

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 24**

WASTE COLLECTION, CORP.,

Case 12-CA-215638

and

CENTRAL GENERAL DE TRABAJADORES,

**MOTION TO TRANSFER PROCEEDINGS TO
THE BOARD AND MOTION FOR DEFAULT JUDGMENT**

The General Counsel, based on the facts set forth below and in the attached documents and exhibits, moves, pursuant to Sections 102.24(b) and 102.50 of the National Labor Relations Board's Rules and Regulations (the Board's Rules), that the National Labor Relations Board (the Board) issue a Decision and Order, prior to and without the necessity of an evidentiary hearing, containing findings of fact and conclusions of law consistent with the allegations of the Complaint, order Waste Collection Corp. (hereinafter Respondent) to cease and desist from threatening and interrogating unit employees, as well as to post an appropriate Notice to Employees.

In support its motion, Counsel for the General Counsel respectfully submits the following:

1. The original charge in Case 12-CA-215638 was filed by Central General de Trabajadores (hereinafter Union) on February 28, 2018, alleging that Respondent engaged and is continuing to engage in certain unfair labor practices affecting commerce set forth and defined in the National Labor Relations Act, as amended, 29 U.S.C. § 151 et. seq.(the Act). A copy of the charge was served upon Respondent by regular mail on the same day it was filed. Copies of the original charge and affidavit of service of the charge are attached hereto as GCX 1 and GCX 2, respectively.

2. The amended charge in Case 12-CA-215638 was filed by the Charging Party on April 26, 2018, and was served upon Respondent by U.S. regular mail on April 27, 2018. Copies of the amended charge and the affidavit of service of the amended charge are attached hereto as GCX 3 and GCX 4, respectively.

3. Based upon the charge and amended charge, referenced above in paragraphs 1 and 2, the General Counsel, by the Regional Director for Region 12, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules, issued a Complaint and Notice of Hearing (the Complaint) on May 30, 2018. Copy of the Complaint is attached as GCX 5.

4. The Complaint was served on Respondent by certified mail on May 30, 2018. On July 13, 2018 the Complaint and Notice of Hearing was returned to the Region. The envelope indicates that the letter was unclaimed. Copies of the affidavit of service and the returned envelope are attached as GCX 6 and GCX 7, respectively.

5. On June 14, 2018, the Region advised Respondent by certified mail that it had not filed an answer in accord with the Board's Rules and Regulations and that if it did not do so by close of business on June 21, 2018, a Motion for Default Judgment would be filed. A copy of the Complaint and Notice of Hearing was attached to this letter. A copy of the June 14, 2018 letter to Respondent and proof of receipt are attached as GCX 8 and GCX 9, respectively.

6. In the paragraph of the Complaint, "Answer Requirement", Respondent was notified that, pursuant to Section 102.20 and 102.21 of the Board's Rules, it was required to file an Answer to the Complaint within 14 days from the date of service which was June 13, 2018, and that failure to do so would result in all the allegations of the Complaint being deemed admitted to be true and so found by the Board. The Complaint further stated that if an answer was not filed, the Board may find that the allegations in the Complaint are true pursuant to a Motion for Default Judgment.

7. Respondent did not file an answer to the Complaint by the due date.

8. Section 102.20 of the Board's Rules and Regulations provides that the allegations in a complaint shall be deemed admitted if an answer is not filed within 14 days from service of the complaint, unless good cause is shown. Section 102.20 specifically states:

Answer to complaint; time for filing; contents; allegations not denied deemed admitted-The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

9. To date, no Answer has been filed and Respondent has given no satisfactory reason for its failure to file an Answer.

10. Pursuant to Section 102.20 of the Board's Rules and Regulations the allegations in the complaint are deemed admitted because Respondent failed to file an answer.

