

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

| | |
|----------------------------|----------------------------|
| DO NOT WRITE IN THIS SPACE | |
| Case 15-CA-19117 | Date Filed July 1, 2009 |

INSTRUCTIONS: File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

| | |
|---|---|
| 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT | |
| a. Name of Employer CG Janitorial and Lawn Services | b. Number of workers employed 23 |
| c. Address (street, city, state, ZIP code) 1001 Jeanie Drive Clover, NM 88101-2924 | d. Employer Representative Curtis McDaniel President |
| | e. Telephone No. (575) 714-0459 Fax No. (575) 763-9060 |
| f. Type of Establishment (factory, mine, wholesaler, etc.) contractor | g. Identify principal product or service maintenance service for the government |
| h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), and subsections (1) and (3) of the National Labor Relations Act and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. | |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) | |
| <p>On or about June 19, 2008, the above named Employer, through its officers, agents and representatives, terminated Richard Jones in retaliation for his activities on behalf of the Union and/or his protected concerted activities</p> | |
| 3. Full name of party filing charge (If labor organization, give full name, including local name and number) Industrial Technical Professional Employees Union Local 4873 | |
| 4a. Address (street and number, city, state and ZIP code) 2222 Bull Street, Suite 200 Savannah, GA 31401 | 4b. Telephone No. (912) 232-6181 Fax No. (912) 232-5982 |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization). Industrial Technical Professional Employees Union | |
| 6. DECLARATION | |
| I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. | |
| By <u>[Signature]</u> Signature of representative or person making charge | Title <u>Dennis M. Conley, Union Representative</u> |
| Address: 2222 Bull Street, Suite 200 Savannah, GA 31401 | Telephone No. <u>(912) 232-6181</u> Date <u>7-1-09</u> Fax No. <u>(912) 232-5982</u> |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CG Janitorial and Lawn Services
Jobsite: Fort Rucker, Alabama

and

Industrial Technical Professional Employees
Union Local 4873
Savannah, Georgia

Case 15-CA-19117

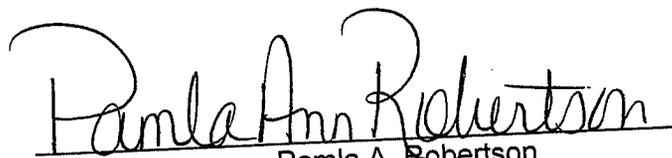
DATE OF MAILING July 1, 2009

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I depose and say that on the date indicated above, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Mr. Curtis McDaniel
President
CG Janitorial and Lawn Services
1001 Jeanie Drive
Clover, NM 88101

Mr. Dennis M. Conley
Union Representative
Industrial Technical Professional Employees
Union Local 4873
2222 Bull Street
Suite 200
Savannah, GA 31401


Pamla A. Robertson

| | |
|--|--|
| DESIGNATED AGENT NATIONAL LABOR RELATIONS BOARD | Subscribed to and sworn to before me this 1st day of July 2009. |
|--|--|

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

| DO NOT WRITE IN THIS SPACE | |
|----------------------------|--------------------------------------|
| Case 15-CA-19117 | Date Filed August 11, 2009 |

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS: File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

