

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 5**

TATE & HILL, INC.

and

INTERNATIONAL BROTHERHOOD OF ELECTRICAL  
WORKERS, LOCAL UNION NO. 666

Case 05-CA-086896

**MOTION TO TRANSFER CASE TO THE BOARD  
AND FOR DEFAULT JUDGMENT**

Pursuant to Sections 102.24 and 102.50 of the National Labor Relations Board Rules and Regulations and Statement of Standard Procedures, Series 8, as amended, herein called the Rules, Counsel for the Acting General Counsel respectfully moves that the National Labor Relations Board, herein referred to as the Board: (1) transfer this case and continue the proceedings before the Board; (2) deem the allegations set forth in the Complaint and Notice of Hearing (herein referred to as the Complaint) issued October 19, 2012, as admitted to be true without taking evidence supporting the allegations in the Complaint; and (3) grant Default Judgment and issue a Decision and Order herein on the basis of the following:

1. On August 7, 2012, International Brotherhood of Electrical Workers, Local Union No. 666, herein referred to as the Charging Party Union, filed with Region 5 a charge in Case 05-CA-086896, against Tate & Hill, Inc., herein referred to as Respondent, alleging violations of Section 8(a)(5) of the National Labor Relations Act, herein referred to as the Act. The charge was duly served on Respondent by mail on August 9, 2012. A copy of the charge and the Regional Director's letter of transmittal of the charge, together with the affidavit of service, are attached as Exhibits 1, 2, and 3, respectively.

2. On October 19, 2012, the Regional Director issued, by certified United States mail, a Complaint and Notice of Hearing alleging that Respondent, by failing and refusing to execute a collective bargaining agreement it adopted by its conduct, has been failing and refusing to bargain collectively in good faith with the exclusive collective-bargaining representative of its employees within the meaning of Section 8(d) of the Act in violation of Section 8(a)(1) and (5) of the Act. A copy of the Complaint, affidavit of service, and track and confirm delivery information are attached as Exhibits 4, 5, and 6, respectively.

3. The Complaint states, in pertinent part, that, pursuant to Sections 102.20 and 102.21 of the Board's Rules, Respondent shall file an Answer to said Complaint in the Baltimore Regional Office by close of business on November 2, 2012, and that, absent such action, all of the allegations in the Complaint shall be deemed to be true and shall be so found by the Board. Respondent has not filed an Answer to the Complaint within the time period required and has given no satisfactory reason for its failure to do so.

4. By letter dated November 7, 2012, sent by certified United States mail and by United States Parcel Service, Respondent was advised by the Regional Attorney that, absent the filing of an Answer to said Complaint in the Baltimore Regional Office by close of business on November 16, 2012, a Motion for Default Judgment would be filed. To date, no Answer has been filed and Respondent has given no satisfactory reason for its failure to do so. A copy of the November 7, 2012 letter to Respondent and track and confirm delivery information are attached as Exhibits 7 and 8, respectively.

WHEREFORE, Counsel for the Acting General Counsel respectfully requests, in accordance with Section 102.24 and 102.50 of the Board's Rules and Regulations, that the Board deem all matters alleged in the Complaint to be true, that they be so found, and that a Decision

and Order be issued containing findings of fact, conclusions of law, and an appropriate remedy for the violations herein.

Dated at Baltimore, MD, this 20<sup>th</sup> day of November 2012.

Respectfully submitted,

/s/ Stephanie Cotilla Eitzen  
Stephanie Cotilla Eitzen  
Counsel for the Acting General Counsel  
National Labor Relations Board, Region 5  
Bank of America Center, Tower II  
100 South Charles Street, Suite 600  
Baltimore, MD 21201

P.O. Box 1386  
Newport News, VA 23601  
(757) 594-0557 (telephone)  
(757) 594-9334 (fax)

