

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**

Esmeralda Ochoa,

Petitioner,

and

Case 32-RD-247755

Indus Holding Co.,

Employer,

and

UFCW Local 5,

Union.

EMPLOYER'S REQUEST FOR REVIEW

This is the Employer's request for review of a notice of abeyance dated September 11, 2019. On September 11, 2019, Region 32 automatically postponed, without a hearing or any investigation thereof, a second Decertification Petition filed by Petitioner Esmeralda Ochoa; and without providing any written explanation as to why her petition should be held in abeyance as the result of the unfair labor practice charge in Cases 32-CA-247914 and 32-CA-247928.

Presumably, the Petition was held because it was based on the Region's assumption and/or speculation that her petition was somehow the result of unsubstantiated unfair labor practices reported by the Union after a second successful effort by the Petitioner was made to file the petition.

Review should be granted because the Region erroneously deprived Petitioner and her co-workers of their right to decertify without due process of the law and in spite of the fact that the vast majority of the employees, for a second time in six months, had properly petitioned the NLRB to hold such an election. For these reasons, the Employer submits this Request for Review pursuant to NLRB Rules & Regulations §§ 102.67 and 102.71.

ARGUMENT

I. The Region Erred in Dismissing the Petition in Violation of the Employees' Statutory and Due Process Rights.

The Region's existing practice and procedures are broken and actually contradict the spirit and intent of both the National Labor Relations Act and the U.S. Constitution.

a. Region's First Abeyance Order.

This is the second time that Ms. Ochoa had a petition for decertification blocked. In April, 2019, Ms. Ochoa submitted her first petition for decertification¹. Without the benefit of a law degree or even any formal training, Ms. Ochoa was able to fill out additional forms at the behest of the Region, which is located in Oakland and far away from her location in Salinas, all in order to effectuate the wishes of the vast majority of her co-workers to have the opportunity to do away with the Union.

Despite these odds, Ms. Ochoa duly submitted her Petition for Decertification to the Region only to have the Region automatically decide to block her First Petition on April 29,

¹ Without having seen the Petition or having explored the matter yet, the Employer can only guess the support of the employees was significant. However, the actual number may indicate much broader support.

2019 due to the fact that the Union has previously and strategically filed an unfair labor charge completely distinct and removed from the reasons cited by Ms. Ochoa as to why the employees signed the Petition. In particular, the Union leveled two accusations against the company to stop the First Petition, one regarding a failure to provide documents and another related to an allegation that the employer had unnecessarily delayed its negotiations

Nevertheless, after the Employer's request that this blocking order to the First Petition was denied, the parties negotiated a Settlement Agreement that required the parties to meet at least 24 hours per calendar month during the remaining time of the Union's exclusivity period, which had also been extended for three (3) additional months under the settlement. The agreement did not require any other remedy as it was the Employer's position that the unfair labor charge regarding the failure to provide certain documents lacked merit.

b. Region's Second Abeyance Order

Subsequently, on September 6, 2019, Ms. Ochoa submitted her second petition for decertification. (**Exhibit "A"**). Unfortunately, despite the Employer's clear compliance with the terms of the settlement agreement, the Union again strategically filed two new unfair labor charges after the second decertification filing, anticipating that Region 32 would reflexively block the decertification the second time without any hesitation or analysis thereof of the charges made, as it did on September 11, 2019. (**Exhibit "B"**).

An analysis of those unfair labor charges shows that the allegations lack any detail and otherwise, are insufficiently alleged. The charges do not provide any detail so as to justify the abeyance order. The charges presume that the alleged actions of the Employer have had a causal

effect on the filing of a second decertification petition without requiring the Union as to why this would be the case given that this is the second time such a petition had been filed. The allegations pertaining to the alleged refusal to negotiate themselves defy logic as it is easily rebuffed by evidence of the Employer's compliance with the previous settlement, wherein regular reports were given to the Region in regards to ongoing collective bargaining sessions.

If the Region had made an actual inquiry as to the facts surrounding the allegations, even those contained in their own employer reports, and the factual circumstances behind the enduring wishes of these employees to free from the Union, the NLRB could have easily and properly found that the decertification petition had precedence over the unfair labor charge. Instead, the Region, once again, automatically disregard the work of petitioner and the wishes of the majority of the workers in Salinas to have the Union be removed from their workplace.

