

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

COUNSEL FOR THE ACTING GENERAL COUNSEL'S
REPLY TO RESPONDENT'S MEMORANDUM IN OPPOSITION
TO THE MOTION FOR DEFAULT JUDGMENT

This Reply sets forth Counsel for the Acting General Counsel's position regarding Respondent's Memorandum in Opposition to the Acting General Counsel's Motion for Default Judgment (Memorandum), filed on September 10, 2013 pursuant to the Board's Notice to Show Cause. The Acting General Counsel respectfully submits that its Motion for Default Judgment should be granted because as shown below, Respondent, in its Memorandum admits to the facts underlying its default of the informal Settlement Agreement (Agreement) and raises issues irrelevant to whether it defaulted that Agreement.

First, in defending its refusal to remove offending language from Tamara Sackett's 2012 Annual Appraisal, Respondent equates Sackett's protected concerted activity of attempting to contact coworkers outside of work time to "harassing behavior." However, in admitting that Respondent included the remaining negative references in Sackett's evaluation in response to complaints about Sackett's protected concerted activity, Respondent admits that it failed to re-evaluate Sackett without regard to her protected concerted activity as required by the Agreement.

Based on the above, Respondent's memorandum shows that no genuine issue exists with respect to its default. Moreover, the Agreement requires that Respondent re-evaluate Sackett for a merit raise *based upon revisions to her 2012 Annual Appraisal*. Because Respondent failed to issue a non-discriminatory appraisal upon which such a merit raise would be based, Respondent's refusal to issue Sackett a merit raise places Respondent in default of the Agreement.

Other considerations in determining Sackett's raise are irrelevant. Respondent's assertion that it is baffled that the Acting General Counsel found that Sackett was improperly denied a merit raise while it dismissed a charge alleging Sackett was improperly terminated in retaliation for complaints she filed with the NLRB is irrelevant. The events that led to Sackett's termination occurred in October 2012 through December 2012, at least 5 months after the time period covered by Sackett's 2012 appraisal. Regardless, the issue is irrelevant to whether Respondent defaulted on the Agreement. ^{1/}

Remedy Requested:

Because Respondent failed to abide by the terms of the Agreement by failing to re-evaluate Tammy Sackett without regard to her protected concerted activities, failing to remove negative comments based on Sackett's protected concerted activities from her 2012 annual appraisal, and failing to give Sackett a raise based on a discriminatory appraisal that still included references to Sackett's protected concerted activities (specifically, paragraphs 5(c), (d), (e), and 6 of the Reissued Order Consolidating Cases and Consolidated Complaint), the Board should issue an order with the foregoing providing for a full remedy that directs Respondent to:

(1) remove from Sackett's 2012 Annual Appraisal and Action Plan all negative assessments identified in paragraph 4 of Counsel for the Acting General Counsel's Memorandum in Support

^{1/} The Agreement Respondent entered into provides that "[t]he only issue that may be raised before the Board is whether the [Respondent] defaulted on the terms of this Settlement Agreement."

of Motion for Default Judgment, filed August 23, 2013, and in Exhibit B attached thereto; (2) make Sackett whole for unlawfully denying her a raise, plus interest, in an amount to be determined at the compliance stage, if necessary and (3) post a Notice to employees regarding these unremedied allegations. Further, the Acting General Counsel requests all other relief as the Board finds appropriate to remedy Respondent's unfair labor practices.

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

Respectfully submitted,

/s/ Zuzana Murarova

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