11. Respondent's refusal to claim the Complaint, which was served by certified mail does not excuse its failure to file an answer and does not relieve Respondent of its obligations under the Act. See *American Alpha Construction, Inc.*, 341 NLRB No. 88 (2004), citing *I.C.E. Electric, Inc.*, 339 NLRB 247 at fn. 2 (2003), and cases cited there. Especially here, where Respondent received copy of the Complaint with the June 14, 2018 letter. Therefore, Counsel for the General Counsel respectfully requests that the Board deem all the allegations of the Complaint to be true, and issue an appropriate default judgment order. See *On Target Security, Inc.*, 362 NLRB No. 31, slip op. at 1 (2015); *Pro Works Contracting, Inc.*, 362 NLRB No. 2, slip op. at 1 (2015); *Fine Fare Supermarkets*, 359 NLRB No. 65, slip op. at 1 (2013).

12. In view of the foregoing, the General Counsel respectfully moves that the Board grant the instant motion for default judgment and:

(a) Find that Respondent violated Sections 8(a)(1) of the Act, in all respects alleged in the Complaint, including by threatening employees with loss of job and plant closure by threatening to cancel Respondent's waste collections contract with the Municipality of

Cidra, unless employees removed the Union as their collective bargaining representative; telling its employees that Respondent would not bargain with the Union; and interrogating employees about their union membership, activities, and sympathies, and about the union membership, activities, and sympathies of other employees.

(b) Issue a Decision and Order against Respondent, containing findings of fact and conclusions of law based on, and in accordance with, the allegations of the Complaint and specifically order that Respondent cease and desist from threatening employees with loss of job and plant closure unless they remove the union; telling employees that Respondent would not bargain with the Union; and from interrogating employees about their union membership, activities, and sympathies, as well as about those of other employees. Respondent should further be ordered to post an appropriate Notice to Employees.

Dated at San Juan, Puerto Rico, this 8th day of August, 2018.

Respectfully submitted.

s/Celeste Hilerio for

María Margarita Fernández
Counsel for General Counsel
National Labor Relations Board
SubRegion 24
La Torre de Plaza, Suite 1002
525 F.D. Roosevelt Ave.
San Juan, PR 00918-1002

CERTIFICATE OF SERVICE

I hereby certify that the Motion to Transfer Proceedings to the Board and Motion for Default Judgment in Case 12-CA-215638 were duly served upon the individuals named below on this 8th day of August, 2018.

Gary W. Shiners,
Executive Secretary
Office of the Executive Secretary
National Labor Relations Board
1099 14th Street, N.W. Washington, DC
20570

ELECTRONIC FILING

Jose Adrian Lopez,
Union Representative
Central General de Trabajadores
PO Box 192901
San Juan, PR 00919-2901
joseadrianlopez@yahoo.com

VIA ELECTRONIC MAIL

Anabelle Hernandez-Santos,
Operation Manager
Waste Collection, Corp.
HC 71, Box 7729
Cayey, PR 00736-9594
ahernandez@wastecollectionpr.com
anabelle_hernandez@yahoo.com

VIA ELECTRONIC MAIL

s/*Celeste Hilerio* for
María Margarita Fernández
Counsel for General Counsel
National Labor Relations Board
SubRegion 24
La Torre de Plaza, Suite 1002
525 F.D. Roosevelt Ave.
San Juan, PR 00918-1002

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
12-CA-215638	February 28, 2018

INSTRUCTIONS:

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Waste Collection		b. Tel. No. (787) 220-6696
		c. Cell No. (787) 638-8948
d. Address (street, city, state ZIP code) HC 71 Box 7729 Cayey, PR 00736	e. Employer Representative Anabelle Hernandez Santos, Operation Manager	f. Fax No.
		g. e-Mail ahernandez@wastecollectionpr.com
		h. Dispute Location (City and State) Cidra, PR
i. Type of Establishment (factory, nursing home, hotel) service	j. Principal Product or Service waste collection	k. Number of workers at dispute location 17

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since in or about February 2018, the above-named Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening employees with plant closure if they do not get rid of the Union.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