| | |
|---|--|
| 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT | |
| a. Name of Employer CG Janitorial and Lawn Services | b. Number of workers employed 23 |
| c. Address (street, city, state, ZIP code) 1001 Jeanie Drive Clover, NM 88101-2924 | d. Employer Representative Curtis McDaniel President |
| | e. Telephone No. (575) 714-0459 Fax No. (575) 763-9060 |
| f. Type of Establishment (factory, mine, wholesaler, etc.) contractor | g. Identify principal product or service maintenance service for the government |
| h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), and subsections (1) and (3) of the National Labor Relations Act and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. | |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) | |
| <p>On or about June 8, 2009, the above named Employer, through its officers, agents and representatives, wrote up Richard Jones in retaliation for his activities on behalf of the Union and/or his protected concerted activities.</p> <p>On or about June 9, 2009, the above named Employer, through its officers, agents and representatives, wrote up Richard Jones in retaliation for his activities on behalf of the Union and/or his protected concerted activities.</p> <p>On or about June 16, 2009, the above named Employer, through its officers, agents and representatives, wrote up Richard Jones in retaliation for his activities on behalf of the Union and/or his protected concerted activities.</p> <p>On or about June 19, 2009, the above named Employer, through its officers, agents and representatives, terminated Richard Jones in retaliation for his activities on behalf of the Union and/or his protected concerted activities.</p> | |
| 3. Full name of party filing charge (if labor organization, give full name, including local name and number) Industrial Technical & Professional Employees Union, OPEIU Local 4873 | |
| 4a. Address (street and number, city, state and ZIP code) 2222 Bull Street, Suite 200 Savannah, GA 31401 | 4b. Telephone No. (912) 232-6181 Fax No. (912) 232-5982 |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization). Office & Professional Employees International Union | |
| 6. DECLARATION | |
| I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. | |
| By <u><i>Lisa Budnick</i></u> Signature of representative or person making charge | Title Lisa Budnick, Executive Secretary |
| Address: 2222 Bull Street, Suite 200 Savannah, GA 31401 | Telephone No. (912) 232-6181 Fax No. (912) 232-5982 Date August 10, 2009 |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**

Case

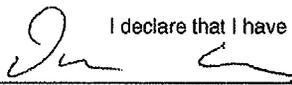
Date Filed

15-CA-19314

October 30, 2009

INSTRUCTIONS: File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

| | | |
|--|--|--|
| a. Name of Employer CG Janitorial and Lawn Services | | b. Number of workers employed 27 |
| c. Address (street, city, state, ZIP code) 1001 Jeanie Drive Clover, NM 88101-2924 | | d. Employer Representative Curtis McDaniel President |
| f. Type of Establishment (factory, mine, wholesaler, etc.) contractor | | e. Telephone No. (575) 714-0459 Fax No. (575) 763-9060 |
| g. Identify principal product or service maintenance service for the government | | |
| h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), and subsections (1) and (3) of the National Labor Relations Act and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. | | |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) | | |
| <p>On or about June 9, 2009, the above named Employer, through its officers, agents and representatives, wrote up Bryon Belin, Willie Bigham, Tony Brown, Michael Clark, Robert Demoss, Larry Douglas, Virgil Hall, Jr., Michael Harpis, Steven King, Walter Ludlum, Brian Lynn, Glen Meissner, Mark Moonschein, Maurice Pringle, Steve Rhodes, Blake Sexton, Christopher Sexton, Jason Testerman, Ward Stewart, Robert Williams and other currently unknown similarly situated employees in retaliation for protected concerted activity and/or union activity.</p> | | |
| 3. Full name of party filing charge (if labor organization, give full name, including local name and number) Industrial Technical & Professional Employees Union, OPEIU Local 4873 | | |
| 4a. Address (street and number, city, state and ZIP code) 2222 Bull Street, Suite 200 Savannah, GA 31401 | | 4b. Telephone No. (912) 232-6181 Fax No. (912) 232-5982 |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization). Office & Professional Employees International Union | | |
| 6. DECLARATION | | |
| I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. | | |
| By  Signature of representative or person making charge | | Title <u>Dennis M. Conley, Union Representative</u> |
| Address: 2222 Bull Street, Suite 200 Savannah, GA 31401 | | Telephone No. <u>(912) 232-6181</u> Date <u>10/30/09</u> Fax No. <u>(912) 232-5982</u> |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CG Janitorial and Lawn Services,
Fort Rucker, Alabama

Charged Party

and

**Industrial Technical & Professional Employees
Union, OPEIU Local 4873,**
Savannah, Georgia

Charging Party

Case 15-CA-19314

DATE OF MAILING October 30, 2009

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I depose and say that on the date indicated above, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Mr. Curtis McDaniel
President
CG Janitorial and Lawn Services
1001 Jeanie Drive
Clover, NM 88101

Mr. Dennis M. Conley
Union Representative
Industrial Technical & Professional Employees
Union, OPEIU Local 4873
2222 Bull Street Suite 200
Savannah, GA 31401


Kelley L. Lindholm

DESIGNATED AGENT

NATIONAL LABOR RELATIONS BOARD

Subscribed to and sworn to before me this
30th day of October 2009.

