

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

In the Matter of GREENVILLE FEDERAL FINANCIAL CORPORATION D/B/A GREENVILLE FEDERAL <p style="text-align: center;">and</p> TAMARA SACKETT, AN INDIVIDUAL	Cases 9-CA-075284 9-CA-081417 9-CA-086178
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Date of Mailing September 26, 2012

**SECOND ORDER CONSOLIDATING CASES, CONSOLIDATED
AFFIDAVIT OF SERVICE OF COMPLAINT AND ORDER CHANGING PLACE 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) certified mail upon the following persons, addressed to them at the following addresses:

MS. ROBYN STUDABAKER DIRECTOR OF HUMAN RESOURCES GREENVILLE FEDERAL 690 WAGNER AVE GREENVILLE, OH 45331-2649 <u>BY REGULAR MAIL:</u> NICOLE POHLMAN, ATTORNEY GOUBEAUZ & BRAND 100 WASHINGTON AVE PO BOX158 GREENVILLE, OH 45331-1515	<u>BY REGULAR MAIL CONTINUED:</u> DAVID S. KESSLER, ATTORNEY BLAUGRUND, HERBERT, KESSLER, MILLER, MYERS & POSTALAKIS 300 W WILSON BRIDGE RD, STE 100 WORTHINGTON, OH 43085-2267 MR. TAMMY SACKETT 5165 PALESTINE UNION CITY RD GREENVILLE, OH 45331-9524 * * * * * National Labor Relations Board Washington, D.C. 20570
Subscribed and sworn to before me this _____ day of _____ 2012	Designated Agent NATIONAL LABOR RELATIONS BOARD

9/26/2012

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

In the Matter of

GREENVILLE FEDERAL FINANCIAL
CORPORATION D/B/A GREENVILLE FEDERAL

and

TAMARA "TAMMY" SACKETT, AN INDIVIDUAL

Cases 9-CA-075284
9-CA-081417
9-CA-086178

SECOND ORDER CONSOLIDATING CASES,
CONSOLIDATED COMPLAINT
AND
ORDER CHANGING PLACE OF HEARING

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, and to avoid unnecessary costs or delay, IT IS ORDERED THAT the charge in Case 9-CA-086178, filed by Tamara "Tammy" Sackett, an individual (Sackett), against Greenville Federal Financial Corporation d/b/a Greenville Federal, (Respondent), is consolidated with the charges in Cases 9-CA-075284 and 9-CA-081417 filed by Sackett against Respondent, upon which an Order Consolidating Cases, Consolidated Complaint and Order Rescheduling Hearing issued on July 24, 2012.

This Second Order Consolidating Cases, Consolidated Complaint and Order Changing Place of Hearing, which is based on these charges, 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 Board's Rules and Regulations (the Board), and alleges Respondent has violated the Act as described below:

1. (a) The charge in Case 9-CA-075284 was filed by Sackett on February 24, 2012, and a copy was served by regular mail on Respondent on February 27, 2012.

(b) The charge in Case 9-CA-081417 was filed by Sackett on May 21, 2012, and a copy was served by regular mail on Respondent on the same date.

(c) An amended charge in Case 9-CA-081417 was filed by Sackett on July 20, 2012, and a copy was served by regular mail on Respondent on July 23, 2012.

(d) The charge in Case 9-CA-086178 was filed by Sackett on July 27, 2012, and a copy was served by regular mail on Respondent on July 30, 2012.

2. (a) At all material times, Respondent, a corporation, has been engaged in providing banking and financial services throughout the United States, including a branch located in a Kroger store and at its Main Office Banking Center, both in Greenville, Ohio, the only facilities involved in this proceeding.

(b) During the past 12 months, Respondent, in conducting its operations described above in paragraph 2(a), derived gross revenues in excess of \$500,000 and performed services valued in excess of \$50,000 in states other than the State of Ohio.

(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. (a) At all material times, the following individuals have held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Betty Hartzell	- Assistant Vice-President, Branch Administration
Robyn Studabaker	- Assistant Vice-President for Human Resources
Stephanie Harshbarger	- Kroger Branch Manager
Jeff Kniese	- President and CEO
Susan Allread	- Vice-President and CFO

(b) From about July 2009 to about January 27, 2012, Nicole Kramer held the position of Respondent's Main Office Branch Manager 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.

(c) From about January 2012 to the present, Jason Byers held the position of Respondent's Main Office Branch Manager 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.

