

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

MCINTOSH MIRROR, DOOR & GLASS, INC.

and

Cases 19-CA-065627
19-CA-066747

GLAZIERS, ARCHITECTURAL METAL AND
GLASSWORKERS, LOCAL 188

MOTION FOR DEFAULT JUDGMENT

Comes now Counsel for the Acting General Counsel (“Acting General Counsel”) of the National Labor Relations Board (the “Board”) and files this Motion for Default Judgment pursuant to § 102.24 (b) of the Rules and Regulations of the Board, as revised on January 12, 2003, requesting default judgment, as there are no genuine issues of material fact in dispute and the Acting General Counsel is entitled to judgment as a matter of law. In support of this Motion, the Acting General Counsel submits the following:

1. On September 23, 2011, Glaziers, Architectural Metal and Glassworkers, Local 188 (“Union”), filed an unfair labor practice charge in 19-CA-065627 alleging that McIntosh Mirror, Door & Glass, Inc. (“Respondent”), had violated §§ 8(a)(1) and (5) of the Act. That charge was served on Respondent by regular mail on or about September 23, 2011. Copies of the charge and the affidavit of service are attached as Exhibits 1(a) and 1(b), respectively.

2. On November 28, 2011, the Union filed an amended charge in 19-CA-065627. That amended charge was served on Respondent by regular mail on or about

November 28, 2011. Copies of the amended charge and the affidavit of service are attached as Exhibits 2(a) and 2(b), respectively.

3. On October 14, 2011, the Union filed a charge in Case 19-CA-066747, alleging that Respondent had violated §§ 8(a)(1) and (5) of the Act. That charge was served on Respondent by regular mail on or about October 14, 2011. Copies of the charge and the affidavit of service are attached as Exhibits 3(a) and 3(b), respectively.

4. Following an investigation of the charges in these matters, the Acting Regional Director for Region 19 issued an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing issued in these cases ("Complaint") on January 31, 2012, alleging Respondent had violated §§ 8(a)(1) and (5) of the Act. On January 31, 2012, the Complaint was served by certified mail on Respondent. Copies of the Complaint and affidavit of service are attached as Exhibits 4(a) and 4(b), respectively.

3. The Answer to the Complaint was due to be received in the Regional Office on or before February 14, 2012. No Answer was received.

4. On March 13, 2012, the Region sent a letter to Respondent by first class mail and by e-mail. This letter notified Respondent that it had failed to submit an Answer in response to the Complaint and the significance of that failure. The letter provided Respondent with additional time until March 20, 2012, to file its Answer. A copy of the March 13, 2012 letter is attached as Exhibit 5.

5. On March 15, 2012, the March 13, 2012 e-mail to Respondent was returned as undeliverable. No additional e-mail address information has been made available. A copy of the returned e-mail is attached as Exhibit 6.

6. On March 16, 2012, the Complaint was returned by the United States Postal Service as “unclaimed,” with a new address provided. On March 16, 2012, the Complaint was resent by certified mail on Respondent. Copies of the Complaint and affidavit of service are attached as Exhibits 4(a) and 7, respectively. The March 16, 2012 mail was returned for the second time as “unclaimed.”

7. On March 30, 2012, the Region sent another letter to Respondent by first class mail at its new mailing address, enclosing the March 13, 2012 letter. This letter notified Respondent that it had failed to submit an Answer in response to the Complaint and the significance of that failure. The letter provided Respondent with additional time until April 6, 2012, to file its Answer. A copy of the March 30, 2012 letter is attached as Exhibit 8.

To date, Respondent has failed and/or refused to file an Answer to the Complaint.

On the basis of the foregoing and the exhibits attached hereto, it is respectfully submitted that the pleadings in the instant case raise no material issues of fact, that Respondent submitted no Answer or defense for the acts alleged in the Complaint, that no hearing is necessary in this matter, and that it is appropriate for the Board to issue a Decision and Order without further proceedings. Thus, it is respectfully requested that the Board make findings of fact and conclusions of law, finding that Respondent’s conduct violated §§ 8(a)(1) and (5) of the Act as alleged in the attached Complaint.

WHEREFORE, as the remedy for Respondent’s unfair labor practices as alleged in the Complaint, the Acting General Counsel further requests that the Board

issue the proposed Order and Notice to Employees, which are attached as Exhibits 9(a) and 9(b), respectively, and/or that the Board issue any other order and/or remedy deemed appropriate.

DATED at Seattle, Washington, this 11th day of May, 2012.

A handwritten signature in black ink, appearing to read "Angelie Chong Kim", written over a horizontal line.