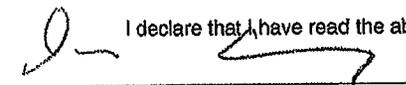
EXHIBIT F

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

| DO NOT WRITE IN THIS SPACE | |
|----------------------------|---------------------------------------|
| Case 15-CA-19314 | Date Filed November 9, 2009 |

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS: File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

| | |
|---|---|
| 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT | |
| a. Name of Employer CG Janitorial and Lawn Services | b. Number of workers employed 27 |
| c. Address (street, city, state, ZIP code) 1001 Jeanie Drive Clover, NM 88101-2924 | d. Employer Representative Curtis McDaniel President |
| | e. Telephone No. (575) 714-0459 Fax No. (575) 763-9060 |
| f. Type of Establishment (factory, mine, wholesaler, etc.) contractor | g. Identify principal product or service maintenance service for the government |
| h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), and subsections (1) and (3) of the National Labor Relations Act and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. | |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) | |
| <p>On or about June 9, 2009, the above named Employer, through its officers, agents and representatives, wrote up Bryon Belin, Willie Bigham, Tony Brown, Michael Clark, Robert Demoss, Larry Douglas, Virgil Hall, Jr., Michael Harpis, Steven King, Walter Ludlum, Brian Lynn, Glen Meissner, Mark Moonschein, Maurice Pringle, Steve Rhodes, Blake Sexton, Christopher Sexton, Jason Testerman, Ward Stewart and other currently unknown similarly situated employees in retaliation for protected concerted activity and/or union activity.</p> | |
| 3. Full name of party filing charge (if labor organization, give full name, including local name and number) Industrial Technical & Professional Employees Union, OPEIU Local 4873 | |
| 4a. Address (street and number, city, state and ZIP code) 2222 Bull Street, Suite 200 Savannah, GA 31401 | 4b. Telephone No. (912) 232-6181 Fax No. (912) 232-5982 |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization). Office & Professional Employees International Union | |
| 6. DECLARATION | |
| I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. | |
| By  Signature of representative or person making charge | Title Dennis M. Conley, Union Representative |
| Address: 2222 Bull Street, Suite 200 Savannah, GA 31401 | Telephone No. (912) 232-6181 Fax No. (912) 232-5982 Date 11-3-09 |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CG Janitorial and Lawn Services,
Fort Rucker, Alabama

Charged Party

and

**Industrial Technical & Professional Employees Union,
OPEIU Local 4873,
Savannah, Georgia**

Charging Party

Case 15-CA-19314

DATE OF MAILING November 9, 2009

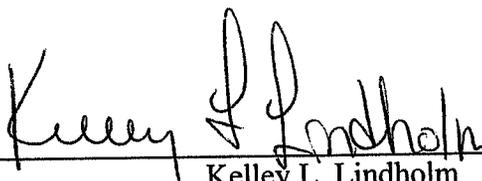
AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I depose and say that on the date indicated above, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Mr. Curtis McDaniel
President
CG Janitorial and Lawn Services
1001 Jeanie Drive
Clover, NM 88101

Mr. Dennis M. Conley
Union Representative
Industrial Technical & Professional Employees
Union, OPEIU Local 4873
2222 Bull Street Suite 200
Savannah, GA 31401

Mr. Sidney H. Kalban, Esq.
ITPE Union, AFL-CIO
80 8th Avenue
Suite 1806
New York, NY 10011


Kelley L. Lindholm

| | |
|---|---|
| <p>DESIGNATED AGENT</p> <p>NATIONAL LABOR RELATIONS BOARD</p> | <p>Subscribed to and sworn to before me this 9th day of November, 2009.</p> |
|---|---|

