2007, Respondent imposed fines on Charging Party Carr, Charging Party Jewell, Charging Party Jones, Charging Party Lisenbee, and Charging Party Perhach, all of whom had been employees of Giant Food Stores, LLC.

(b) Respondent engaged in the conduct described above in paragraph 6(a), because the named employees worked for a non-signatory contractor and refused to help organize the contractor.

(c) Respondent engaged in the conduct described above in paragraph 6(a), even though the named employees had previously tendered valid membership resignations, as described above in paragraph 5, and were not members of the Union.

7. By the conduct described above in paragraph 6, Respondent has been restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(b)(1)(A) of the Act.

8. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDY

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 5 and 6, the General Counsel seeks that interest compounded on a quarterly basis be added to

any backpay or other make-whole remedy awarded in this matter. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before September 14, 2007, or postmarked on or before September 13, 2007.** Respondent should file an **original and four copies** of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. A failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. **When an answer is filed electronically, an original and four paper copies must be sent to this office so that it is received no later than three business days after the date of electronic filing.** Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, the Board may find pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE that commencing at 10:00 a.m., E.S.T., on the 7th day of November 2007, at Hearing Room 5600 East, 1099 14th Street, NW, Washington, DC, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the

National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Baltimore, Maryland this 31st day of August 2007.

(SEAL)

WAYNE R. GOLD

Wayne R. Gold, Regional Director
National Labor Relations Board, Region 5
103 South Gay Street, 8th Floor
Baltimore, Maryland 21202

Attachments