In doing so, the Region turned away from its duties under §§ 9(b) and (c) of the Act that Congress vested the Board, "to determine the uninhibited desires of the employees." General Shoe Corp., 77 N.L.R.B. 124, 127 (1948). By rejecting Ms. Ochoa's Petition, the Region co-opted those employees' "free choice, and disregarded the fundamental and overriding principle of the Act of "voluntary unionism." Pattern Makers v. NLRB, 473 U.S. 95, 102-03 (1985). As stated in Lechmere, Inc. v. NLRB, 502 U.S. 527, 532 (1992), the "NLRA confers rights only on employees, not on unions or their nonemployee organizers. " In this context, "[t]here could be no clearer abridgment of § 7 of the Act" than for a union and employer to enter a collective bargaining relationship when a majority of employees do not support union representation. International Ladies Garment Workers v. NLRB, 366 U.S. 731, 737 (1961).

Such rights are not rooted in the NLRA, but also in the due process clause of the Constitution. Sparks Nugget, Inc. v. Scott, 583 F. Supp. 78 (D. Nev. 1984). For these reasons, Employer asserts that the Region violated both the NLRA and the U.S. Constitution Due Process Clause by:

- (1) Issuing an order of abeyance without any formal investigation or inquiry with Petitioner as to the reasons why the certification had been gathered;
- (2) Issuing an order of abeyance without providing any explanation in the letter as to the reasons why such an order was needed;
- (3) Issuing an order of abeyance without providing any hearing or process for her to submit information contesting the Region's decision at the Regional level;
- (4) Issuing an order of abeyance without providing a more direct manner for the employee to submit a right of review (either by fax or email);
- (5) Issuing an order of abeyance and not proceeding with a decertification election first to gather the employees' input first and then resolving the unfair labor practice at a later time depending on the outcome of that election; and
- (6) Embarking on an order for abeyance, which as a procedural mechanism is statutorily and regulatory unfounded and otherwise not supported by any law.

For these reasons, Employer requests that the order of abeyance be rescinded and that an election proceed forthwith.

II. The Region Erred in Dismissing the Petition without Determining if a Nexus Exists Between the Alleged Unfair Labor Practices and Employee Support for Decertification.

Employees enjoy a statutory right to refrain from union representation under Section 7 of the NLRA. 29 U.S.C. § 157. To effectuate this right, the Act grants employees the right to a decertification election. 29 U.S.C. § 159(c)(1). Secret-ballot elections are the preferred forum for employees to exercise their right to choose or reject union representation. Levitz Furniture Co., 333 NLRB 717, 725 (2001). However, on September 11, 2019 (as it did on April 29, 2019), Region 32 automatically froze the Decertification Petition filed by Petitioner Ochoa due to the filing of unfair labor practice charges with Case nos. 32-CA-247914 and 32-247928 (“ULP”) (**Exhibit “C”**).

A review of the facts regarding the alleged labor charge reveals that it has no bearing as to why so many employees have rejected the Union now. In particular, the ULPs in question make general allegations of alleged Employer conduct without any factual or legal substantiation. Nevertheless, there is absolutely no way that the Region or the Union can argue that “misconduct” wrongfully caused employees to seek decertification of the Union, the Region’s conclusion warrants reversal under Saint Gobain.

In Saint Gobain, the Region dismissed a decertification petition under similar circumstances. 342 NLRB at 434. As here, the Region in Saint Gobain put aside the petition without holding a hearing to determine if a causal nexus actually existed between the employer’s conduct and employee support for decertification. Id. In reversing the Region, the Board ordered that a hearing must be conducted to determine if a causal nexus actually exists, stating that: “[I]t

is not appropriate to speculate, without facts established in a hearing, that there was a causal relationship between the conduct and the disaffection. To so speculate is to deny employees their fundamental Section 7 rights. Surely, a hearing and findings are prerequisites to such a denial.”

Id.

There are the four factors identified in Master Slack Corp., 271 NLRB 78, 84 (1984) that can be evaluated to determine if a connection actually exists between the employer’s alleged ULP and the employee’s decertification position. These factors include:

- (1) whether employees were aware of the employer’s alleged misconduct;
- (2) the tendency of the misconduct to cause the employees’ dissatisfaction with the Union;
- (3) the effect of the misconduct on employee morale, organizational efforts and Union membership and; and
- (4) whether Union conduct was the source of employee opposition to the Union.

It is quite clear that the ULPs at issue did not, and could not, have caused the employees to file a decertification petition under these factors for the reasons stated herein. In short, the Region automatically set aside the decertification petition, but in other words, really set aside the right of the Petitioner and her co-workers to a decertify election in which they can freely choose to retain or reject the Union as their representative. At the very least, these employees are entitled to a hearing to hear how the specific ULPs cited in the order wrongfully coerced them to support decertification and thus tainted their petition.

CONCLUSION

The Board should grant the Request for Review and order the Region to reinstate the

decertification petition immediately. Alternatively, the Board should require that the Region otherwise hold a “causation hearing” under Saint Gobain.