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 15**

CG's LAWN & JANITORIAL SERVICE, LLC *
*
and * **Case Nos. 15-CA-19117**
* **15-CA-19314**
*
INDUSTRIAL TECHNICAL & *
PROFESSIONAL EMPLOYEES UNION, *
OPEIU LOCAL 4873 *

**ORDER CONSOLIDATING CASES, CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING**

Industrial Technical & Professional Employees Union, OPEIU Local 4873, herein called the Union, has charged in Case Nos. 15-CA-19117 and 15-CA-19314 that CG Janitorial and Lawn Services, herein called by its correct name CG's Lawn & Janitorial Service, LLC, and herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151 et seq., herein called the Act. Based thereon, and in order to avoid unnecessary costs or delay, the General Counsel, by the undersigned, pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, ORDERS that these cases are consolidated.

These cases having been consolidated, the General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issues this Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, and alleges as follows:

1 (a) The charge in Case No. 15-CA-19117 was filed by the Union on July 1, 2009, and a copy was served by regular mail on Respondent on the same date.

(b) The first amended charge in Case No. 15-CA-19117 was filed by the Union on August 11, 2009, and a copy was served by regular mail on Respondent on the same date.

(c) The charge in Case No. 15-CA-19314 was filed by the Union on October 30, 2009, and a copy was served by regular mail on Respondent on the same date.

(d) The first amended charge in Case No. 15-CA-19314 was filed by the Union on November 9, 2009, and a copy was served by regular mail on Respondent on the same date.

2. At all material times, Respondent, a limited liability company, with an office and place of business in Ft. Rucker, Alabama, herein called Respondent's facility, has been engaged in the business of providing grounds maintenance services to the Federal Government at Ft. Rucker, Alabama.

3. (a) Annually, Respondent in conducting its operations described above in paragraph 2 has been engaged in providing grounds maintenance services to the United States valued in excess of \$50,000.

(b) Based on its operations described above in paragraphs 2 and 3(a), Respondent has a substantial impact on the national defense of the United States.

4. 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.

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

6. At all material times, the following individuals 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:

| | | |
|-----------------|---|---------------------|
| Curtis McDaniel | - | Owner and President |
| Robert Williams | - | Project Manager |

7. On or about June 8, 2009 through on or about June 9, 2009, Respondent employees Bryon Belin, Willie Bigham, Tony Brown, Michael Clark, Robert Demoss, Larry Douglas, Virgil Hall, Jr., Michael Harpis, Richard Jones, Steven King, Walter Ludlum, Brian Lynn, Glen Meissner, Mark Moonschein, Maurice Pringle, Steve Rhodes, Blake Sexton, Christopher Sexton, Ward Stewart, Jason Testerman, and other currently unknown similarly situated employees engaged in concerted activities with each other for the purposes of mutual aid and protection, by engaging in a work stoppage.

8. About the dates set forth opposite their names, Respondent issued discipline to the employees named below and other currently unknown similarly situated employees:

| | |
|------------------|--------------|
| Richard Jones | June 8, 2009 |
| Bryon Belin | June 9, 2009 |
| Willie Bigham | June 9, 2009 |
| Tony Brown | June 9, 2009 |
| Michael Clark | June 9, 2009 |
| Robert Demoss | June 9, 2009 |
| Larry Douglas | June 9, 2009 |
| Virgil Hall, Jr. | June 9, 2009 |
| Michael Harpis | June 9, 2009 |
| Richard Jones | June 9, 2009 |

| | |
|--------------------|---------------|
| Steven King | June 9, 2009 |
| Walter Ludlum | June 9, 2009 |
| Brian Lynn | June 9, 2009 |
| Glen Meissner | June 9, 2009 |
| Mark Moonschein | June 9, 2009 |
| Maurice Pringle | June 9, 2009 |
| Steve Rhodes | June 9, 2009 |
| Blake Sexton | June 9, 2009 |
| Christopher Sexton | June 9, 2009 |
| Ward Stewart | June 9, 2009 |
| Jason Testerman | June 9, 2009 |
| Richard Jones | June 16, 2009 |

9. On or about June 19, 2009, Respondent terminated its employee Richard Jones.

10. Respondent engaged in the conducted described above in paragraphs 8 and 9 because the named employees engaged in the conducted described above in paragraph 7, and to discourage employees from engaging in these or other concerted activities.