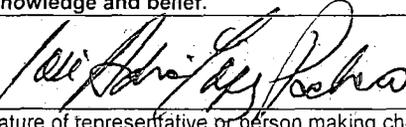
Central General de Trabajadores

4a. Address (street and number, city, state, and ZIP code) P O Box 192901 San Juan, PR 00919-2901	4b. Tel. No. (787)296-9072; (787)296-9072
	4c. Cell No.
	4d. Fax No. (787)250-8074
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By:  (signature of representative or person making charge)	Jose Adrian Lopez, representative Print Name and Title	Tel. No. Office, if any, Cell No. (787)556-1268
Address: same as above	Date: 2/28/2018	Fax No.
		e-Mail joseadrianlopez@yahoo.com; cgtadmi@gmail.com

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
 PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

1-2190750897

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WASTE COLLECTION

Charged Party

and

CENTRAL GENERAL DE TRABAJADORES

Charging Party

Case 12-CA-215638

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 28, 2018, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Anabelle Hernández Santos
Operation Manager
Waste Collection
HC 71
Box 7729
Cayey, PR 00736-9594

February 28, 2018

Date

Matthew J. Clutteur, Designated Agent of
NLRB

Name

/s/ Matthew J. Clutteur

Signature

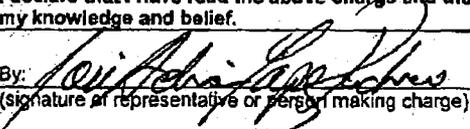
Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
12-CA-215638	APR 26, 2018

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer WASTE COLLECTION	b. Tel. No. (787) 220-6696
	c. Cell No. (787) 638-8948
d. Address (street, city, state ZIP code) HC 71 Box 7729 Cayey, PR 00736	e. Employer Representative Anabelle Hernandez Santos, Operations Manager
	f. Fax No.
	g. e-Mail ahernandez@wastecollectionpr.com
	h. Dispute Location (City and State) Cidra, PR
i. Type of Establishment (factory, nursing home, hotel) Corporation	j. Principal Product or Service Waste Collection
	k. Number of workers at dispute location 17
1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
<p>Since in or about February 2018, the above-named Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act, by threatening employees with plant closure if they do not get rid of the Union.</p> <p>On or around February 2018, the above-named Employer, by Oscar J. Santamaria Torres, at the Employer's facilities in Cidra, PR, interrogated its employees about their union membership, activities, and sympathies.</p>	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Central General de Trabajadores	
4a. Address (street and number, city, state, and ZIP code) PO Box 192901 San Juan, PR 00919-2901	4b. Tel. No. (787) 296-9072; (787) 296-9072
	4c. Cell No.
	4d. Fax No. (787) 250-8074
	4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) N/A	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No.
By:  (signature of representative or person making charge)	Office, if any, Cell No. (787) 556-1268
Jose Adrian Lopez, Union President Print Name and Title	Fax No.
Address: Same as 4a above.	e-Mail Joseadrianlopez@yahoo.com
Date: April 25, 2018	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WASTE COLLECTION
Charged Party
and
CENTRAL GENERAL DE TRABAJADORES
Charging Party

Case 12-CA-215638

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on April 27, 2018, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Anabelle Hernández Santos, Operation
Manager
Waste Collection
HC 71
Box 7729
Cayey, PR 00736-9594

April 27, 2018

Date

ORO, Designated Agent of NLRB

Name

/S/

Signature

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 24

WASTE COLLECTION, CORP.

and

Case 12-CA-215638

CENTRAL GENERAL DE TRABAJADORES

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Central General de Trabajadores (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 Waste Collection, Corp. (Respondent) has violated the Act as described below and alleges as follows.

1.

(a) The original charge in this proceeding was filed by the Union on February 28, 2018, and a copy was served on Respondent by U.S. mail on the same date.

