

## Scott Wich

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**From:** Scott Wich  
**Sent:** Thursday, August 24, 2017 9:43 AM  
**To:** 'Santiago, Saulo'  
**Subject:** Covanta - Essex ULP Charge

Good morning Sal,

To follow-up on your request for information, I have asked Covanta to provide a list of post-certification disciplines in order to help define the pool of individuals that were subject to the Union's information request. I have copied that list, with the corresponding e-mails with information to the Union, below.

Michael Sarrello – Information e-mailed to Andres Restrepo on June 13, 2017, 5:26 p.m.

Donnell McMillan – Information mailed to Daniel Stark (DeCotiis) on May 24, 2017; e-mailed to Lauren Bonaguro on August 1, 2017, 12:05 p.m.

Romeo Academia – Information e-mailed to Jennifer Personette (DeCotiis) on July 28, 2017, 3:10 p.m.

Frank Pennell – Information e-mailed to Jennifer Personette (DeCotiis) on July 28, 2017, 3:10 p.m.

Ralph Cohen – Video of accident send to Lauren Bonaguro via Dropbox video, August 1, 2017, 12:15 p.m.

Ralph Mayer – Information e-mailed to Andres Restrepo on August 10, 2017, 4:31 p.m.

Jack Grant – Information e-mailed to Andres Restrepo on March 15, 2017, 9:53 a.m.

I believe all of these e-mails have been previously sent to you. If the Union asserts that there have been other post-certification disciplines, could you please identify those matters for me so that we may investigate further?

With regard to the pending allegations, I wanted to highlight a few points from your August 3 meetings with Covanta witnesses:

1. I do not believe there can be any legitimate disagreement, based on Mr. Frederick's phone records, that Mr. Restrepo was called the day prior to Messrs. McMillan and Cohen being discharged. Mr. Restrepo was advised that Covanta intended to talk to the employees the next day, but Mr. Restrepo did not demand any pre-discipline bargaining nor request that the discharges be postponed until after the next scheduled negotiating session – a response that was consistent with the Union's position on such matters at the time. Our understanding is that the only allegation with regard to these two individuals is that *Total Security Management* was not followed. However, the facts are clear that the Union was provided with notice and an opportunity to demand bargaining on the issues prior to imposition.
2. With regard to Mr. Richardson, the documents produced and witness information clearly demonstrate that the complained-of vacation policy was in place prior to the election of the union and, consequently, there could have been no unilateral change to same. Further, with respect to Mr. Richardson's 8(a)(3) allegation, it appeared through the course of questioning Covanta witnesses that the underlying theory rests on purported retaliation for a non-NLRA matter. As such, it has no basis in the instant investigation.
3. None of these allegations, even if credited, support a conclusion that employee free choice is impaired in this matter. To the contrary, Mr. Giblin's August 11, 2017 letter and attachment compels the exact opposition conclusion.

If the Region needs any further information in the investigation of the charges or with respect to the blocking of the RD petition, please contact me.

Best regards,

Scott

**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.cbdm.com](http://www.cbdm.com)