

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10**

**VOLKSWAGEN GROUP OF AMERICA
CHATTANOOGA OPERATIONS, LLC**

and

Case 10-CA-191620

UNITED AUTO WORKERS LOCAL 42

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by United Auto Workers Local 42 (the Union). It 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 Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Volkswagen Group of America Chattanooga Operations, LLC (Respondent), has violated the Act as described below.

1.

The charge in this proceeding was filed by the Union on January 20, 2017, and a copy was served on Respondent by U.S. mail on January 23, 2017.

2.

(a) At all material times, Respondent has been a New Jersey corporation with an office and place of business in Chattanooga, Tennessee (Respondent's facility), and has been engaged in the manufacture of automobiles.

(b) In conducting its operation during the previous 12-month period, Respondent sold and shipped from Respondent's facility goods valued in excess of \$50,000 directly to points outside the State of Tennessee.

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 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:

- | | | |
|-----|---------------------|---------------------|
| (a) | (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) |
| (b) | (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) |

5.

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

All full-time and regular part-time maintenance employees employed by the Employer at its Chattanooga, Tennessee facility, including Skilled Team Members and Skilled Team Leaders, but excluding Team Members, Team Leaders, specialists, technicians, plant clerical employees, office clerical employees, engineers, purchasing and inventory employees, temporary and casual employees, student employees in the apprenticeship program, all employees employed by contractors, employee leasing companies and/or temporary agencies, all professional employees, managers, guards and supervisors as defined in the Act.

6.

(a) On October 23, 2015, the Union filed a petition in Case 10-RC-162530 seeking to represent the above described Unit.

(b) On November 18, 2015, the Regional Director of Region 10 of the Board issued a Decision and Direction of Election in Case 10-RC-162530.

(c) On December 3, 2015, and December 4, 2015, a representation election was conducted among the employees in the Unit, and on December 14, 2015, the Union was certified as the exclusive collective-bargaining representative of the Unit.

(d) On December 23, 2015, Respondent filed with the Board a Request for Review of the Regional Director's Decision and Direction of Election in Case 10-RC-162530.

(e) On April 13, 2016, the Board denied Respondent's Request for Review of the Regional Director's Decision and Direction of Election in Case 10-RC-162530.

7.

At all times since December 14, 2015, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

8.

At all material times, Respondent has failed and refused to recognize and bargain with the Union as the exclusive collective-bargaining representative of the Unit.

9.

About January 1, 2017, Respondent increased health insurance premiums for the Unit.

10.

About January 1, 2017, Respondent changed the hours of work for the Unit.

11.

The subjects set forth above in paragraphs 9 and 10 relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

12.

Respondent engaged in the conduct described above in paragraphs 9 and 10 without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to this conduct and the effects of this conduct.

13.

By the conduct described above in paragraphs 8 through 12, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

14.

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

WHEREFORE, as part of the remedy for Respondent's unfair labor practices alleged above in paragraphs 8 through 13, the General Counsel seeks an Order requiring Respondent to bargain in good faith with the Union, on request, for the period required by *Mar-Jac Poultry Co.*, 136 NLRB 785 (1962), as the recognized bargaining representative in the appropriate unit. The 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 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 May 24, 2017, or postmarked on or before May 23, 2017.** 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 through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and 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 Section 102.21. If the 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 still be accomplished by means allowed under 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 on a date, at a time, and at a place to be determined, 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: May 10, 2016.



A handwritten signature in black ink, appearing to read "L. Henderson", written over a horizontal line.

Lisa Y. Henderson
Acting Regional Director
National Labor Relations Board
Region 10
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Harris Tower - Suite 1000
Atlanta, Georgia 30303-1504

Attachments