Respectfully submitted,

/s/ Sergio H. Parra
Sergio H. Parra
JRG Attorneys at Law
318 Cayuga Street
Salinas, CA 93901
Telephone: (831) 269-7094
sergio@jrgattorneys.com
Counsel for Employer
Indus Holding Co.

EXHIBIT “A”

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 7 below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE) - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer Indus Holding CO.		2b. Address(es) of Establishment(s) involved (Street and number, city, state, ZIP code) 20 Quail Run Circle ste C Salinas ca 93907	
3a. Employer Representative - Name and Title Kelly J McMillan Chief Compliance		3b. Address (if same as 2b - state same) 20 Quail Run Circle ste C Salinas ca 93907	
3c. Tel. No. (831) 809-24-51	3d. Fax No.	3e. Cell No.	3f. E-Mail Address kelly@indusholding.com
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Manufacturing		4b. Principal product or service Cannabis Edibles	
5a. Description of Unit Involved Included: see attached Excluded: See attached		5b. City and State where unit is located: Salinas, CA	

6. No. of Employees in Unit 90	7. Do a substantial number (30% or more) of the employees in the unit no longer wish to be represented by the certified or currently recognized bargaining representative? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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8a. Name of Recognized or Certified Bargaining Agent United Food and Commercial Workers Union Local #5	8b. Affiliation, if any AFL-CIO, LLC
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8c. Address 1145 N. Main st. Salinas, ca 93906	8d. Tel. No. (831) 755-3094	8e. Cell No. (831) 758-1066
	8f. Fax No. (831) 757-9115	8g. E-Mail Address ksantillan@ufcw5.org

9. Date of Recognition or Certification Issued April 13, 2018	10. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year) None
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11a. Is there now a strike or picketing at the Employer's establishment(s) involved? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	11b. If so, approximately how many employees are participating?
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11c. The Employer has been picketed by or on behalf of (Insert Name) (Insert Address) N/A	a labor organization, of since (Month, Day, Year)
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12. Organizations or individuals other those named in items 8 and 11c, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5 above. (If none, so state)

12a. Name NONE	12b. Address NONE	12c. Tel. No.	12d. Fax No.
		12e. Cell No.	12f. E-Mail Address

13. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.	13a. Election Type: <input checked="" type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Mail
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13b. Election Date(s) Tuesday 9/24/19	13c. Election Time(s) 11am	13d. Election Location(s) Employer Facility, Conference Room
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14. Full Name of Petitioner Esmeralda Ochoa
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14a. Address (Street and number, city, state, ZIP code) 1020 Del Monte ave apt #15 Salinas, ca 93905	14b. Tel. No. (831) 775-9306	14c. Fax No.	14d. Cell No.	14e. E-Mail Address ochoaesmeralda92@gmail.com
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15. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

15a. Name Esmeralda Ochoa	15b. Title Individual - Production Assistant	
15c. Address (Street and number, city, state, ZIP code) 1020 Del Monte ave apt #15 Salinas, ca 93905	15d. Tel. No.	15e. Fax No.
	15f. Cell No. (831) 775-9306	15g. E-Mail Address ochoaesmeralda92@gmail.com

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

Name (Print) Esmeralda Ochoa	Signature Esmeralda Ochoa	Title Manufacturing	Date Filed 9-4-19
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WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Disclosure 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 representation 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 may cause the NLRB to decline to invoke its processes.

RECEIVED
NLRB REGION 8
OAKLAND, CA
2019 SEP -6 AM 10:28

5a. Included All full time and regular part time general labor employees, packaging employees, production employees, dishwashers, maintenance employees, inventory employees, lab extraction, technicians and lab apprentices employed by the Employer at its facility located at 20 quail Run Circle suite C in Salinas, CA

5b. Excluded: Consultant, Company, Owners, management employees truck drivers, sales person, administrative employees working foremen. Confidential employees, office clerical employees, guards and supervisors as defined in the act.

RECEIVED
NLRB REGION 32
OAKLAND, CA
2019 SEP -6 AM 10:28

EXHIBIT “B”



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlr.gov
Telephone: (510)637-3300
Fax: (510)637-3315

September 11, 2019

Esmeralda Ochoa, Individual
1020 De Monte Avenue, Apt. 15
Salinas, CA 93905

Re: Indus Holding Co.
Case 32-RD-247755

Dear Ochoa:

This is to notify you that the petition in the above-captioned case will be held in abeyance pending the investigation of the unfair labor practice charges in Cases 32-CA-247914 and 32-CA-247928.

