

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

PLUMBERS AND PIPEFITTERS LOCAL 228	:		
	:		
and	:		
	:		
ALFRED MARKS, an individual	:		
	:		
UNITED ASSOCIATION OF JOURNEYMEN	:	Case No.	20-CB-169784
AND APPRENTICES OF THE PLUMBING	:		20-CB-182719
AND PIPE FITTING INDUSTRY OF THE	:		
UNITED STATES, CANADA & AUSTRALIA,	:		
AFL-CIO	:		
	:		
and	:		
	:		
ALFRED MARKS, an individual	:		

**RESPONDENT UNITED ASSOCIATION'S
MOTION TO RESCHEDULE HEARING**

Respondent United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States, Canada & Australia, AFL-CIO (“United Association” or “UA”) hereby submits this Motion to Reschedule Hearing in accordance with the Notice, attached to the Consolidated Complaint in this matter.¹

The hearing in these unfair labor practice charges is currently scheduled to begin in Redding, California on December 13, 2016. However, the United Association is in the midst of a leadership transition. A new General President will take office on November 11, 2016. The United Association respectfully requests that the hearing in this matter be postponed until after January 1, 2017 in order to allow the new General President sufficient opportunity to review and

¹The Notice attached to the Consolidated Complaint states “[t]he procedures to request a postponement of the hearing is described in the attached Form NLRB-4338.” The United Association has not received a Form NLRB 4338 in this matter.

consider the complex issues raised by this Case in conjunction with other UA officers and UA counsel, and to participate as necessary in the preparation of the United Association's defense. In addition, the December 13 hearing date is likely to hinder and complicate the United Association's effort to produce witnesses because it will require cross-country travel in the midst of the holiday season. This factor also militates strongly in favor of postponement until after January 1, 2017, when holiday-related scheduling difficulties are not an issue. In short, a postponement until after January 1 facilitates fair and complete resolution of this novel Case, and serves the public interest.

The United Association is available on the following alternative dates:

- January 12, 2017
- January 25 through 27, 2017
- January 31, 2017
- February 1 through 3, 2017

In addition, the United Association requests that the hearing be scheduled for a location more convenient than Redding, California. Plumbers and Pipefitters Local 228 has also made this request by way of a letter dated October 6, 2016 and sent to the Regional Director. The United Association is headquartered in Annapolis, Maryland. Its witnesses, representatives, and counsel will have to travel to the hearing from the other side of the country. The closest major city airport to Redding is Sacramento International Airport, which is over 150 miles away, a considerable distance to travel. Moreover, our research indicates that non-stop flight availability between the Sacramento Airport and the Washington DC area is extremely limited as well as expensive. San Francisco International Airport is even further from Redding, i.e., roughly 200 miles. In these circumstances, holding the hearing in Redding needlessly imposes additional

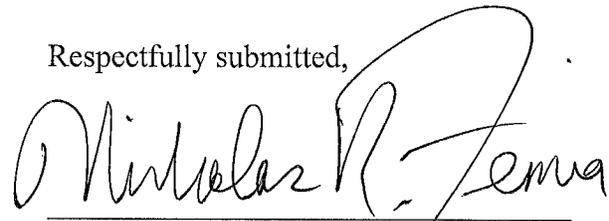
travel cost on the United Association and its membership, and creates unnecessary inconvenience for the United Association's hearing witnesses, representatives, and counsel. Therefore, the United Association respectfully requests that the hearing be convened near San Francisco International Airport, which we anticipate would offer the widest range of flight options.

The United Association has contacted the Region and Plumbers and Pipefitters Local 228 to ascertain their positions on this Motion. Local 228 does not oppose this Motion and has represented that it is available for a hearing on January 12, 25 or 26, 2017. The Region does not agree to this Motion at this particular time. The Region further represents that the Charging Party has informed it that his availability is "flexible" and that he can make himself available for a hearing in January, 2017.

Accordingly, the UA respectfully requests that the Motion to Reschedule Hearing be granted, and the hearing in this matter be rescheduled.

Respectfully submitted,

By:



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Dated: November 9, 2016

*Attorneys for the United Association of
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Plumbing and Pipe Fitting Industry of
United States, Canada & Australia, AFL-
CIO*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 9th day of November, 2016, the foregoing Motion was sent by way of electronic mail to the following:

David A. Rosenfeld
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And by First Class Mail, postage prepaid, to the following:

Alfred Marks
826 South First Street
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Rebecca W. Richardson