

Board's Office of the Executive Secretary
1099 14th Street, N.W.
Washington, D.C. 20570

Case 04-CA-092571

Exceptions

1. I take exception to the judge's findings and conclusion that Mengasha did not ask me about the union and about how many signed cards and who signed them. P. 4, lines 5 through 22. Menegesa did ask me about my Union involvement and I think he did it to prove to the Owners that he would weed out the 11 votes for the Union. Spears were pissed that 11 attendants voted against them and wanted to weed out any possible future threats of union support. 48 attendants originally signed cards for Union support. Manager App testified during the anti-union campaign the Respondent and their Union busters paid cash bribes, promised \$2.00 raises to 10-15 attendants (which they received 2 weeks after the vote), etc so although The Union didn't file any unfair labor practices doesn't mean that the Respondent didn't engage in them. The actual vote results were 48 in favor of EZ and only 11 in favor of Union. To believe the Respondent didn't commit any unfair labor practices that ultimately changed 37 votes to their favor is ridiculous. One reason the staff wanted a union is the respondent illegally took money out of the paychecks for shortages on the staffs' settlement sheets which is illegal without written consent from the staff. The respondent immediately stopped this practice during the union campaign which but itself is an unfair labor practice during a union campaign. The respondent is not allowed to change any policy, promise any raise or benefit, spy on staff union activities, or threaten or intimidate staff. Payroll records would prove this charge against the Respondent and give me credibility that the Judge claimed I lacked.
2. I take exception to the judge's finding in footnote 3 on page 5. The Judges terminology "scratched off" is inaccurate. I drew a single line through the control number on the ticket which I was instructed to do by the Respondent's managers. Yes there are many extra tickets in the lot however we were instructed to re-use a ticket if another customer changes their mind in 5-10 period. The Judge felt I admitted guilt by notifying Greg Spear of this as he went to check the lot however I did what I was instructed to do and I simply notified manager Spear. This ticket was not presented in court and I was not terminated because of this ticket rather the alleged 4 "mismatched" tickets and 1 blank ticket. Also please note Spear testified he did not review the video surveillance of that night and instead fired me. I think the Review Board should consider why an employee after 4 years of employment and no written or verbal warnings was terminated without any investigation or utilizing the Respondents video surveillance.
3. I take exception to the judge's finding that my union activities were not a motivating factor in my discharge and that Respondent demonstrated that it would have discharged me even absent my union activities. P. 6, lines 16 to 20. The Respondent offered a comparison of 5 or 6 employees that were terminated in the past for shortages on settlement sheets, call outs, and "mismatched" tickets. Those employees only worked for the Respondent for roughly 3-6 months each. Also the Respondent didn't not include their employee files or mine which would have clearly demonstrated their length of employment and any written warnings they received compared to me.
4. I take exception to the judge's finding that no evidence of antiunion animus was directed toward me because of my union activities and his finding that there was no specific evidence that Spears knew that I supported the Union. P. 6, lines 24 to 26. I have an

argument about how Respondent would have known of my Union activities. Clearly Manager App testified he was fired for not naming employees who supported the Union and the Respondent didn't challenge this claim. However Manager Menegesa was equally involved with Union organizing as App. I believe it is clear Menegesa sold out his attendants in exchange for forgiveness and favorably of Respondent and agreed to seek out and deal with the 11 yes voters for the union. The Respondent's attorney Sobol in opening statements referred to App as a "traitor" for his Union support clearly Manager Menegesa did something to not get terminated as a traitor.

