

International Union of Operating Engineers

LOCALS 542, 542-RA, 542-C, 542-D

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June 8th 2013

Gary Sinners Executive Secretary
National Labor Relations Board
Room 11602 East
109914 1h Street, N.W.
Washington, DC 20570-0001

Re: Hanson Aggregates B.M.C., Inc.
Cases 04-CA-037998 &
04-CA-069822

Dear Executive Secretary Sinners:

I am in receipt of the above Caption Cases Decision and Order. I proclaim, for the record, the Union hereby objects and Appeals the Decision and Order to your Office for reconsideration and remand to General Counsel Division of Contempt.

First, the parties as notated have and not waived all further and other proceedings before the Board. The Union has had an ongoing objection to these two caption Cases which are directly in connection to the Board Order of 04-CA-33330 et al. That Board Order found recently (March of 2013) the Employer did not meet Compliance as the former Regional Director argued in her incorrect analysis of close of Compliance. Simply, the Employer, once again, hands have not been cleansed and the infractions found in this Decision and Order, directly impacts those which were violated in 04-CA-33330 et al. Surely, these Cases must not be addressed to remedy as found in the Decision and Order since the Employer at the time of these infractions was under compliance review by the Region. Indeed, justification of this Case must take the avenue of Contempt if ever a proper remedy is to be found!

I have further cited in my previous objections that the former Regional Director delayed a finding to these Cases by having the Union agree to re-file the above Charges while she incorrectly closed Compliance. Simply, these infractions were not re-investigate until November 2011 and she closed Compliance in December, but the infractions and original Charge was filed in August of 2011, a time period when

Compliance was clearly open and the employer painfully broke provisions of not only the Order of 04-CA-33330 et al, but the Federal Judge Order of enforcement.

Again, the Union objects to the Decision and Order, and that these Cases with the findings of the Board of 04-CA-33330 et al, must be remanded to the Office of General Counsel for Contempt proceedings or Contempt of the Federal Order of 2009. Allowing this Employer the ability to continually enter into Formal Settlement Agreements which the former Regional Director has done now three (3) times which all directly were in connection and relations to violations found in 04-CA-033330 et al., is merely a mockery to the previous Board findings and Order, a Federal Judge Order and impales on the entire National Labor Relations Act.

To conclude: this Employer publicly announced they will never enter into a collective bargaining through organization in the United States in 2004 during the vote for representation. The chief negotiator has further expressed they had no idea that Local 542 of the International Union of Operating Engineers would pursue this endeavor this long. All that being the Facts before this Office of Executive Secretary, the Board must be enlighten and reconsider this Decision and Order.

Respectfully submitted,



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Cc: NLRB Region 4
John Nadler > Redd Smith