Angelie Chong Kim
Counsel for the Acting General Counsel
National Labor Relations Board, Region 19
915 Second Ave, Room 2948
Seattle, Washington 98174



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2ND AVE
STE 2948
SEATTLE, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305

September 29, 2011

MCINTASH MIRROR, DOOR & GLASS, INC.
5100 14TH AVE NW
SEATTLE, WA 98107-5115

Re: McIntash Mirror, Door & Glass, Inc.
Case 19-CA-065627

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ANGELIE C. KIM whose telephone number is (206)220-6330. If ANGELIE C. KIM is not available, you may contact Supervisory Attorney BRIAN SWEENEY whose telephone number is (206) 220-6327.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

GENERAL COUNSEL
EXHIBIT NO. 1(a)

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

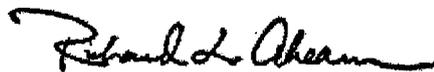
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



RICHARD L. AHEARN
Regional Director

Enclosures/pr

1. Copy of Charge
2. Commerce Questionnaire

INTERNET
FORM NLRB-501
(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 19-CA-65627	Date Filed 9/23/11

INSTRUCTIONS:

File an original 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 MCIntosh Mirror, Door & Glass Inc.	b. Tel. No. 206-783-1884
d. Address (Street, city, state, and ZIP code) 5100 14th Ave. N.W. Seattle, WA 98107	c. Cell No. 206-380-7431
e. Employer Representative	f. Fax No. 206-783-1845
i. Type of Establishment (factory, mine, wholesaler, etc.) Contractor	g. e-Mail dave@mcintoshglass.net
j. Identify principal product or service Glazing	h. Number of workers employed Nine

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (Sect. (5) and 8(d)) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair 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)

Within the past 6 months McIntosh Mirror, Door and Glass Inc. has failed and refused to abide by the fringe benefit and Union Security provisions of the labor agreement.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Glassers, Architectural Metal and Glassworkers Local #188

4a. Address (Street and number, city, state, and ZIP code) 6770 E. Marginal Way S., Bldg. E, #303B Seattle, WA 98109	4b. Tel. No. 206-957-1882
	4c. Cell No. 206-794-4422
	4d. Fax No. 206-957-1886
	4e. e-Mail pete@upatdc5.org

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)

International Union of Painters and Allied Trades

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 Peter M. Rieky (signature of representative or person making charge) Peter M. Rieky - Business Representative (Print type name and title or office, if any)

Tel. No. 206-957-1882
Office, if any, Cell No. 206-794-4422
Fax No. 206-957-1886
e-Mail pete@upatdc5.org

Address 6770 E. Marginal Way S. Bldg E #303B Seattle WA 98109 9/23/2011 (date)

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

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MCINTASH MIRROR, DOOR & GLASS, INC.

Charged Party

and

**GLAZIERS, ARCHITECTURAL METAL AND
GLASSWORKERS, LOCAL 188**

Charging Party

Case 19-CA-065627

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 29, 2011, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

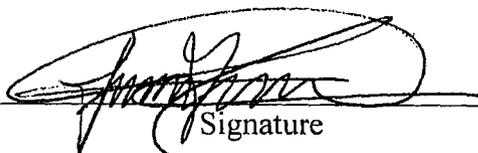
MCINTASH MIRROR, DOOR & GLASS,
INC.
5100 14TH AVE NW
SEATTLE, WA 98107-5115

September 29, 2011

Date

Dennis Snook, Designated Agent of NLRB

Name


Signature

GENERAL COUNSEL
EXHIBIT NO. 1(b)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2ND AVE
STE 2948
SEATTLE, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305

November 29, 2011

DAVID MCINTOSH
MCINTOSH MIRROR, DOOR
& GLASS, INC.
5100 14TH AVE NW
SEATTLE, WA 98107-5115

Re: McIntosh Mirror, Door & Glass, Inc.
Case 19-CA-065627

DEAR MR. MCINTOSH:

Enclosed is a copy of the First Amended Charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney ANGELIE C. KIM whose telephone number is (206) 220-6330. If the agent is not available, you may contact Supervisory Attorney BRIAN SWEENEY whose telephone number is (206) 220-6327.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

RICHARD L. AHEARN
Regional Director

Enclosure/lu: Copy of First Amended Charge

GENERAL COUNSEL
EXHIBIT NO. 2(a)

Case
19-CA-65627

Date Filed 9/23/2011
Amd: 11/28/2011

INSTRUCTIONS:

File an original 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 McIntosh Mirror Door/Glass, Inc		b. Tel. No 206-783-1884
		c. Cell No. 206-380-7431
		f. Fax No. 206-783-1845
d. Address (Street, city, state, and ZIP code) 5100 14th Ave. NW Seattle, WA 98107	e. Employer Representative Dave McIntosh	g. e-Mail dave@mcintoshglass.net
		h. Number of workers employed 8
i. Type of Establishment (factory, mine, wholesaler, etc.) building contractor	j. Identify principal product or service glazing	