**INDEX OF ATTACHMENTS**

- Exhibit 1      Unfair Labor Practice charge in Case 05-CA-086896, filed on 8-7-12
- Exhibit 2      Regional Director's letter of transmittal of the unfair labor practice charge, dated 8-9-12
- Exhibit 3      Affidavit of Service for unfair labor practice charge, dated 8-9-12
- Exhibit 4      Complaint and Notice of Hearing, dated 10-19-12
- Exhibit 5      Affidavit of Service for Complaint and Notice of Hearing, dated 10-19-12
- Exhibit 6      Track and Confirm Delivery Information for Complaint and Notice of Hearing
- Exhibit 7      Letter to Respondent, dated 11-7-12
- Exhibit 8      Track and Confirm Delivery Information for 11-7-12 Letter to Respondent

**CERTIFICATE OF SERVICE**

This is to certify that on this 20<sup>th</sup> day of November 2012, a copy of Acting General Counsel's Motion to Transfer Case to the Board and For Default Judgment has been served on the following by electronic mail:

James H. Underwood  
International Brotherhood of Electrical Workers, Local Union No. 666  
1400 E. Nine Mile Road  
Highland Springs, VA 23075  
junderwood@ibewlocal666.com

Terry R. Yellig  
Sherman, Dunn, Cohen, Leifer & Yellig  
900 7<sup>th</sup> St., N.W.  
Suite 1000  
Washington, D.C., 20001  
yellig@shermardunn.com

This will further certify that on this 20<sup>th</sup> day of November 2012, the following was informed by telephone that a copy of the Acting General Counsel's Motion to Transfer Case to the Board and For Default Judgment was being electronically filed on November 20, 2012, and that a copy was being sent by United Parcel Service overnight delivery to:

Bill Phillips, Jr.  
Tate & Hill, Inc.  
2812 Decatur Street  
Richmond, VA 23224  
804-233-9289

Exhibit 1

INTERNET  
FORM NLRB-503  
(2-08)

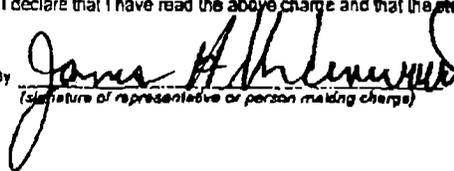
UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

<b>DO NOT WRITE IN THIS SPACE</b>	
Case 5-CA-86896	Date Filed 8/7/2012

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>	
a. Name of Employer Tate & Hill, Inc.	
b. Tel. No. 804-233-9289	
c. Cell No.	
d. Address (Street, city, state, and ZIP code) 2812 Decatur Street Richmond, VA 23224	
e. Employer Representative Bill Phillips, Jr.	
f. Fax No. 804-233-2538	
g. e-Mail	
h. Number of workers employed 17	
i. Type of Establishment (factory, mine, wholesaler, etc.) Electrical Contractor	j. Identify principal product or service Electrical Construction
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) 8(a), 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) After adhering to the terms and conditions of a new collective bargaining agreement refuse to sign.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Brotherhood of Electrical Workers Local Union 666	
4a. Address (Street and number, city, state, and ZIP code) 1400 E. Nine Mile Road Highland Springs, VA 23075	
4b. Tel. No. 804-353-9666	
4c. Cell No. 804-641-8128	
4d. Fax No. 804-353-9611	
4e. e-Mail	
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 Brotherhood of Electrical Workers	
<b>6. DECLARATION</b>	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  James H. Underwood, Business Manager <small>(Signature of representative of person making charge) (Print type name and title or office, if any)</small>	
Address 1400 E. Nine Mile Road, Highland Springs, VA 23075	
8/7/2012 <small>(date)</small>	
Tel. No. 804-353-9666	
Office, if any, Cell No. 804-641-8128	
Fax No. 804-353-9611	
e-Mail junderwood@ibewlocal666.com	

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 GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

August 9, 2012

BILL PHILLIPS JR.  
TATE & HILL INC.  
2812 DECATUR ST  
RICHMOND, VA 23224-3676

Re: Tate & Hill, Inc.  
Case 05-CA-086896

Dear Mr. PHILLIPS:

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 Resident Agent STEPHANIE C. EITZEN whose telephone number is (757)594-0557. If this Board agent is not available, you may contact Deputy Regional Attorney PAULA SAWYER whose telephone number is (410)962-2909.

