

6/20/13

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

In the Matter of

THE ARDIT COMPANY

and

Case 9-CA-106395

INTERNATIONAL UNION OF BRICKLAYERS
AND ALLIED CRAFTWORKERS,
OHIO KENTUCKY ADMINISTRATIVE
DISTRICT COUNCIL, LOCAL UNION NO. 18

COMPLAINT
AND
NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by International Union of Bricklayers and Allied Craftworkers, Ohio Kentucky Administrative District Council, Local Union No. 18 (Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq. (the Act) and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that The Ardit Company (Respondent) has violated the Act as described below:

1. The charge in this proceeding was filed by the Union on June 3, 2013, and a copy was served by regular mail on Respondent on the same date.

2. (a) At all material times, Respondent, a corporation, with an office and place of business in Columbus, Ohio, has been engaged as a contractor in the construction industry.

(b) During the past 12 months, Respondent, in conducting its operations described above in paragraph 2(a), purchased and received at its Ohio facilities goods valued in excess of \$50,000 directly from points outside the State of Ohio.

EXHIBIT GG

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, Michelle Johnson has been Respondent's president and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

5. The following employees of Respondent (the Unit), constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(a) of the Act:

All tile, marble and terrazzo installers and helpers employed by [Respondent] at or out of its facility in Columbus, Ohio, excluding office clerical employees and all professional employees, and guards and supervisors as defined in the Act.

6. On May 13, 2013, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

7. At all times since May 13, 2013, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

8. About May 17, 2013, the Union, by letter, requested that Respondent bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit.

9. Since about May 17, 2013, Respondent has failed and refused to bargain with the Union as the exclusive collective-bargaining representative of the Unit.

10. By the conduct described above in paragraph 9, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining

representative of its employees within the meaning of Section 8(d) of the Act in violation of Section 8(a)(1) and (5) of the Act.

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

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 July 4, 2013, or postmarked on or before July 3, 2013.** 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.

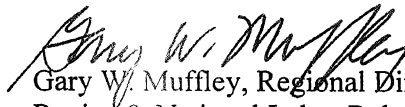
An answer may also be filed electronically through the Agency's website. *To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions.* The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, 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. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that

such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) 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, or if an answer is filed untimely, 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 on a date, time and place to be hereinafter scheduled in Cincinnati, Ohio, and continuing thereafter until conclusion, a hearing will be conducted before an administrative law judge of the Board on the allegations in this complaint, at which time and place any party within the meaning of Section 102.8 of the Board's Rules and Regulations will have the right to appear and present testimony.

Dated at Cincinnati, Ohio this 20th day of June 2013.


Gary W. Muffley, Regional Director
Region 9, National Labor Relations Board
3003 John Weld Peck Federal Building
550 Main Street
Cincinnati, Ohio 45202-3271

Attachments

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
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<p>In the Matter of</p> <p>THE ARDIT COMPANY</p> <p>and</p> <p>INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTWORKERS, OHIO KENTUCKY ADMINISTRATIVE DISTRICT COUNCIL, LOCAL UNION NO. 18</p>	<p>Case 9-CA-106395</p>
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Date of Mailing June 20, 2013

AFFIDAVIT OF SERVICE OF COMPLAINT AND NOTICE OF HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by certified mail upon the following persons, addressed to them at the following addresses:

<p>MICHELLE JOHNSON THE ARDIT COMPANY 3535 JOHNNY APPLESEED CT COLUMBUS, OH 43231-4985</p> <p><u>BY REGULAR MAIL:</u></p> <p>AARON T. TULENCIK, ATTORNEY MASON LAW FIRM CO. LPA 425 METRO PL N STE 620 DUBLIN, OH 43017-5357</p>	<p><u>BY REGULAR MAIL CONTINUED:</u></p> <p>RYAN KEITH HYMORE, ATTORNEY MANGANO LAW OFFICES CO LPA 3805 EDWARDS RD STE 550 CINCINNATI, OH 45209</p> <p>INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTWORKERS, OHIO- KENTUCKY ADMINISTRATIVE DISTRICT COUNCIL, LOCAL 18 OHIO 1550 CHASE AVE CINCINNATI, OH 45223-2146</p> <p>***** National Labor Relations Board Washington, D.C. 20570</p>
<p>Subscribed and sworn to before me this ____ day</p> <p>of _____, _____.</p>	<p>Designated Agent</p> <p>NATIONAL LABOR RELATIONS BOARD</p>