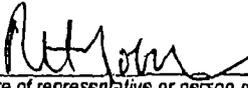
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) and 8(d) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair 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)
Within the past six months from the filing of the initial charge, the Employer has failed and refused to abide by the fringe benefit provisions of the labor agreement (including but not limited to the obligation to make contributions on its employees' behalf to one or more pension trust funds and to a joint apprenticeship and training trust), the union security provisions of the labor agreement (pertaining to administrative or 'check-off' dues), and the provisions of the labor agreement requiring the remittance to the Union by the Employer, from amounts deducted from employee wages, for market recovery assessments and organizational dues. In the case of 'check-off' dues, market recovery assessments and organizational dues, the Employer deducted such amounts from employee wages but failed and refused to remit such amounts to the Union, instead applying such funds to its own purposes.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
Glaziers, Architectural Metal and Glassworkers Local #188

4a. Address (Street and number, city, state, and ZIP code) 6770 E Marginal Way S., Bldg. E, #303B Seattle, WA 98109		4b. Tel. No 206-957-1882
		4c. Cell No. 206-794-4422
		4d. Fax No 206-957-1886
		4e. e-Mail pete@iupatdc5.org

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)
International Union of Painters and Allied Trades

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.		Tel No 206-467-6700
By  (signature of representative or person making charge)		Office, if any, Cell No.
Richard H. Robblee, attorney (Printtype name and title or office, if any)		Fax No 206-467-7589
2101 Fourth Ave., Suite 1000, Seattle, WA 98121 Address		e-Mail drobblee@unionattorneysnw.com
		Nv. 28, 2011 (date)

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

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MCINTOSH MIRROR, DOOR & GLASS, INC.

Charged Party

and

PAINTERS, LOCAL 188

Charging Party

Case 19-CA-065627

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 29, 2011, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

DAVID MCINTOSH
MCINTOSH MIRROR, DOOR & GLASS,
INC.
5100 14TH AVE NW
SEATTLE, WA 98107-5115

November 29, 2011

Date

Dennis Snook, Designated Agent of NLRB

Name

Leila Hornoto

Signature

GENERAL COUNSEL
EXHIBIT NO. 2 (b)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2ND AVE
STE 2948
SEATTLE, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305

October 14, 2011

DAVID MCINTASH
MCINTASH MIRROR, DOOR & GLASS, INC.
5100 14TH AVE NW
SEATTLE, WA 98107-5115

Re: MCINTASH MIRROR, DOOR & GLASS, INC.
Case 19-CA-066747

Dear Mr. MCINTASH:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ANGELIE C. KIM whose telephone number is (206)220-6330. If ANGELIE C. KIM is not available, you may contact Supervisory Attorney BRIAN SWEENEY whose telephone number is (206) 220-6327.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

GENERAL COUNSEL
EXHIBIT NO. 3(a)

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

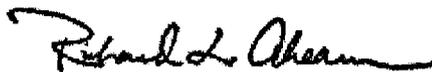
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



RICHARD L. AHEARN
Regional Director

Enclosures/pr

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 19-CA-66747	Date Filed 10-14-11

INSTRUCTIONS:

File an original 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 McIntash Mirror, Door & Glass, Inc.	b. Tel. No. 206-783-1884
	c. Cell No. 206-380-7431
	f. Fax No. 206-783-1845
d. Address (Street, city, state, and ZIP code) 5100 14th Ave. NW Seattle, WA 98107	e. Employer Representative David McIntash
	g. e-Mail dave@mcintashglass.net
	h. Number of workers employed ~9
i. Type of Establishment (factory, mine, wholesaler, etc.) contractor	j. Identify principal product or service glazing
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair 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)	
Within the past six months, the above-named employer unilaterally shut down its operations without notice to the Union or an opportunity to bargain over the shut down or the effects of its decision to close.	
Within the past six months, the above-named employer has failed and refused to furnish information related to employees' pay records in connection to a grievance.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Glaziers, Architectural Metal and Glassworkers Local Union #188	
4a. Address (Street and number, city, state, and ZIP code) 6770 E. Marginal Way S. Building E, #303B Seattle, WA 98108	4b. Tel. No. 206-957-1882
	4c. Cell No. 206-794-4422
	4d. Fax No. 206-957-1886
	4e. e-Mail pete@iupatdc5.org
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) International Union of Painters and Allied Trades, District Council 5	
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>Peter M. Riley</u> (signature of representative or person making charge)	Peter M. Riley, Business Representative (Print/type name and title or office, if any)
Address 6770 E. Marginal Way S. Bldg. E, #303B, Seattle, WA 98108	Tel. No. 206-957-1882
	Office, if any, Cell No. 206-794-4422
	Fax No. 206-957-1886
	e-Mail pete@iupatdc5.org
	10/14/2011 (date)

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

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MCINTASH MIRROR, DOOR & GLASS, INC.

