

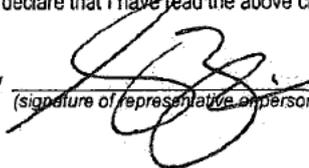
INTERNET
FORM NLRB-501
(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 02-CA-188066	Date Filed 11/10/16

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 National Football League Management Council	b. Tel. No. 212.450.2126
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 345 Park Avenue, New York, NY 10154	e. Employer Representative Kevin Manara, Senior Labor Relations Counsel
	g. e-Mail kevin.manara@nfl.com
	h. Number of workers employed 1,500
i. Type of Establishment (factory, mine, wholesaler, etc.) Professional sports league	j. Identify principal product or service Entertainment
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) (3), (4) and (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) Please see Attachment A.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)	
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)
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)	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  (signature of representative or person making charge)	Stephen S. Zashin, Esq. (Print/type name and title or office, if any)
Address 950 Main Ave., 4th Floor, Cleveland, OH 44113	
10NOV16 (date)	
Tel. No. 216.696.4441	
Office, if any, Cell No. 216.832.2121	
Fax No. 216.696.1618	
e-Mail ssz@zrlaw.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.

ATTACHMENT A

(b) (6), (b) (7)(C) is a professional football player employed by the National Football League's Philadelphia franchise. (b) (6), (b) (7)(C) is a dues-paying member of the National Football League Players Association ("NFLPA"), the certified exclusive bargaining representative of current and former National Football League players. (b) (6), (b) (7)(C) terms and conditions of employment are governed by the labor contract between the National Football League Management Council ("Charged Party") and the NFLPA ("Contract"). In addition to the Contract, (b) (6), (b) (7)(C) terms and conditions of employment are subject to the collectively bargained National Football League Policy on Performance-Enhancing Substances ("Policy").

On September 6, 2016, Charged Party notified (b) (6), (b) (7)(C) that he was facing discipline under the Policy. In accordance with the Policy, (b) (6), (b) (7)(C) timely appealed the pending discipline on September 8, 2016. As authorized by the Policy, (b) (6), (b) (7)(C) asserted the right negotiated by the NFLPA to retain outside counsel to defend his Policy appeal rights, including his right to arbitrate the validity of the discipline under the Policy. Three attorneys for the NFLPA were present at the arbitration hearing.

Within the past six months, Charged Party denied (b) (6), (b) (7)(C) information necessary to assert his Policy rights and retaliated against him for asserting his rights under the Policy and the National Labor Relations Act (the "Act") in violation of Sections 8(a)(1), (3), (4) and (5) of the Act. Charged Party violated:

- A. Sections 8(a)(1) and (3) on or about September 15, 2016 and thereafter by denying (b) (6), (b) (7)(C) access to his employment records, including, but not limited to, personal medical and health records and records regarding (b) (6), (b) (7)(C) testing under the Policy in retaliation for (b) (6), (b) (7)(C) engaging in protected concerted activity by appealing discipline under the Policy. Charged Party's actions also violated Pennsylvania Statute Title 43 P.S. Labor Sections 1321, 1322 & 1323.
- B. Section 8(a)(1) and (4) by refusing to provide information necessary for (b) (6), (b) (7)(C) appeal in retaliation for (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), 2016 letter stating that he was considering other legal action against Charged Party, including action under federal labor law.
- C. Sections 8(a)(1) and (5) by refusing to provide information necessary for (b) (6), (b) (7)(C) appeal concerning the Policy's procedures and protocols in response to (b) (6), (b) (7)(C) September 9 and September 16, 2016 letters.
- D. Sections 8(a)(1) and (5) by refusing to provide (b) (6), (b) (7)(C) employment records, including, but not limited to, personal medical and health records and records regarding (b) (6), (b) (7)(C) testing under the Policy in response to (b) (6), (b) (7)(C) September 15, 2016 email.
- E. Sections 8(a)(1), (3) and (5) by prohibiting the Policy's Independent Administrator from providing (b) (6), (b) (7)(C) employment records, including, but not limited to, personal medical and health records and records regarding (b) (6), (b) (7)(C) testing under the Policy in response to (b) (6), (b) (7)(C) September 15, 2016 email. Charged Party's actions were in retaliation for

(b) (6), (b) (7)(C) engaging in protected concerted activity by appealing discipline under the Policy.

- F. Sections 8(a)(1) and (5) by refusing to provide (b) (6), (b) (7)(C) with information concerning past arbitration awards, settlements, (b) (6), (b) (7)(C) testing history, and other documents necessary for (b) (6), (b) (7)(C) appeal as requested in (b) (6), (b) (7)(C) September 16, 2016 letter.
- G. Sections 8(a)(1) and (5) by refusing to provide (b) (6), (b) (7)(C) with purported side agreements allegedly amending substantive Policy terms in response to (b) (6), (b) (7)(C) September 16, 2016 letter.
- H. Sections 8(a)(1) and (5) by providing false information, deliberately withholding information and, otherwise, refusing to comply with the arbitrator's September 26 and September 30, 2016 orders, which required Charged Party to provide (b) (6), (b) (7)(C) with copies of all procedures and protocols applicable to the Policy.

As a result of its numerous violations of the Act, Charged Party unlawfully interfered with, coerced and, ultimately, denied (b) (6), (b) (7)(C) the ability to exercise rights guaranteed in Section 7 of the Act. (b) (6), (b) (7)(C) requests that the National Labor Relations Board provide a remedy consistent with its powers under the Act that makes (b) (6), (b) (7)(C) whole for Charged Party's unlawful acts.