5. I take exception to the judge's findings that he does not "buy" General Counsel's attempt to show that my discharge for improper ticketing was a pretext. P. 6. Lines 41 to 42. The Respondent fabricated its story one of several shifting versions of why I was discharged. The original version that Respondent explained to NLRB was I didn't not circle the color or make of the car which Manager Spear later testified that is not why I was discharged. The Respondent did not prove the alleged "mismatched" tickets. They simply presented the Judge with 1 part of a 4 part ticket and verbally claimed they were "mismatched" To actually prove they were mismatched the Respondent could have easily presented the windshield stubs with different control numbers to show they didn't match with the tickets they presented to the Judge. Clearly the Respondent wasn't able to produce these "mismatched" windshield stubs to the Judge because they didn't exist. If they did the Respondent would have surely presented them to prove their case 100% percent beyond any reasonable doubt. The Managers are equipped with Smart Camera Phones and could have easily taken pictures of the alleged "mismatched" tickets side by side clearly showing the control didn't match. This was the typical practice managers used in the past when terminating staff for mismatching tickets. Again the Respondent did not present any evidence of mismatched tickets which was available to them i.e. video surveillance, photos side by side showing "mismatched" control numbers, or the "scratched out" ticket. The Judge relied 100% percent on the word of the Respondent's son that I allegedly mismatched tickets. The respondents' manager Dorian testified he gave 2 alleged "mismatched" windshield stub tickets to the owners son at the lot but clearly the Respondents failed to present these to the Judge.
6. I take exception to the judge's finding that I was responsible of improper ticketing on the night of October 6. P. 6. Lines 42 to 45. In the past, my managers have instructed myself and other parking attendants to draw a single line through the control number when a customer has changed their mind within 5 to 10 minutes, and then reuse that ticket for the next customer to arrive at the lot. We were verbally informed of this as the Respondent has no written rules or regulations or handbook. The Respondent also failed to produce the ticket stub to show that I had drawn a single line through the control number.
7. I take exception to the judge's finding that I was responsible for four mismatched tickets and one blank ticket and that I offered no legitimate explanation for the improper ticketing. P. 7, lines 1 through 4. The Respondent uses a four part ticket in the parking lot. Part 1: Customer claim check is given to customer, Part 2: Windshield stub with a line to write the control number (control number – last 4 digits of license plate or inspection ticket) and is placed on vehicle's windshield, Part 3: Office check ticket with a line to write it's matching control number and circle the make and color of the car – this ticket is turned into the office, Part 4: attached to the customers keys. The respondent simply presented the Judge with only the "office check" portion of the ticket and verbally claimed "mismatched"
8. I take exception to the judge's finding that I was responsible for four mismatched tickets and one blank ticket and offered no legitimate explanation for the alleged improper ticketing. P. 7, lines 1 through 4. I was asked by Manager Spear what was going on.

Spear never testified I went with him to all 5 alleged improperly ticketed cars. He testified he called me over and said what is this? Then I didn't understand what the issue was and Manager Spear told me to close my shift. I wasn't able to give an explanation for something that was there. I didn't want to be disrespectful so I cooperated with Manager Spear to close. Also Managers Spear and Dorian testimonies' had numerous inconsistencies as to what happened. Spear testified he spoke with me before lot check and Dorian testified him and Spear just checked the lot without speaking with me.

9. I take exception to the judge's finding that Respondent's reason for discharging me was not a pretext, the Respondent did not present into evidence the alleged "mismatched tickets" It seems the Judge is not noting that originally the Respondent alleged I was discharged for not circling the make and model on the office check portion of the ticket and discrepancies on a settlement sheet. For over a month the Respondent claimed this is why i was discharged. Then the Respondent fabricated this alleged "mismatch tickets" which it failed to prove during the court case. P. 7, lines 10 through 14 and footnote 7.
10. I take exception to the judge's conclusion of law that Respondent did not violate the Act as alleged in the complaint. P. 7, lines 21 through 7
11. I take exception to the judge's recommended Order dismissing the complaint. P. 8, line 2.

Brief Statement

After reviewing the above exceptions I respectfully ask the NLRB Exceptions Review Board to order Respondent to offer me reinstatement with back pay.

Thank you

A handwritten signature in black ink, appearing to read 'Temesgen Dasa', with a large, sweeping flourish extending to the left.

Temesgen Dasa