Charged Party

and

**GLAZIER, ARCHITECTURAL METAL AND
GLASSWORKERS LOCAL UNION 8**

Charging Party

Case 19-CA-066747

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on October 14, 2011, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

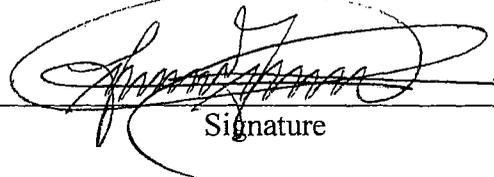
DAVID MCINTASH
MCINTASH MIRROR, DOOR & GLASS,
INC.
5100 14TH AVE NW
SEATTLE, WA 98107-5115

October 14, 2011

Date

Dennis Snook, Designated Agent of NLRB

Name



Signature

GENERAL COUNSEL
EXHIBIT NO. 3(b)

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

MCINTOSH MIRROR, DOOR & GLASS, INC.

and

Cases 19-CA-65627
19-CA-66747

GLAZIERS, ARCHITECTURAL METAL AND
GLASSWORKERS, LOCAL 188

**ORDER CONSOLIDATING CASES,
CONSOLIDATED COMPLAINT AND NOTICE 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 charges in Cases 19-CA-065627 and 19-CA-066747, filed by Glaziers, Architectural Metal and Glassworkers, Local 188 (Union), against McIntosh Mirror, Door & Glass, Inc. (Respondent), are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 *et seq.* and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act by engaging in the following unfair labor practices:

GENERAL COUNSEL
EXHIBIT NO. 4(a)

1.

(a) The charge in Case 19-CA-065627 was filed by the Union on September 23, 2011, and a copy was served by regular mail on Respondent about that date.

(b) The amended charge in 19-CA-065627 was filed by the Union on November 28, 2011, and a copy was served by regular mail on Respondent about that date.

(c) The charge in Case 19-CA-066747 was filed by the Union on October 14, 2011, and a copy was served by regular mail on Respondent about that date.

2.

(a) At all material times, Respondent has been a State of Washington corporation with an office and place of business in Seattle, Washington (Respondent's facility) and has been engaged in the production, installation and servicing of architectural metal work and glazing.

(b) In conducting its operations during the 12-month period ending October 7, 2011, Respondent performed services valued in excess of \$50,000 in States other than the State of Washington.

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

3.

(a) At all material, times Western Washington Glass Contractors Multi-Employer Group (the Association), has been an organization composed of various employers in the glazing industry, one purpose of which is to represent its employer-

members in negotiating and administering collective-bargaining agreements with various labor organizations, including the Union.

(b) At all material times, Respondent has been an employer-member of the Association described above in paragraph 3(b) and has authorized the Association to represent it in negotiating and administering collective-bargaining agreements with the Union.

4.

(a) About August 6, 2009, the Association and the Union entered into a collective-bargaining agreement (the Association Agreement), effective from July 1, 2009 through June 30, 2012.

(b) Since at least August 6, 2009, Respondent has been bound to the Association Agreement.

(c) The employees of Respondent, as described in the Association Agreement (the Unit), constitute a unit appropriate for the purposes of collective bargaining within the meaning of § 9(b) of the Act.

(d) At all material times, based on § 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

5.

At all material times, the Union has been a labor organization within the meaning of § 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):

David McIntosh – President and Owner

Tom McIntosh – Vice President

7.

(a) Article 18 (Trust Funds) of the Association Agreement contains provisions describing Respondent's obligation to make monthly contributions to employee Trust Funds, specifically the Glaziers Retirement Trust Fund and District Council 5 Apprenticeship Training Trust.

(b) Article 3 (Union Security) of the Association Agreement contains a union security clause describing Respondent's obligation to transmit employees' working dues to the Union.

(c) "Schedule A" of the Association Agreement contains market recovery and Union organizational fund assessments deducted and remitted to the parties' third party administrator for eventual transfer to the Union.

(d) Since about March 23, 2011, Respondent, failed and refused to:

i) make monthly contributions to Trust Funds as described in paragraph 7(a);

ii) transmit working dues to the Union as described in paragraph 7(b);

iii) remit market recovery and Union organizational fund assessments as described in paragraph 7(c).

(e) The subjects set forth above in paragraphs 7(a) through 7(d) relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(f) Respondent engaged in the conduct described above in paragraphs 7(a) through 7(d) without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to this conduct and without first bargaining with the Union to a good-faith impasse.

8.

(a) Since about October 7, 2011, Respondent, closed its facility and terminated the employment of all the employees in the Unit.

(b) The effects of the subject set forth above in paragraph 8(a) relate to wages, hours, and other terms and conditions of employment of the Unit and are a mandatory subject for purposes of collective bargaining.

(c) Respondent engaged in the conduct described in paragraph 8(a), without affording the Union an opportunity to bargain over the effects of its decision to close the facility.