11. Respondent engaged in the conduct described above in paragraphs 8 and 9 because the named employees of Respondent assisted the Union and engaged in concerted activities and to discourage employees from engaging in these activities.

12. By the conduct described above in paragraphs 8 through 10, Respondent has been interfering with, restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

13. By the conduct described above in paragraphs 8, 9 and 11, Respondent has been discriminating in regard to the hire or tenure or conditions of employment of its employee, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and 8(a)(3) of the Act.

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

REMEDY

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 8 and 9, the General Counsel seeks an order requiring Respondent to immediately expunge from its files and records any statement that these employees received discipline and that Richard Jones was discharged and prohibiting Respondent from stating to any employer, prospective employer, or responding to any credit, reference, character, or similar inquiry, that the employee was discharged for cause.

FURTHER, the General Counsel seeks an order requiring Respondent to pay interest compounded on a quarterly basis on any backpay or other make-whole remedy awarded in this matter, as sought in this Complaint and Notice of Hearing.

FURTHERMORE, the General Counsel further seeks such other relief as may be appropriate 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 consolidated complaint. The answer must be

received by this office on or before December 3, 2009, or postmarked on or before December 2, 2009. Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on the **E-Gov tab**, select **E-Filing**, and then 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 document 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 be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

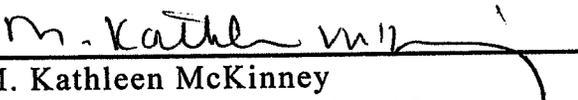
Service of the answer on each of the other parties must be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer

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 Motion for Default Judgment, that the allegations in the consolidated complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the 18th day of February 2010, at 10:00 a.m. (CST), at Staff Judge Advocate Room, Third Floor, U.S. Army Aviation Center (USAAVNC), Soldier's Service Center, Building, 5700 – Novosel Street, Ft. Rucker, Alabama, 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 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 New Orleans, Louisiana, this 19th day of November 2009.


M. Kathleen McKinney
Regional Director, Region 15
National Labor Relations Board
600 South Maestri Place, 7th Floor
New Orleans, Louisiana 70130

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case Nos: 15-CA-19117
15-CA-19314

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing.

However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds thereafter must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; *and*
- (5) Copies must be simultaneously served on all other parties (*listed below*), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Mr. Curtis McDaniel
President
CG Janitorial & Lawn Services, LLC
1001 Jeanie Drive
Clover, NM 88101

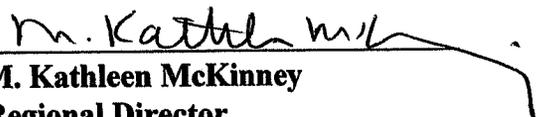
Mr. Dennis M. Conley
Union Representative
Industrial Technical & Professional
Employees Union, OPEIU Local 4873
2222 Bull Street, Suite 200
Savannah, GA 31401

Sidney Kalban, Esq.
IPTE Union, AFL-CIO
808th Avenue, Suite 1806
New York, NY 10011

IMPORTANT NOTICE

The date, which has been set for hearing in this matter, should be checked immediately. If there is proper cause for not proceeding with the hearing on that date, a motion to change the date of hearing should be made within fourteen (14) days from the service of the complaint. Thereafter, it may be assumed that the scheduled hearing date has been agreed upon and that all parties will be prepared to proceed to the hearing on that date. Later motions to reschedule the hearing generally may not be granted in the absence of a proper showing of unanticipated and uncontrollable intervening circumstances.

All parties are encouraged to fully explore the possibilities of settlement. Early settlement agreements prior to extensive and costly trial preparation may result in substantial savings of time, money and personnel resources for all parties. The Board agent assigned to this case will be happy to discuss settlement at any mutually convenient time.