(b) The first amended charge in this proceeding was filed by the Union on April 26, 2018, and a copy was served on Respondent by U.S. mail on April 27, 2018.

2.

(a) At all material times, Respondent, a Puerto Rico corporation, with its principal office and place of business located in Cidra, Puerto Rico, herein called Respondent's Cidra facility, has been engaged in the collection and transfer of waste from residential areas.

(b) During the past 12 months, Respondent, in conducting its business operations described above in paragraph 2(a), derived gross revenues in excess of \$500,000.

(c) During the past 12 months, Respondent, in conducting its operations described above in paragraph 2(a), purchased and received at its Cidra, Puerto Rico facility, goods valued in excess of \$50,000 directly from points outside the Commonwealth of Puerto Rico.

(d) 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 have 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:

Anabelle Hernández Santos	-	Operations Manager
Oscar J. Santamaría Torres	-	President
Sergio A. Suna	-	Supervisor

5.

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

All regular full-time and part-time drivers, helpers and mechanics who work at the Employer's facilities in Cidra, Puerto Rico; excluding all other employees, guards, and supervisors as defined by the Act.

(b) On August 28, 2014, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(

(

(c) At all times since August 28, 2014, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

6.

Respondent, by Oscar J. Santamaría Torres, at Respondent's Cidra facility:

(a) On January 23, 2018, threatened employees with loss of jobs and plant closure by threatening to cancel Respondent's waste collections contract with the Municipality of Cidra unless its employees removed the Union as their collective-bargaining representative.

(b) On January 23, 2018, told its employees that Respondent would not bargain with the Union.

(c) On or about a date in February 2018, a more precise date being presently unknown to the undersigned, interrogated employees about their union membership, activities, and sympathies, and the union membership, activities, and sympathies of other employees.

7.

By the conduct described above in paragraphs 6(a), 6(b), and 6(c), Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act, in violation of Section 8(a)(1) of the Act.

8.

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

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 June 13, 2018, or postmarked on or before June 12, 2018.** 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 **September 12, 2018**, at **9:30 a.m.**, at the **National Labor Relations Board Hearing Room, La Torre de Plaza, Plaza Las Americas Mall, Suite 1002, 525 F.D. Roosevelt Avenue, San Juan, Puerto Rico**, 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 30, 2018.



David Cohen, Regional Director
National Labor Relations Board, Region 12
201 E. Kennedy Blvd., Suite 530
Tampa, Florida 33602-5824

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 12-CA-215638

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

José Adrián López , Union Representative
Central General de Trabajadores
PO Box 192901
San Juan, PR 00919-2901

Anabelle Hernández-Santos, Operation Manager
Waste Collection, Corp.
HC 71, Box 7729
Cayey, PR 00736-9594

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 24

WASTE COLLECTION

and

Case 12-CA-215638

CENTRAL GENERAL DE TRABAJADORES

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on May 30, 2018, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Anabelle Hernández Santos , Operation
Manager
Waste Collection
HC 71
Box 7729
Cayey, PR 00736-9594

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

José Adrián López , Union Representative
Central General de Trabajadores
PO Box 192901
San Juan, PR 00919-2901

CERTIFIED MAIL

May 30, 2018

Date

Melvin Malave, Designated Agent of
NLRB

Name
/s/

Signature

GC EXHIBIT 6

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 12-CA-215638

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

José Adrián López , Union Representative
Central General de Trabajadores
PO Box 192901
San Juan, PR 00919-2901

Anabelle Hernández-Santos, Operation Manager
Waste Collection, Corp.
HC 71, Box 7729
Cayey, PR 00736-9594

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

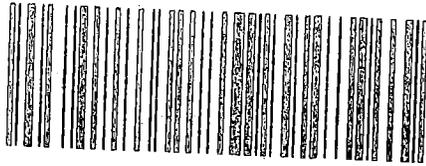
The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES GOVERNMENT
 NATIONAL LABOR RELATIONS BOARD
 SUBREGION 24
 LA TORRE DE PLAZA - SUITE 1002
 525 F.D. ROOSEVELT AVENUE
 SAN JUAN, PR 009183-1002
 An Equal Opportunity Employer