9.

(a) Since about August 10, 2011, the Union has requested in writing that Respondent furnish the Union with the following information:

i) all payroll records starting November 1, 2008 through the most current pay period;

ii) individual pay stubs for all employees who are now or were members of the Union starting with the week ending inclusive of November 1, 2008 through the most current pay period;

(b) The information requested by the Union, as described above in paragraph 9(a) is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit; and

(c) Since about August 10, 2011, Respondent has failed and refused to furnish the Union with the information requested by it as described above in paragraph 9(a).

10.

By the conduct described above in paragraphs 7, 8, and 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 § 8(d) of the Act in violation of §§ 8(a)(1) and (5) of the Act.

11.

By the acts described above in paragraphs 7 through 10, Respondent has engaged in unfair labor practices affecting commerce within the meaning of §§ 2(6) and (7) of the Act.

As part of the remedy for the unfair labor practices alleged above in paragraphs 7 through 10, the Acting General Counsel seeks an order requiring that Respondent make whole the Unit in the manner set forth in *Transmarine Navigation Corp.*, 170 NLRB 389 (1968). The Acting General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to §§ 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 February 14, 2012, or postmarked on or before February 13, 2012.** Unless filed electronically in a pdf format, 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 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 **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. 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 § 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 § 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 Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the 17th day of April, 2012, at 9:00 a.m., in Room 1826, Jackson Federal Building, 915 Second Avenue, Seattle, Washington, 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 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 Seattle, Washington, this 31st day of January 2012.

/s/ ANNE POMERANTZ

Anne Pomerantz, Acting Regional Director
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

MCINTOSH MIRROR, DOOR & GLASS, INC.

and

GLAZIERS, ARCHITECTURAL METAL AND
GLASSWORKERS, LOCAL 188

Cases 19-CA-65627
19-CA-66747

AFFIDAVIT OF SERVICE OF COMPLAINT AND NOTICE OF HEARING.

I, the undersigned employee of the National Labor Relations Board, state under oath that on January 31, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

CERTIFIED MAIL NO.
7010 0290 0000 1115 3198

MCINTOSH MIRROR, DOOR
& GLASS, INC.
Attn: DAVID MCINTOSH
5100 14TH AVE NW
SEATTLE, WA 98107-5115

REGULAR MAIL

RICHARD H. ROBBLEE, ATTORNEY
ROBBLEE DETWILER & BLACK
2101 4TH AVE STE 200
SEATTLE, WA 98121-2392

REGULAR MAIL

PETER M. RILEY, BUSINESS REPRESENTATIVE
GLAZIERS, ARCHITECTURAL METAL AND
GLASSWORKERS, LOCAL 188
6770 E MARGINAL WAY S BLDG E #303B
SEATTLE, WA 98108-3405

January 31, 2012

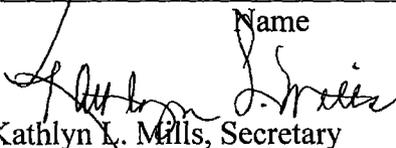
Date

GENERAL COUNSEL
EXHIBIT NO. 4/6

/s/ DENNIS SNOOK

Dennis Snook, Designated Agent of NLRB

Name


Kathlyn L. Mills, Secretary

Signature

Kim, Angelie C.

From: Kim, Angelie C.
Sent: Tuesday, March 13, 2012 1:46 PM
To: 'dave@mcintoshglass.net'
Subject: McIntosh Mirror, Door & Glass (19-CA-65627 and 19-CA-66747)
Attachments: LTR.19-CA-65627.McIntosh.DMcIntosh 3-13-12.pdf

Please see attached.

Angelie Chong Kim

Attorney | United States Government | National Labor Relations Board | Region 19
Jackson Federal Building, 915 Second Ave., Suite 2948, Seattle, WA 98174
✉ Angelie.Kim@nlrb.gov | ☎ (206) 220-6330 | 🌐 (206) 220-6305 | Web: www.nlrb.gov

This communication is intended for the sole use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication may be strictly prohibited. If you have received this communication in error, please delete the email and immediately notify the sender. Thank you for your cooperation in this matter.

GENERAL COUNSEL
EXHIBIT NO. 5



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174-1078

Telephone: (206) 220-6300
Toll Free: 1-866-667-6572
Facsimile: (206) 220-6305
Agency Web Site: <http://www.nlr.gov>

March 13, 2012

VIA E-MAIL (dave@mcintoshglass.net) AND US MAIL

DAVID MCINTOSH
MCINTOSH MIRROR, DOOR & GLASS, INC.
5100 14TH AVE NW
SEATTLE, WA 98107-5115

Re: McIntosh Mirror, Door & Glass, Inc. (Cases 19-CA-065627 and 19-CA-066747)

Dear Mr. McIntosh:

An Order Consolidating Cases, Consolidated Complaint and Notice of Hearing issued in these cases on January 31, 2012. The Complaint required an answer by February 14, 2012. To date, no such answer has been received nor has there been any communication asking for an extension in the due date.