M. Kathleen McKinney
Regional Director

**SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD
BEFORE THE NATIONAL LABOR RELATIONS BOARD
IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO
SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT**

The hearing will be conducted by an administrative law judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial finder of the facts and applicable law whose decision in due time will be served on the parties. The offices of the administrative law judges are located in Washington, DC; San Francisco, California; New York, N.Y.; and Atlanta, Georgia.

At the date, hour, and place for which the hearing is set, the administrative law judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to ensure that the issues are sharp and clearcut; or the administrative law judge may independently conduct such a conference. The administrative law judge will preside at such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record, for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the administrative law judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the administrative law judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the administrative law judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the administrative law judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The administrative law judge will allow an automatic exception to all adverse rulings and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies of exhibits should be supplied to the administrative law judge and other parties at the time the exhibits are offered in evidence. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the administrative law judge before the close of hearing. In the event such copy is not submitted, and the filing has not been waived by the administrative law judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. In the absence of a request, the administrative law judge may ask for oral argument if, at the close of the hearing, it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

(OVER)

In the discretion of the administrative law judge, any party may, on request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge who will fix the time for such filing. Any such filing submitted shall be double-spaced on 8½ by 11 inch paper.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations, with respect to the procedure to be followed before the proceeding is transferred to the Board:

No request for an extension of time within which to submit briefs or proposed findings to the administrative law judge will be considered unless received by the Chief Administrative Law Judge in Washington, DC (or, in cases under the branch offices in San Francisco, California; New York, New York; and Atlanta, Georgia, the Associate Chief Administrative Law Judge) at least 3 days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously on all other parties, and proof of such service furnished to the Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, as the case may be. A quicker response is assured if the moving party secures the positions of the other parties and includes such in the request. All briefs or proposed findings filed with the administrative law judge must be submitted in triplicate, and may be printed or otherwise legibly duplicated with service on the other parties.

In due course the administrative law judge will prepare and file with the Board a decision in this proceeding, and will cause a copy thereof to be served on each of the parties. Upon filing of this decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, on all parties. At that point, the administrative law judge's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the administrative law judge's decision, the submission of supporting briefs, requests for oral argument before the Board, and related matters, is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be served on the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations. If adjustment appears possible, the administrative law judge may suggest discussions between the parties or, on request, will afford reasonable opportunity during the hearing for such discussions.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CG's LAWN & JANITORIAL SERVICE, LLC

and

INDUSTRIAL TECHNICAL & PROFESSIONAL
EMPLOYEES UNION, OPEIU LOCAL 4873

Case Nos. 15-CA-19117
15-CA-19314

DATE OF MAILING November 19, 2009

AFFIDAVIT OF SERVICE Copy of Order Consolidating Cases, Consolidated Complaint, and Notice of
OF Hearing with Form NLRB-4338, Important Notice and Form NLRB-4668
attached, dated November 19, 2009.

I depose and say that on the date indicated above, I served the above-entitled document(s) by postage paid
certified mail and regular mail upon the following persons, addressed to them at the following addresses:

Charged Party #1 Party:

Mr. Curtis McDaniel 575.714.0459
President 575.763.9060 fax
CG Janitorial & Lawn Services, LLC
1001 Jeanie Drive
Clover, NM 88101
(Certified Mail # 7006 0100 0000 9130 1507)

Charging Party #1 Legal Representative:

Sidney Kalban, Esq. 212.868.5867
IPTE Union, AFL-CIO 212.868.5869 fax
808th Avenue, Suite 1806
New York, NY 10011

Judge:

Hon. William N. Cates (404) 331-6652
Associate Chief Judge (404) 331-2061 fax
National Labor Relations Board
Division of Judges
401 West Peachtree St., N.W., Suite 1708
Atlanta, GA 30308 (eroom)

Charging Party #1 Party:

Mr. Dennis M. Conley 912.232.6181
Union Representative 912.232.5982 fax
Industrial Technical & Professional
Employees Union, OPEIU Local 4873
2222 Bull Street, Suite 200
Savannah, GA 31401