**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](http://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

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](http://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](http://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,



WAYNE R. GOLD  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Revised 3/21/2011

## NATIONAL LABOR RELATIONS BOARD

## QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Tate &amp; Hill, Inc.

CASE NUMBER

05-CA-086896

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**

[ ] CORPORATION [ ] LLC [ ] LLP [ ] PARTNERSHIP [ ] SOLE PROPRIETORSHIP [ ] OTHER (Specify )

**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): [ ] CALENDAR YR [ ] 12 MONTHS or [ ] FISCAL YR (FY dates )**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$ \_\_\_\_\_

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$ \_\_\_\_\_C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ \_\_\_\_\_D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ \_\_\_\_\_E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$ \_\_\_\_\_F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ \_\_\_\_\_G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ \_\_\_\_\_H. **Gross Revenues** from all sales or performance of services (**Check the largest amount**):  
[ ] \$100,000 [ ] \$250,000 [ ] \$500,000 [ ] \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**

[ ] YES [ ] NO (If yes, name and address of association or group).

**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**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 representation and/or unfair labor practice proceedings 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 may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

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

**TATE & HILL INC.**

Charged Party

and

**INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS LOCAL UNION 666**

Charging Party

**Case 05-CA-086896**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 9, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

BILL PHILLIPS JR.  
TATE & HILL INC.  
2812 DECATUR ST  
RICHMOND, VA 23224-3676

August 9, 2012

\_\_\_\_\_  
Date

Cursha Bentley, Designated Agent of  
NLRB

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

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

<p><b>TATE &amp; HILL INC.</b></p> <p>Charged Party</p> <p>and</p> <p><b>INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 666</b></p> <p>Charging Party</p>
--

**Case 05-CA-086896**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 9, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

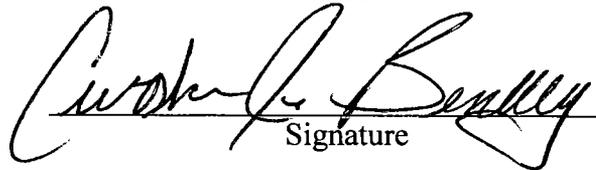
BILL PHILLIPS JR.  
TATE & HILL INC.  
2812 DECATUR ST  
RICHMOND, VA 23224-3676

August 9, 2012

Date

Cursha Bentley, Designated Agent of  
NLRB

Name



Signature

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 5**

TATE & HILL, INC.

and

INTERNATIONAL BROTHERHOOD OF ELECTRICAL  
WORKERS, LOCAL UNION NO. 666

Case 5-CA-86896

**COMPLAINT AND NOTICE OF HEARING**

International Brotherhood of Electrical Workers, Local Union No. 666, herein called the Union, has charged that Tate & Hill, Inc., herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. 29 U.S.C. § 151 et seq., herein called the Act. Based thereon, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, issues this Complaint and Notice of Hearing and alleges as follows:

1. The charge was filed by the Union on August 7, 2012, and a copy was served by mail on Respondent on August 9, 2012.
2. (a) At all material times, Respondent, a Virginia corporation with its principal office and place of business in Richmond, Virginia, herein Respondent's facility, has been engaged in the business of providing electrical construction services.
  - (b) During the preceding twelve months, a representative period, Respondent, in conducting its business operations described above in paragraph 2(a), purchased and received at its Richmond, Virginia facility products, goods, and materials valued in excess of \$50,000 directly from points located outside the State of Virginia.
  - (c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

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

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

William A. Phillips, Jr.            -            Co-owner and President

William A. Phillips, Sr.           -            Co-owner

5. The following employees of Respondent, herein called the Unit, constitute a unit appropriate for purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All employees in the collective-bargaining unit described in Section 3.05 of the Inside Construction Agreement between the International Brotherhood of Electrical Workers Local Union # 666 and Tate & Hill, Inc.

