

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

ULLIMAN SCHUTTE)	
CONSTRUCTION, LLC,)	
)	
And)	Case No. 5-CA-188093
)	
INTERNATIONAL UNION OF)	
OPERATING ENGINEERS, LOCAL 542,)	
AFL-CIO.)	

**AMENDED EXHIBIT “3” TO MOTION FOR PARTIAL
SUMMARY JUDGMENT AND MEMORANDUM IN SUPPORT**

By: /s/ Dion Y. Kohler
Dion Y. Kohler

**ATTORNEYS FOR RESPONDENT
ULLIMAN SCHUTTE CONSTRUCTION,
LLC.**

AMENDED EXHIBIT "3"

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

ULLIMAN SCHUTTE CONSTRUCTION,)	
LLC,)	
)	
And)	Case No. 5-CA-188903
)	
INTERNATIONAL UNION OF)	
OPERATING ENGINEERS, LOCAL 542,)	
AFL-CIO.)	

DECLARATION OF WILLIAM STRAUB

I, William Straub, certify under penalty of perjury that the following is true and correct to the best of my knowledge, information and belief:

1. I am employed by Ulliman Schutte Construction, LLC as a Superintendent and have worked for Ulliman Schutte for more than 15 years.
2. During 2016, I was the Superintendent for a waste and water treatment plant project performed by Ulliman Schutte, which was located in Salisbury, Maryland.
3. In June 2016, a crane operator named Bob Aswell retired, and on June 13, 2016, I interviewed in person an applicant, who represented he was Joe Hill, to replace Mr. Aswell. A true and correct copy of Mr. Hill's resume, which he sent me by email on May 31, 2016 is attached as Attachment A.
4. The interview took place in our jobsite trailer. At the end of the interview, I offered Mr. Hill a crane operator position and gave him an application form to complete, which I am required to do by the Company when I hire someone and they have not yet completed an application form.

5. The crane operator position I offered to Mr. Hill paid the same wage rate and provided the same benefits as the crane operator position which Frank Bankard claims he applied for in May of 2016.
6. Mr. Hill said he was going to car to get his wallet (I thought to get information he needed for the application form), but he did not return. To my knowledge, this Mr. Hill made no further contact with the Company about his job offer.
7. No job offers were made by the Company to applicants for a crane operator position between May 31, 2016 and June 13, 2016.
8. I later learned that Frank Bankard is Joe Hill and there is no such person as Joe Hill.

According to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of January, 2018 in PALMYRA, VA.


William Straub

ATTACHMENT "A"

From: joehill1a@yahoo.com [mailto:joehill1a@yahoo.com]
Sent: Tuesday, May 31, 2016 5:15 PM
To: William Straub <wstraub@ullimanschutte.com>
Subject: Crane Operator

Hello, I am looking for work as a crane operator and seen the below advertisement.

Thank you,
Joe Hill

<http://easternshore.craigslist.org/trd/5612144934.html>

Joseph Hill
2410 Brookshire Drive
Wilmington DE 19803
Joehillla@yahoo.com
Cell 803-566-2152

Qualifications

15 years' Experience Heavy Equipment Operator on Cranes and Excavation Equipment. Proficient in operation of Rough Terrain, Truck Cranes, All Terrain Cranes, Boom Trucks, Excavators, Loaders, Rollers, and Forklifts. I have NCCCO and CDL 'B'.

Work History

2014-2016 > **White Crane Company, Inc.** 3414 Augusta Rd. West Columbia, SC 29170. Operate various types of Cranes in regards to worked needed in Commercial and Residential construction work. Left the South in April and Move back to Pennsylvania.

2010-2014 > **Florida Mechanical Crane Rental** Waldo Florida > Crane Operator and Mechanic. Boom Trucks and Truck Cranes. Repair both and Tractor Trailers. Left for better offer with White Crane Company.

2007-2010 > **Brubacher Excavating** > Bowmansville PA . Heavy Equipment Operator Performed excavation on Company equipment. Wasn't getting enough work and met my wife in Florida and relocated there.

2003-2007 > **G.A. PeaK Excavating** 2850 Clymer Ave. Telford PA 18969. Heavy Equipment Operator in Residential and Commercial. Left for better advancement.

Education

1990-1993 Souderton High School PA. General Course of Studies.

Summary

Recently moved to Delaware for reason of inheriting my uncle home and looking for work.

From: William Straub
Sent: Monday, June 13, 2016 8:00 AM
To: 'joehill1a@yahoo.com' <joehill1a@yahoo.com>
Subject: RE: Crane Operator

We need a crane operator for the WWTP herein Salisbury. If you are still interested call me at 540-798-6853.

Bill Straub
Project Superintendent

Ulliman Schutte Construction, LLC
Building a Better Environment®
1404 Pemberton Drive | Salisbury, MD 21801
Phone: (540) 798-6853
www.ullimanschutte.com

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From: joehill1a@yahoo.com [<mailto:joehill1a@yahoo.com>]
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To: William Straub <wstraub@ullimanschutte.com>
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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of January, 2018, I filed a true copy of the **Amended Exhibit “3” to the Motion for Partial Summary Judgment and Memorandum in Support** via the NLRB’s electronic website and served upon the following via electronic mail and U. S mail, postage-paid, addressed to:

Mr. Frank Bankard
International Union of Operating Engineers,
Local 542, AFL-CIO
1375 Virginia Drive, Suite 100
Fort Washington, PA 19034

Charles L. Posner, Regional Director
National Labor Relations Board, Region 5
Bank of America Center – Tower II
100 South Charles St., Suite 600
Baltimore, MD 21201

By: /s/ Dion Y. Kohler
Dion Y. Kohler

**ATTORNEYS FOR RESPONDENT
ULLIMAN SCHUTTE CONSTRUCTION,
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