OFFICIAL BUSINESS

VERIFIED MAIL



7015 0640 0004 7749 1335

GC EXHIBIT 7

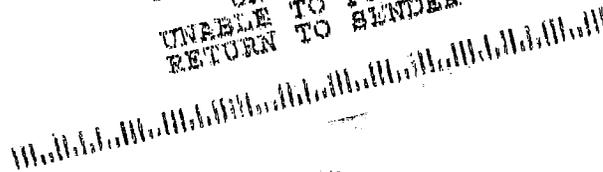
2018 JUL 13 PM 3:09
 AN JUAN, PR 00918-1720

Anabelle Hernández-Santos, Operation Manager
 Waste Collection, Corp.
 HC 71, Box 7729
 Cayey, PR 00736-9594

07/10/18

NIXIE

RETURN TO SENDER
 UNCLAIMED
 UNABLE TO FORWARD
 RETURN TO SENDER



08609936

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Anabelle Hernández-Santos, Operation Manager
 Waste Collection, Corp.
 HC 71, Box 7729
 Cayey, PR 00736-9594

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Addressee
X
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

WASTE COLLECTION, CORP.
 12-CA-215638
 COMP & NOH
 05-30-2018

3. Service Type Priority Mail Express®

1st NOTICE
 2nd NOTICE
 RETURNED



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 24
525 F D ROOSEVELT AVE STE 1002
SAN JUAN, PR 00918-1002

Agency Website: www.nlr.gov
Telephone: (787)766-5347
Fax: (787)766-5478

Agent's Direct Dial: (787)766-5527

June 14, 2018

VIA CERTIFIED MAIL

Anabelle Hernández Santos
Operations Manager
Waste Collection
HC 71 Box 7729
Cayey, PR 00736-9594

Re: Waste Collection, Corp.
Case 12-CA-215638

Dear Mrs. Hernández:

On May 30, 2018, a Complaint and Notice of Hearing was issued in the above matter against Waste Collection ("the Employer"). The Board's Rules and Regulations, Series 8, as amended, Section 102.20, require that you file an answer to said Complaint in this office within 14-days from the service of the Complaint. To date, we have not received said answer.

Exercising my discretion in accordance with the provisions of Section 102.22, I am hereby extending the time within which said answer must be filed until close of business on **June 21, 2018**. Under the Board's Rules and Regulations, Series 8, as amended, Section 102.20, all of the fact allegations of the Complaint are deemed to be true and shall be so found by the Board if no answer is filed to the Complaint within the time indicated above.

Very truly yours,

David Cohen
Regional Director

By:

Vanessa Garcia
Officer in Charge

Enclosure (copy of: Complaint and Notice of Hearing)

GC EXHIBIT 8

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Anabelle Hernández Santos, Operations Manager
Waste Collection
HC 71 Box 7729
Cayey, PR 00736-9594



9590 9403 0290 5155 0388 45

Article Number (Transfer from service label)

015 0640 0004 7749 1403

Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

Signature *[Handwritten Signature]*
 Agent
 Addressee
B. Received by (Printed Name) *Charles P. Hernandez* C. Date of Delivery *6/15/17*

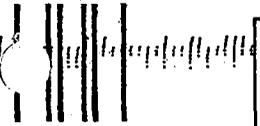
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

Waste Collection
Case No.: 12-CA-215638
7 day letter *CPT*

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD, REGION 24
LA TORRE DE PLAZA, SUITE 1002
525 F.D. ROOSEVELT AVENUE
SAN JUAN, PR 00918-1002

SAN JUAN, PR 00918-1720

2010 JUN 18 AM 8:58

USPS TRACKING#



RECEIVED
NLRB
REGION 24

9590 9403 0290 5155 0388 45