6. (a) Since on or about February 4, 1990, and at all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in a recognition agreement dated February 4, 1990, and in successive collective-bargaining agreements, the most recent of which is effective by its terms, from March 1, 2012, to February 28, 2015.

(b) At all times since on or about February 4, 1990, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

7. (a) On or about November 23, 2011, Respondent, by William A. Phillips, Jr., and the Union, signed a written document whereby they agreed to negotiate a successor collective-bargaining agreement to replace the agreement that was scheduled to expire on February 29, 2012.

(b) On or about January 4, 2012, the Union gave Respondent, specifically William A. Phillips, Jr., a written list of its opening proposals for the collective-bargaining agreement.

(c) In or around April 2012, the Union gave Respondent, specifically William A. Phillips, Jr., a proposed Inside Construction Agreement to be effective by its terms from March 1, 2012, to February 28, 2015.

(d) Since in or around April 2012, Respondent has complied with the terms and conditions of the Inside Construction Agreement, described above in paragraph 7(c), and has, by its conduct, adopted the Agreement.

8. (a) Since in or around July 2012, the Union has requested that Respondent execute a written Inside Construction Agreement, described above in paragraphs 7(c) and 7(d).

(b) Since in around July 2012, Respondent has failed and refused to execute the agreement, described above in paragraphs 7(c) and 7(d).

9. By the conduct described above in paragraph 8(b), Respondent has been failing and refusing to bargaining collectively and in good faith with the exclusive collective-bargaining representative of its employees within the meaning of Section 8(d) of the Act in violation of Section 8(a)(1) and (5) of the Act.

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

#### **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 complaint. The answer must be **received by this office on or before November 2, 2012, or postmarked on or before November 1, 2012.** 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 **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 Sections 102.21. If an answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must 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 a Motion for Default Judgment, that the allegations in the complaint are true.

#### **NOTICE OF HEARING**

PLEASE TAKE NOTICE that commencing at 10:00 a.m., E.S.T., on the 19th day of December 2012, in Senate Room 1, State Capital Building, Capital Square, 1000 Bank Street, Richmond, Virginia, 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 Baltimore, Maryland this 19th day of October 2012

(SEAL)

WAYNE R. GOLD

---

Wayne R. Gold, Regional Director  
National Labor Relations Board, Region 5  
Bank of America Center -Tower II  
100 South Charles Street, Suite 600  
Baltimore, Maryland 21201

Attachments

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

TATE & HILL, INC.

and

INTERNATIONAL BROTHERHOOD OF ELECTRICAL  
WORKERS, LOCAL UNION NO. 666

Case 5-CA-86896

DATE OF MAILING October 19, 2012

**AFFIDAVIT OF SERVICE OF** Complaint and Notice of Hearing

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by post-paid certified mail upon the following persons, addressed to them at the following addresses:

**7010 0780 0000 3605 9718**

MR. BILL PHILLIPS, JR.  
TATE & HILL, INC.  
2812 DECATUR STREET  
RICHMOND, VA 23224-3676

TERRY R. YELLIG, ESQ.  
SHERMAN, DUNN, COHEN, LEIFER &  
YELLIG, P.C.  
900 SEVENTH STREET, NW, STE. 1000  
WASHINGTON, DC 20001-4070

MR. JAMES H. UNDERWOOD  
INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL 666  
1400 E. NINE MILE ROAD  
HIGHLAND SPRINGS, VA 23075-2326

Signed in Baltimore, Maryland this 19th day of  
October 2012

DESIGNATED AGENT

/s/ *Monica Graves*

**NATIONAL LABOR RELATIONS BOARD**



- Quick Tools
- Manage Your Mail
- Shop
- Business Solutions

# Track & Confirm

YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
70100780000036059718		Delivered	October 22, 2012, 12:06 pm	RICHMOND, VA 23224	Certified Mail™
		Arrival at Unit	October 22, 2012, 9:34 am	RICHMOND, VA 23224	
		Depart USPS Sort Facility	October 22, 2012	SANDSTON, VA 23150	
		Processed through USPS Sort Facility	October 22, 2012, 4:53 am	SANDSTON, VA 23150	

### Check on Another Item

What's your label (or receipt) number?

