

CASE NOS. 16-1074; 16-1116

ORAL ARGUMENT HAS NOT YET BEEN SCHEDULED**IN THE****UNITED STATES COURT OF APPEALS
For the District of Columbia Circuit****DURHAM SCHOOL SERVICES, LP,***Petitioner,***v.****NATIONAL LABOR RELATIONS BOARD***Respondent.***ON PETITION FOR REVIEW FROM
THE NATIONAL LABOR RELATIONS BOARD**

SUPPLEMENTAL APPENDIX

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1 my duties.

2 Q Why do you do it then?

3 A To let her know who called off. Because she keep a
4 record.

5 Q But has anybody ever asked you to do that for them?

6 A Has anybody ever asked me?

7 Q Yes. Did Ms. Wilson ever ask you to inform her on a daily
8 basis who did and who did not call off?

9 A No. It's past practices.

10 Q So even before Ms. Wilson, you've been telling -- the
11 dispatchers have been telling the operations supervisors who
12 did and did not call off?

13 A Yes.

14 Q Whether it's in your job description, whatever that means,
15 or not, would you agree with me though that one of your daily
16 activities that you engage in every day is to tell the
17 operations supervisor who did and didn't call off?

18 A It's not an everyday thing, no.

19 Q What days would you not do it?

20 A I'm not the bookkeeper of that. Eliza is.

21 Q Let's go back then. So tell me what your involvement is
22 in the day to day tracking of attendance? Your involvement?

23 A If -- I am the PM dispatcher. So if someone called off, I
24 have to cover their PM route. Sandra, I may tell Sandra that
25 someone called off.

1 Q You may?

2 A I do tell Sandra someone calls off.

3 Q Do you do it once a day or do you do it as it occurs?

4 A As it occurs.

5 Q Under your understanding of the attendance program, does
6 the Employer sometimes grant people time off?

7 A No. Oh, you said the employee, yes.

8 Q And if the employee is granted time off, does the absence
9 under your understanding of the attendance program, does it
10 then count against the employee?

11 A No, if she -- if the Employer approved it, then no.

12 Q Okay. And so how do employees get time granted off?

13 A By a time off slip.

14 MR. GILBERT: Madam Hearing Officer, do you want to maybe
15 take two minutes? It's up to you. I just don't want to -- I'm
16 trying to find this exhibit.

17 HEARING OFFICER KAUFMAN: Sure. Let's go off the record
18 for two minutes.

19 (Off the record at 12:19 p.m.)

20 MR. GILBERT: May I approach?

21 HEARING OFFICER KAUFMAN: You may.

22 MR. GILBERT: At this time I'd ask to move the admission
23 of Employer's Exhibit 2.

24 HEARING OFFICER KAUFMAN: Any objection from the
25 Petitioner to receipt of Employer's Exhibit 2?

1 MS. NISPEROS: No objection.

2 HEARING OFFICER KAUFMAN: Employer's Exhibit 2 is received
3 into the record.

4 **(Employer Exhibit Number 2 Received into Evidence)**

5 Q BY MR. GILBERT: I'm going to hand you what's been marked
6 as Employer's Exhibit 3. Can you identify what that document
7 is for the record?

8 A It's a request time off slip for drivers.

9 Q Now you just were referring I think before we broke to
10 request for time off slip. Is this the slip you were referring
11 to?

12 A Uh-huh.

13 Q Yes?

14 A Yes.

15 Q This slip that's represented by Employer's Exhibit 3?

16 A Yes.

17 Q And can you just describe for the record how an employee
18 would fill this slip out?

19 A They will put on -- they will put their name, employee
20 number, service center, the reason, the date, how many days
21 they want to take.

22 Q And what's the process, ma'am? How does this -- who does
23 it go to and how is it submitted? Do you know?

24 A If there's a supervisor available or a GM, general
25 manager, then it would go to that GM or supervisor for

1 approval.

2 Q Let's assume that there's not a supervisor or GM
3 available, then who does it go to?

4 A It would go to me.

5 Q And isn't it -- is it fair to say that really it either
6 goes to you, to Sandra or to Ron?

7 A No.

8 Q Why not?

9 A Because it's for supervisors to fill it out and approve
10 it.

11 Q Ma'am, you just said that it either goes to the
12 supervisor, the GM or to you.

13 A Right, if there's not a supervisor or GM available, it
14 goes to me.

15 Q Okay, so then why don't we do it this way. Tell me --
16 identify the individuals who are able to receive requests for
17 time off slips?

18 A The supervisor or general manager.

19 Q By name, ma'am.

20 A Sandra Wilson, Ron Mahler.

21 Q Ma'am, I just asked you, isn't it fair to say that Sandra
22 Wilson, Ron Mahler and you are the only ones that can receive
23 these and you answered no.

24 A I thought you meant that we -- that I can approve them. I
25 can't approve them.

1 HEARING OFFICER KAUFMAN: Ms. Dorton, can you refresh my
2 recollection, what's Adela's last name?

3 THE WITNESS: Garcia.

4 HEARING OFFICER KAUFMAN: Thank you.

5 MR. GILBERT: I don't remember if I did it, did I move for
6 the admission of Employer's Exhibit 9?

7 HEARING OFFICER KAUFMAN: Yes. Thank you.

8 Q BY MR. GILBERT: I've handed you what's been marked as
9 Employer's Exhibit 10. Can you identify that board for us?

10 A It's a maintenance board.

11 Q Okay. Does dispatch use this board at all?

12 A That's where we keep the spare buses, where it says down
13 in the left bottom corner.

14 Q Other than that, though, do you use the board? That is,
15 I'm sorry, dispatch?

16 A To -- when a driver bring in a bus for maintenance, we put
17 the tag up there, that's it.

18 MR. GILBERT: Okay. I'd move for admission of Employer's
19 Exhibit 10.

20 HEARING OFFICER KAUFMAN: Any objection?

21 MS. NISPEROS: No objection.

22 HEARING OFFICER KAUFMAN: Employer's 10 is received into
23 the record.

24 **(Employer Exhibit Number 10 Received into Evidence)**

25 Q BY MR. GILBERT: I'm going to hand you Employer's Exhibit

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 30th day of September, 2016 I caused this Supplemental Appendix to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

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