If an answer has not been received in this office, either by electronic filing or by regular mail, by the close of business on **Tuesday, March 20, 2012**, I will file a motion for a default judgment with the NLRB in Washington, D.C. If you have any questions, please call me at 206-220-6330.

Very truly yours,

Angelie Chong Kim
Counsel for the Acting General Counsel

Kim, Angelie C.

From: Postmaster
To: dave@mcintoshglass.net
Sent: Thursday, March 15, 2012 1:49 PM
Subject: Undeliverable: McIntosh Mirror, Door & Glass (19-CA-65627 and 19-CA-66747)



McIntosh Mirror,
Door & Glass ...

Delivery has failed to these recipients or distribution lists:

dave@mcintoshglass.net

An error occurred while trying to deliver this message to the recipient's e-mail address. Microsoft Exchange will not try to redeliver this message for you. Please try resending this message, or provide the following diagnostic text to your system administrator.

Diagnostic information for administrators:

Generating server: irongate2.nlr.gov

dave@mcintoshglass.net
< #5.0.0 smtp; 510 None of the mail servers for the destination domain have so far responded.> #SMTP#

Original message headers:

Received: from ([10.35.35.163]) by irongate2.nlr.gov with ESMTP with TLS id 5HWXDG1.22269250; Tue, 13 Mar 2012 16:47:38 -0400
Received: from vmprestmail.nlr.gov ([:1]) by vmpresthub.nlr.gov ([:1]) with mapi; Tue, 13 Mar 2012 16:47:59 -0400
From: "Kim, Angelie C." <Angelie.Kim@nlrb.gov>
To: "dave@mcintoshglass.net" <dave@mcintoshglass.net>
Date: Tue, 13 Mar 2012 16:45:34 -0400
Subject: McIntosh Mirror, Door & Glass (19-CA-65627 and 19-CA-66747)
Thread-Topic: McIntosh Mirror, Door & Glass (19-CA-65627 and 19-CA-66747)
Thread-Index: Ac0BWjbSoHufgT6rTkyIxiHbVlenDA==
Message-ID: <3BAF0836AFF3B747A1344D6BCDAB76EE2CDEE05A1F@vmprestmail.nlr.gov>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
acceptlanguage: en-US
MIME-Version: 1.0
Content-Type: text/plain

GENERAL COUNSEL
EXHIBIT NO. 6

7010 0290 0000 1115 3860

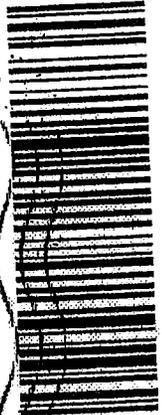
*Present to
New Address
3/16/12*

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 19
915 SECOND AVENUE, ROOM 2948
SEATTLE, WA 98174-1078
An Equal Opportunity Employer
OFFICIAL BUSINESS

981072044 MAIL 16 02/04/12
NOTIFY SENDER OF NEW ADDRESS INC
MCINTOSH MIRROR DOOR & GLASS
PO BOX 70849
SEATTLE WA 98127-1305

UNCLAIMED

CERTIFIED MAIL



7010 0290 0000 1115 3860

WED 01 FEB 2012

McIntosh Mirror Door & Glass, Inc.
PO Box 70849
Seattle, WA 98127-1305

NAME: [illegible]
1st Notice: FEB 11 10:00
2nd Notice: FEB 11 11:00
3rd Notice: FEB 11 12:00

GENERAL COUNSEL
EXHIBIT NO. 7



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174-1078

Telephone: (206) 220-6300
Toll Free: 1-866-667-6572
Facsimile: (206) 220-6305
Agency Web Site: <http://www.nlr.gov>

March 30, 2012

VIA US MAIL

DAVID MCINTOSH
MCINTOSH MIRROR, DOOR & GLASS, INC.
PO BOX 70849
SEATTLE, WA 98127-1305

Re: McIntosh Mirror, Door & Glass, Inc. (Cases 19-CA-065627 and 19-CA-066747)

Dear Mr. McIntosh:

On March 16, 2012, we resent an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing issued in these cases to your new mailing address. We also sent you a letter dated March 13, 2012 regarding your failure to submit an Answer to the Complaint and requesting an Answer by no later than March 20, 2012 (see enclosed letter). To date, we have not received an Answer to the Complaint and received no communication asking for an extension in the due date. Please provide an Answer to the Complaint, either by electronic filing or by regular mail, **by the close of business on Friday, April 6, 2012**. If we do not receive an Answer by this date, we will file a motion for a default judgment with the NLRB in Washington, D.C. the week of April 9, 2012.

If you have any questions, please call me at (206) 220-6330.