#### LEGAL

- Privacy Policy ›
- Terms of Use ›
- FOIA ›
- No FEAR Act EEO Data ›

#### ON USPS.COM

- Government Services ›
- Buy Stamps & Shop ›
- Print a Label with Postage ›
- Customer Service ›
- Site Index ›

#### ON ABOUT.USPS.COM

- About USPS Home ›
- Newsroom ›
- Mail Service Updates ›
- Forms & Publications ›
- Careers ›

#### OTHER USPS SITES

- Business Customer Gateway ›
- Postal Inspectors ›
- Inspector General ›
- Postal Explorer ›

Copyright© 2012 USPS. All Rights Reserved.



**United States Government**  
**NATIONAL LABOR RELATIONS BOARD**  
Region 5  
103 South Gay Street, 8th Floor  
Baltimore, MD 21202-4061

November 7, 2012

MR. BILL PHILLIPS, JR.  
TATE & HILL, INC.  
2812 DECATUR STREET  
RICHMOND, VA 23224-3676

Re: Tate & Hill, Inc.  
Case 5-CA-86896

Dear Mr. Phillips:

As you are aware from the Complaint in the above-captioned case, and pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, a Respondent in a case before the National Labor Relations Board shall file with the Regional Director an original and four (4) copies of an answer to the Complaint within fourteen (14) days from the service thereof. Respondent's Answer was due in this office by close of business on November 2, 2012. The Complaint also notified you that Respondent shall serve a copy of its answer on each of the other parties.

To date, this office has not received an Answer from Respondent. Please be advised that if an Answer is not received in this office by close of business on Friday, November 16, 2012, this office will file a Motion for Default Judgment pursuant to Sections 102.23(a), (b) and 102.50 of the Board's Rules and Regulations, asking the Board to find the allegations in the Complaint to be admitted as true. Enclosed is a courtesy copy of the Complaint and Notice of Hearing, previously served on Respondent.

If you have any questions or wish to discuss this matter further, please do not hesitate to call me at (410) 962-2811.

Very truly yours,

/s/ *Albert W. Palewicz*

Albert W. Palewicz  
Regional Attorney

Enclosure

Certified Mail No. 7012 2210 0000 4815 5628  
UPS Tracking No. 1Z A40 42V 01 9351 2777

Cc: MR. JAMES H. UNDERWOOD  
INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL 666  
1400 E. NINE MILE ROAD  
HIGHLAND SPRINGS, VA 23075-2326

[English](#)

[Customer Service](#)

[USPS Mobile](#)

[Register / Sign In](#)



[Search USPS.com or Track Packages](#)

[Quick Tools](#)

[Ship a Package](#)

[Send Mail](#)

[Manage Your Mail](#)

[Shop](#)

[Business Solutions](#)

## Track & Confirm

[GET EMAIL UPDATES](#)

[PRINT DETAILS](#)

YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
70122210000048155628		Delivered Processed through USPS Sort Facility	November 15, 2012, 12:25 pm November 10, 2012, 1:10 am	RICHMOND, VA 23224 SANDSTON, VA 23150	Certified Mail™

**Check on Another Item**

What's your label (or receipt) number?

### LEGAL

- [Privacy Policy >](#)
- [Terms of Use >](#)
- [FOIA >](#)
- [No FEAR Act EEO Data >](#)

### ON USPS.COM

- [Government Services >](#)
- [Buy Stamps & Shop >](#)
- [Print a Label with Postage >](#)
- [Customer Service >](#)
- [Site Index >](#)

### ON ABOUT.USPS.COM

- [About USPS Home >](#)
- [Newsroom >](#)
- [Mail Service Updates >](#)
- [Forms & Publications >](#)
- [Careers >](#)

### OTHER USPS SITES

- [Business Customer Gateway >](#)
- [Postal Inspectors >](#)
- [Inspector General >](#)
- [Postal Explorer >](#)

Copyright© 2012 USPS. All Rights Reserved.