

## Scott Wich

---

**From:** Scott Wich  
**Sent:** Friday, August 18, 2017 2:30 PM  
**To:** 'Santiago, Saulo'  
**Subject:** Covanta - Essex  
**Attachments:** DeCotiis Letter 8.11.17.pdf; DeCotiis Letter 8.11.17 - Attached Petition.pdf; FW: Mike Sarrello (Essex discipline); FW: F. Pennell & R. Academia; FW: Covanta; 5-24-17 Stark ltr (McMillian-Covanta) w encl.pdf; Romeo Academia , Frank Pennell; Jack Grant notificaton and supplemental.pdf; Michael Sarrello union notification and supplemental.pdf; Ralph Cohen notification.pdf; Locl

Hi Sal,

Further to your call, I have attached e-mails the company has previously sent to the Union concerning disciplines since the certification. In some cases, such as for Michael Sarrello, the information has already been provided to the Union twice (June 13 and July 21). The Employer is currently checking to see if there are any other communications, which I will also forward to you if/when identified.

With specific regard to the blocking of the RD petition, I am attaching an August 11, 2017 letter from Vincent Giblin. In the letter, Mr. Giblin threatens that, with respect to unfair labor practice charges, "more will follow." During a recent negotiating session, Mr. Giblin communicated that unfair labor practice charges would continue until a contract was reached. Aside from the bad faith nature of such positions, the threat to manufacture unfair labor practice charges based on future, unknown facts makes a possible settlement herein prohibitive. The threats also undercut the legitimacy of the instant charges.

I have also attached a petition signed by 31 employees that accompanied the August 11, 2017 letter. In the petition, those employees state that they have consulted with the Union's lawyers and are taking a hard-line stand against the employer's bargaining position. The petition is highly compelling evidence that the free choice of the employees is not being impacted by the alleged unlawful labor practices under investigation. As such, we respectfully request that the RD petition be unblocked forthwith so that the employees may have a timely opportunity to exercise their Section 7 rights. Particularly in light of the attached petition, there is no legitimate basis to further delay the processing of the RD petition during the investigation of the pending unfair labor practice charges.

Please note that, with respect to both the letter and petition, the highlighting in the attachments has been added to the originals for emphasis.

Kindly contact me with any questions or need for further information in the investigation of this matter.

Very truly yours,

Scott Wich

**Scott M. Wich | Partner**  
**CLIFTON BUDD & DEMARIA**  
The Empire State Building  
350 Fifth Avenue, 61st Floor  
New York, New York 10118  
Phone: 212-687-7410  
Direct Fax: 212-842-5235  
Website: [www.cbdbm.com](http://www.cbdbm.com)