4. (a) About October 21, 2011, Respondent, acting through Betty Hartzell at its Main Office Banking Center, told an employee that she would be fired if she discussed employees' terms and conditions of employment.

(b) About late October and early November 2011, a more precise date being presently unknown to the undersigned, Respondent, acting through Stephanie Harshbarger, at the Kroger Branch location, told employees that they were prohibited from speaking with each other about their terms and conditions of employment.

(c) About October 27, 2011, Respondent, by Robyn Studabaker, at its Main Office Branch, created an impression among its employees that their protected concerted activities were under surveillance by Respondent.

(d) About October 27, 2011, Respondent, acting through Nicole Kramer and Robyn Studabaker at its Kroger Banking Center, told an employee to refrain from discussing her terms and conditions of employment with other employees.

(e) About August 7, 2012, Respondent, by Stephanie Harshbarger, implied to an employee that she was denied a raise, in part, because of her protected concerted activities as described below in paragraph 5(a).

5. (a) About late October 2011, a more precise date being presently unknown to the undersigned, Respondent's employees engaged in concerted activities with each other for the purpose of mutual aid or protection by discussing the changes Respondent had made to their work schedules and assignments.

(b) About October 28, 2011, Respondent issued a written warning to its employee Sackett.

(c) About May 3, 2012, Respondent issued its employee Sackett a performance appraisal with negative assessments.

(d) About May 3, 2012, Respondent issued its employee Sackett an Action Plan that directed Sackett to "[r]efrain from unwelcome conversations or actions that would make others uncomfortable, especially regarding sensitive matters. If someone else starts the conversation first, politely decline to participate and focus on the task at hand."

(e) Respondent engaged in the conduct described above in paragraphs 5(b) through (d), because Sackett engaged in the conduct described above in paragraph 5(a) or because Respondent mistakenly believed that Sackett engaged in the conduct described above in paragraph 5(a) and to discourage employees from engaging in these or other concerted activities.

6. (a) About July 2012, a more precise date being presently unknown to the undersigned, Respondent denied its employee Sackett a raise.

(b) Respondent engaged in the conduct described above in paragraph 6(a) because Sackett engaged in the conduct described above in paragraph 5(a) or because Respondent

mistakenly believed that Sackett engaged in the conduct described above in paragraph 5(a) and to discourage employees from engaging in these or other concerted activities.

(c) Respondent engaged in the conduct described above in paragraph 6(a), because Sackett filed charges, was named in those charges, gave testimony to the Board in the form of affidavits, and cooperated in a Board investigation in Cases 9-CA-075284 and 9-CA-081417.

7. By the conduct described above in paragraphs 4, 5, and 6, and by each of said acts, Respondent has been interfering with, restraining and coercing employees in the exercise of their rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

8. By the conduct described above in paragraph 6, Respondent has been discriminating against employees for filing charges or giving testimony under the Act in violation of Section 8(a)(1) and (4) of the Act.

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

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 4, 5, and 6, the Acting General Counsel seeks an Order requiring Respondent to immediately expunge from its files and records all discipline and any statement that Sackett was disciplined for speaking with coworkers about her terms and conditions of employment, and notifying Sackett, in writing, that her record has been expunged. The Acting General Counsel further seeks an Order requiring Respondent to expunge from its May 3, 2012 annual appraisal of Sackett the negative assessments concerning her protected concerted activities, requiring Respondent to re-evaluate Sackett without regard for her protected concerted activities and to re-evaluate Sackett for a raise effective July 2012.

The Acting General Counsel seeks all other relief that 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 second consolidated complaint. The answer must be received by this office on or before **October 10, 2012**, or postmarked on or before **October 9, 2012**. 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.

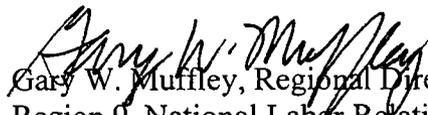
An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon 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 second consolidated complaint are true.

ORDER CHANGING PLACE OF HEARING

IT IS HEREBY ORDERED THAT the hearing scheduled for **October 22, 2012, 1 p.m.** be, and it hereby is, transferred from the Historic Courtroom, Second Floor, U.S. Bankruptcy Court, 120 West Third Street, Dayton, Ohio to the **Board Room, Darke County Law Library, 124 W Fifth Street, Greenville, Ohio,** 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 second consolidated 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 Cincinnati, Ohio this 26th day of September 2012.


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