

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

VOLKSWAGEN GROUP OF AMERICA
CHATTANOOGA OPERATIONS, LLC,
Respondent

and

UNITED AUTO WORKERS LOCAL 42,
Charging Party

CASE NO. 10-CA-191620

RESPONDENT'S ANSWER TO COMPLAINT

Respondent Volkswagen Group of America Chattanooga Operations, LLC (hereinafter "Respondent") hereby files this Answer to the General Counsel's Complaint, as follows:

1. Respondent admits the allegations of paragraph 1.
2. Respondent admits the allegations of paragraph 2, subparagraphs (a), (b) and (c).
3. Respondent admits the allegations of paragraph 3.
4. Respondent admits the allegations of paragraph 4, except (b) (6), (b) (7)(C) assignment ended as of (b) (6), (b) (7)(C) /2016.
5. Respondent denies the allegations of paragraph 5.
6. Respondent admits the allegations of paragraph 6, subparagraphs (a), (b), (c), (d), and (e), but denies that said Unit is an appropriate Unit for bargaining under the Act and, further, was improperly certified based solely upon the extent of the Union's organizational efforts. These issues are currently pending before the United States Court of Appeals for the D.C. Circuit in Case No. 16-1309 and its ruling likely will be dispositive of the issues raised by this Complaint.
7. Respondent denies the allegations of paragraph 7.

8. Respondent admits the allegation of paragraph 8 and asserts that said Unit is not one appropriate for bargaining under the Act.

9. Respondent denies the allegation of paragraph 9 and asserts it raised premiums for *all* hourly employees, not just the alleged bargaining unit, and further its action was consistent with established practice and clearly within the dynamic status quo to be maintained under the Act, assuming any bargaining obligation existed, which is denied.

10. Respondent admits the allegation of paragraph 10 and asserts such change was consistent with established practice and clearly within the dynamic status quo to be maintained under the Act, assuming any bargaining obligation existed, which is denied, and pleading further, denies that said change affected the entire maintenance workforce as alleged.

11. Respondent denies the allegations of paragraph 11 for the reasons previously stated.

12. Respond admits the allegations of paragraph 12 but expressly denies any such duty exists for the reasons previously stated.

13. Respondent denies the allegations of paragraph 13 for the reasons previously stated.

14. Respondent denies the allegations of paragraph 14.

15. Each and every allegation not expressly admitted herein is denied.

16. Respondent denies that the General Counsel or the Charging Party is entitled to any of the requested remedies as set forth under the heading Remedies on page 4 of the Complaint. Respondent further asserts that the requested remedy requiring reading of the notice is an extraordinary remedy that is not appropriate under the circumstances of this case.

17. Respondent reserves the right to amend, modify, revise and plead further any

additional defenses, affirmative or otherwise, during the course of these proceedings.

WHEREFORE, Respondent, Volkswagen Group of America Chattanooga Operations, LLC, prays that an Order dismissing the Complaint in its entirety with prejudice, be entered and that Respondent have such other and further relief to which it may be entitled.

Respectfully submitted,

/s/ Arthur T. Carter

Arthur T. Carter
Littler Mendelson, P.C.
2001 Ross Avenue, Suite 1500
Dallas, Texas, 75201-2931
214-880-8105
atcarter@littler.com

A. John Harper III
Litter Mendelson, P.C.
1301 McKinney Street, Suite 1900
Houston, Texas 77010-3031
ajharper@littler.com

ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Answer to Complaint were served on the following by electronic filing; email and/or U.S. mail this 24th day of May, 2017:

Lisa Y. Henderson
Acting Regional Director
National Labor Relations Board
NLRB, Region 10
233 Peachtree Street NE
Harris Tower, Suite 1000
Atlanta, Georgia 30303-1504
Via e-filing at NLRB.gov

/s/ Arthur T. Carter

Arthur T. Carter