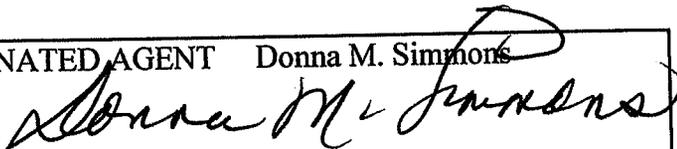
Court Reporter:

On-The-Record Reporting, Inc. (512) 450-0342
Attn: Ms. Elizabeth Stoddard (512) 467-6073 fax
3307 Northland Drive, Suite 315
Austin, TX 78731 (email)

Subscribed and sworn to before me on

November 19, 2009

DESIGNATED AGENT Donna M. Simmons



NATIONAL LABOR RELATIONS BOARD

7006 0100 0000 9130 1507

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
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| Postage \$ | |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Rest (Endo) | |
| Total | |

Postmark Here

Mr. Curtis McDaniel
 President
 CG Janitorial & Lawn Services, LLC
 1001 Jeanie Drive
 Clover, NM 88101

Sent 1
 Street or PO
 City, State

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Curtis McDaniel
 President
 CG Janitorial & Lawn Services, LLC
 1001 Jeanie Drive
 Clover, NM 88101

2. Article Number (Transfer from)
 0387, February 2007

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Margaret McDaniel* Agent Addressee

B. Received by (Printed Name)
Margaret McDaniel

C. Date of Delivery
 Yes No

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 0100 0000 9130 1507
 Domestic Return Receipt CG Janitorial

3f6
RECEIVED
NATIONAL LABOR
RELATIONS BOARD

CG'S JANITORIAL & LAWN SERVICE, L.L.C.
1001 JEANIE DR
CLOVIS NM 88101
CP: 575-714-0459 FAX: 575-763-9060
JAN 27 PM 4: 02
REGION 15
NEW ORLEANS, LA 70112-3723

MEMORANDUM FOR M. KATHLEEN McKINNEY
REGIONAL DIRECTOR

FROM: CURTIS McDANIEL

SUBJECT: Case Nos. 15-CA-19117 & 15-CA-19314

January 27, 2010

Attached is my response to the allegations against CG's Janitorial & Lawn Service, L.L.C. I'm also putting the original and four copies in the mail to you today. If it's still wrong please notify me so I can better understand what it is I need to do and get the responses to your office in time. Your attention to this matter is greatly appreciated.


Curtis McDaniel
Owner

RECEIVED
NATIONAL LABOR
RELATIONS BOARD

JAN 27 PM 4:02

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 15**

REGION 15
NEW ORLEANS, LA 70112-3723

CG's LAWN & JANITORIAL SERVICE, LLC *

and

Case Nos. 15-CA-19117
15-CA-19314

INDUSTRIAL TECHNICAL &
PROFESSIONAL EMPLOYEES UNION,
OPEIU LOCAL 4873

**ORDER CONSOLIDATING CASES, CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING**

Industrial Technical & Professional Employees Union, OPEIU Local 4873, herein called the Union, has charged in Case Nos. 15-CA-19117 and 15-CA-19314 that CG Janitorial and Lawn Services, herein called by its correct name CG's Lawn & Janitorial Service, LLC, and herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151 et seq., herein called the Act. Based thereon, and in order to avoid unnecessary costs or delay, the General Counsel, by the undersigned, pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, ORDERS that these cases are consolidated.

These cases having been consolidated, the General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issues this Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, and alleges as follows:

- 1 (a) The charge in Case No. 15-CA-19117 was filed by the Union on July 1, 2009, and a copy was served by regular mail on Respondent on the same date. *True*

(b) The first amended charge in Case No. 15-CA-19117 was filed by the Union on August 11, 2009, and a copy was served by regular mail on Respondent on the same date. *True*

(c) The charge in Case No. 15-CA-19314 was filed by the Union on October 30, 2009, and a copy was served by regular mail on Respondent on the same date. *True*

(d) The first amended charge in Case No. 15-CA-19314 was filed by the Union on November 9, 2009, and a copy was served by regular mail on Respondent on the same date. *True*