Very truly yours,

Angelie Chong Kim
Counsel for the Acting General Counsel

Enclosure

GENERAL COUNSEL
EXHIBIT NO. 0



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174-1078

Telephone: (206) 220-6300
Toll Free: 1-866-667-6572
Facsimile: (206) 220-6305
Agency Web Site: <http://www.nlr.gov>

March 13, 2012

VIA E-MAIL (dave@mcintoshglass.net) AND US MAIL

DAVID MCINTOSH
MCINTOSH MIRROR, DOOR & GLASS, INC.
5100 14TH AVE NW
SEATTLE, WA 98107-5115

Re: McIntosh Mirror, Door & Glass, Inc. (Cases 19-CA-065627 and 19-CA-066747)

Dear Mr. McIntosh:

An Order Consolidating Cases, Consolidated Complaint and Notice of Hearing issued in these cases on January 31, 2012. The Complaint required an answer by February 14, 2012. To date, no such answer has been received nor has there been any communication asking for an extension in the due date.

If an answer has not been received in this office, either by electronic filing or by regular mail, by the close of business on **Tuesday, March 20, 2012**, I will file a motion for a default judgment with the NLRB in Washington, D.C. If you have any questions, please call me at 206-220-6330.

Very truly yours,

Angelie Chong Kim
Counsel for the Acting General Counsel

ORDER

The National Labor Relations Board hereby orders that the Respondent, McIntosh Mirror, Door & Glass, Inc., Seattle, Washington, its officers, agents, successors, and assigns, shall

1. Cease and desist from:

(a) Failing and refusing to bargain collectively in good faith with the Glaziers, Architectural Metal and Glassworkers, Local 188 (Union), as the exclusive collective-bargaining representative of the employees in the following appropriate unit (Unit).

The employees of Respondent, as described in the collective bargaining agreement between the Union and the Western Washington Glass Contractors Multi-Employer Group (the Association), to which Respondent is an employer member.

(b) Failing and refusing to meet and discuss in good faith with the Union any proposed changes in wages, hours and working conditions before putting such changes into effect, specifically with regard to Respondent's failure and refusal to:

- i) make monthly contributions to employee Trust Funds, specifically the Glaziers Retirement Trust Fund and District Council 5 Apprenticeship Training Trust;
- ii) transmit working dues to the Union in accordance with the union security clause in the collective bargaining agreement; and
- iii) remit market recovery and Union organizational fund assessments as described in "Schedule A" of the collective bargaining agreement to the parties' third party administrator for eventual transfer to the Union.

(c) Failing and refusing to give the Union prior notice of its decision to close the facility and terminate the employment of all employees in the Unit or an opportunity to bargain over the effects of the decision to close the facility.

(d) Failing and refusing to provide the Union with information that is relevant and necessary to its role as the exclusive collective-bargaining representative of the Unit.

(e) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Within 14 days of this Order, make employees whole for its failure to remit moneys deducted from their paychecks for contributions to the Trust Funds as required by the collective bargaining agreement because of the changes to terms and conditions of employment that it made without bargaining with the Union.

(b) Within 14 days of this Order, remit to the Union the moneys deducted for membership dues from the paychecks of its employees as required by the union security clause of the collective bargaining agreement, and the market recovery and Union organizational fund assessments as described in "Schedule A" of the collective-bargaining agreement, because of the changes to terms and conditions of employment that it made without bargaining with the Union.

(c) Within 14 days of this Order, if requested by the Union, bargain with the Union over the effects on unit employees of its decision to close the facility, and put in writing and sign any agreement reached as a result of such bargaining.

(d) Within 14 days of this Order, make whole Mark J. Condon, Adam E. Gitchel, Jon P. Gouy, Sean P. Hopkins, David R. Kelley, Scott Seelbach, Doyle A. Weese, and James D. Zegel, with interest, for any loss of pay caused by their unlawful layoffs.

(e) Within 14 days of this Order, compensate Mark J. Condon, Adam E. Gitchel, Jon P. Gouy, Sean P. Hopkins, David R. Kelley, Scott Seelbach, Doyle A. Weese, and James D. Zegel, with interest, for the closure of the facility consistent with *Transmarine Navigation Corp.*, 170 NLRB 389 (1968).

(f) Within 14 days of this Order, provide the Union with the payroll information requested by it on August 10, 2011.

(g) Within 14 days after service by the Region, post at its facility in Seattle, Washington, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 19, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since March 23, 2011.

(h) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that Respondent has taken to comply with this Order.

**APPENDIX
NOTICE TO EMPLOYEES**

Posted by Order of the National Labor Relations Board
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this Notice.

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

Glaziers, Architectural Metal and Glassworkers, Local 188 (Union) is the employees' representative in dealing with us regarding wages, hours and other working conditions of the employees in the following unit (Unit):

The employees of Respondent, as described in the collective bargaining agreement between the Union and the Western Washington Glass Contractors Multi-Employer Group (the Association), to which Respondent is an employer member.

WE WILL NOT, upon request, refuse to bargain in good faith with the Union as the exclusive collective-bargaining representative of our employees in the Unit.

WE WILL NOT refuse to meet and discuss in good faith with your Union any proposed changes in wages, hours and working conditions before putting such changes into effect.

WE WILL NOT fail to give the Union prior notice of our decision to close our facility and terminate the employment of all employees in the Unit or an opportunity to bargain over the effects of the decision to close the facility.

WE WILL NOT refuse to provide the Union with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL, upon request, bargain in good faith with the Union as the exclusive collective-bargaining representative of our unit employees.

WE WILL, if requested by the Union, rescind any or all changes to your terms and conditions of employment that we made without bargaining with the Union, specifically with regard to our failure and refusal to:

- i) make monthly contributions to employee Trust Funds, specifically the Glaziers Retirement Trust Fund and District Council 5 Apprenticeship Training Trust;

GENERAL COUNSEL
EXHIBIT NO. 9(b)

- ii) transmit working dues to the Union in accordance with the union security clause in the collective bargaining agreement; and
- iii) remit market recovery and Union organizational fund assessments as described in "Schedule A" of the collective bargaining agreement to the parties' third party administrator for eventual transfer to the Union.

WE WILL make employees whole for our failure to remit moneys deducted from their paychecks for contributions to the Trust Funds as required by the collective bargaining agreement because of the changes to terms and conditions of employment that we made without bargaining with the Union.

WE WILL remit to the Union the moneys deducted for membership dues from the paychecks of our employees as required by the union security clause of our collective bargaining agreement, and the market recovery and Union organizational fund assessments as described in "Schedule A" of the collective-bargaining agreement, because of the changes to terms and conditions of employment that we made without bargaining with the Union.

WE WILL, if requested by the Union, bargain with the Union over the effects on unit employees of our decision to close our facility, and put in writing and sign any agreement reached as a result of such bargaining.

WE WILL make Mark J. Condon, Adam E. Gitchel, Jon P. Gouy, Sean P. Hopkins, David R. Kelley, Scott Seelbach, Doyle A. Weese, and James D. Zegel whole, with interest, for any loss of pay caused by their unlawful layoffs.

WE WILL compensate Mark J. Condon, Adam E. Gitchel, Jon P. Gouy, Sean P. Hopkins, David R. Kelley, Scott Seelbach, Doyle A. Weese, and James D. Zegel, with interest, for the closure of the facility consistent with *Transmarine Navigation Corp.*, 170 NLRB 389 (1968).

WE WILL provide the Union with the information it requested on August 10, 2011, specifically all payroll records starting November 1, 2008 through the most current pay period; and all individual pay stubs for all employees who are now or were members of the Union starting with the week ending inclusive of November 1, 2008 through the most current pay period.

MCINTOSH MIRROR, DOOR & GLASS, INC.

(Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlr.gov.

915 2ND AVE
STE 2948
SEATTLE, WA 98174-1006

Telephone: (206) 220-6300
Hours of Operation: 8:15 a.m. to 4:45 p.m.

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

MCINTOSH MIRROR, DOOR & GLASS, INC.

and

**GLAZIERS, ARCHITECTURAL METAL AND
GLASSWORKERS, LOCAL 188**

**Cases 19-CA-65627
19-CA-66747**

AFFIDAVIT OF SERVICE OF MOTION FOR DEFAULT JUDGMENT.

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 11, 2012, I served the above-entitled document(s) by E-Filing, E-Mail and post-paid regular mail upon the following persons, addressed to them at the following addresses:

LESTER A. HELTZER, EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
1099 – 14th STREET, NW., ROOM 11602
WASHINGTON, D. C. 20570-0001
(202) 273-1067

DAVID MCINTOSH
MCINTOSH MIRROR, DOOR & GLASS, INC.
PO BOX 70849
SEATTLE, WA 98127-1305
Phone: (206)783-1884
Fax: (206)783-1845

PETER M. RILEY
BUSINESS REPRESENTATIVE
GLAZIERS, ARCHITECTURAL METAL
AND GLASSWORKERS, LOCAL 188
6770 E MARGINAL WAY S BLDG E #303B
SEATTLE, WA 98108-3405
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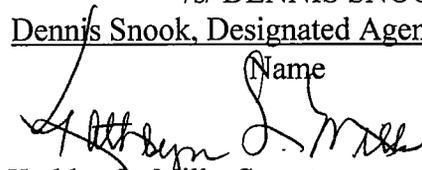
May 11, 2012.

Date

/s/ DENNIS SNOOK

Dennis Snook, Designated Agent of NLRB

Name


Kathlyn D. Mills, Secretary

Signature