2. At all material times, Respondent, a limited liability company, with an office and place of business in Ft. Rucker, Alabama, herein called Respondent's facility, has been engaged in the business of providing grounds maintenance services to the Federal Government at Ft. Rucker, Alabama. *True*

3. (a) Annually, Respondent in conducting its operations described above in paragraph 2 has been engaged in providing grounds maintenance services to the United States valued in excess of \$50,000. *True*

(b) Based on its operations described above in paragraphs 2 and 3(a), Respondent has a substantial impact on the national defense of the United States. *True*

4. 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. *True*

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

6. At all material times, the following individuals 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: *True*

| | | |
|-----------------|---|---------------------|
| Curtis McDaniel | - | Owner and President |
| Robert Williams | - | Project Manager |

7. On or about June 8, 2009 through on or about June 9, 2009, Respondent employees Bryon Belin, Willie Bigham, Tony Brown, Michael Clark, Robert Demoss, Larry Douglas, Virgil Hall, Jr., Michael Harpis, Richard Jones, Steven King, Walter Ludlum, Brian Lynn, Glen Meissner, Mark Moonschein, Maurice Pringle, Steve Rhodes, Blake Sexton, Christopher Sexton, Ward Stewart, Jason Testerman, and other currently unknown similarly situated employees engaged in concerted activities with each other for the purposes of mutual aid and protection, by engaging in a work stoppage. *True*

8. About the dates set forth opposite their names, Respondent issued discipline to the employees named below and other currently unknown similarly situated employees: *True*

| | |
|------------------|--------------|
| Richard Jones | June 8, 2009 |
| Bryon Belin | June 9, 2009 |
| Willie Bigham | June 9, 2009 |
| Tony Brown | June 9, 2009 |
| Michael Clark | June 9, 2009 |
| Robert Demoss | June 9, 2009 |
| Larry Douglas | June 9, 2009 |
| Virgil Hall, Jr. | June 9, 2009 |
| Michael Harpis | June 9, 2009 |
| Richard Jones | June 9, 2009 |

| | |
|--------------------|---------------|
| Steven King | June 9, 2009 |
| Walter Ludlum | June 9, 2009 |
| Brian Lynn | June 9, 2009 |
| Glen Meissner | June 9, 2009 |
| Mark Moonschein | June 9, 2009 |
| Maurice Pringle | June 9, 2009 |
| Steve Rhodes | June 9, 2009 |
| Blake Sexton | June 9, 2009 |
| Christopher Sexton | June 9, 2009 |
| Ward Stewart | June 9, 2009 |
| Jason Testerman | June 9, 2009 |
| Richard Jones | June 16, 2009 |

9. On or about June 19, 2009, Respondent terminated its employee Richard Jones. *True*
10. Respondent engaged in the conducted described above in paragraphs 8 and 9 because the named employees engaged in the conducted described above in paragraph 7, and to discourage employees from engaging in these or other concerted activities. *True*
11. Respondent engaged in the conduct described above in paragraphs 8 and 9 because the named employees of Respondent assisted the Union and engaged in concerted activities and to discourage employees from engaging in these activities. *True*
12. By the conduct described above in paragraphs 8 through 10, Respondent has been interfering with, restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act. *False*

13. By the conduct described above in paragraphs 8, 9 and 11, Respondent has been discriminating in regard to the hire or tenure or conditions of employment of its employee, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and 8(a)(3) of the Act. *False*

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

Curtis McDaniel
1001 Jeanie Dr.
Clovis, NM 88101

REMEDY

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 8 and 9, the General Counsel seeks an order requiring Respondent to immediately expunge from its files and records any statement that these employees received discipline and that Richard Jones was discharged and prohibiting Respondent from stating to any employer, prospective employer, or responding to any credit, reference, character, or similar inquiry, that the employee was discharged for cause.

FURTHER, the General Counsel seeks an order requiring Respondent to pay interest compounded on a quarterly basis on any backpay or other make-whole remedy awarded in this matter, as sought in this Complaint and Notice of Hearing.

FURTHERMORE, the General Counsel further seeks such other relief as may be appropriate 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 consolidated complaint. The answer must be