Right to Request Review: Pursuant to Section 102.71 of the National Labor Relations Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. The request for review shall be submitted in eight copies, unless filed electronically, with a copy filed with the regional director, and all copies must be served on all the other parties. The request must contain a complete statement setting forth facts and reasons upon which the request is based.

Procedures for Filing Request for Review: A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5 p.m. Eastern Time**) on September 25, 2019, unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time** on September 25, 2019.

Consistent with the Agency's E-Government initiative, parties are encouraged, but not required, to file a request for review electronically. Section 102.114 of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the Efiling system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review 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, absent a determination of technical failure of the site, with notice of such posted on the website.

The Board may grant special permission an extension of time within which to file a request for review. A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the regional director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Very truly yours,

/S/ Valerie Hardy-Mahoney

VALERIE HARDY-MAHONEY
Regional Director

cc: Office of the Executive Secretary (by e-mail)

Cristela Santillan
UNITED FOOD AND COMMERCIAL WORKERS
UNION LOCAL 5
1145 N MAIN ST
SALINAS, CA 93906-3614

David Rosenfeld, ESQ.
Weinberg Roger and Rosenfeld
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Kelly McMillin, Chief Compliance Officer
INDUS HOLDING COMPANY/CYPRESS
MANUFACTURING
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Salinas, CA 93907

Sergio H. Parra, ESQ.
JRG Attorneys at Law
318 Cayuga Street
Salinas, CA 93901

EXHIBIT “C”

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case 32-CA-247928

Date Filed 9-6-2019

INSTRUCTIONS:

File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer Indus Holding Company/Cypress Manufacturing		b. Tel. No. (831) 975-5548
		c. Cell No. (831) 809-2451
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 20 Quail Run Circle Salinas, CA 93907	e. Employer Representative Kelly McMillin Chief Operating Officer	g. e-Mail kelly@indusholdingco.com
		h. Number of workers employed 30
i. Type of Establishment (factory, mine, wholesaler, etc.) Cannabis Manufacturing	j. Identify principal product or service Cannabis edibles	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) 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) During the six months immediately preceding the filing of this charge, the above-named Employer, by its agents, has refused to bargain collectively in good faith with the charging party herein, the recognized collective bargaining representative of the majority of employees of said Employer in an appropriate unit. By the above and other acts the above-named Employer has interfered with, restrained, and coerced employees in the exercise of their rights guaranteed under Section 7 of the Act.		
7. Full name of party filing charge (if labor organization, give full name, including local name and number) United Food & Commercial Workers Union, Local 5		
4a. Address (Street and number, city, state, and ZIP code) 1245 North Main Street Salinas, CA 93906		4b. Tel. No. (831) 758-1066
		4c. Cell No. (831) 905-3076
		4d. Fax No. (831) 422-7997
		4e. e-Mail pmaturino@ufcw5.org
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) United Food & Commercial Workers Union, AFL-CIO		
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. (510) 337-1001
By  (signature of representative or person making charge)		Office, if any, Cell No.
Alan Crowley, Attorney (Printtype name and title or office, if any)		Fax No. (510) 337-1023
Address: Weinberg, Roger & Rosenfeld 1001 Marina Village Parkway, Suite 200 Alameda, CA 94501		e-Mail acrowley@unioncounsel.net nlr notices@unioncounsel.net
		7/16/19 (date)

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

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INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case 32-CA-247914 Date Filed 9-6-2019

INSTRUCTIONS:

File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer Indus Holding Company/Cypress Manufacturing	b. Tel. No. (831) 975-5548	c. Cell No. (831) 809-2451
	f. Fax No.	
d. Address (Street, city, state, and ZIP code) 20 Quail Run Circle Salinas, CA 93907	e. Employer Representative Kelly McMillin Chief Operating Officer	g. e-Mail kelly@indusholdingco.com
		h. Number of workers employed 30
i. Type of Establishment (factory, mine, wholesaler, etc.) Cannabis Manufacturing	j. Identify principal product or service Cannabis edibles	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (2) 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) During the six months immediately preceding the filing of this charge, above-named employer, by its agents, has given unlawful assistance to an employee to file a decertification petition, and the employer has otherwise interfered with the operations of the charging party, UFCW Local 5. By the above and other acts the above-named Employer has interfered with, restrained, and coerced employees in the exercise of their rights guaranteed under Section 7 of the Act.		
6. Full name of party filing charge (if labor organization, give full name, including local name and number) United Food & Commercial Workers Union, Local 5		
4a. Address (Street and number, city, state, and ZIP code) 1245 North Main Street Salinas, CA 93906	4b. Tel. No. (831) 758-1066	4c. Cell No. (831) 905-3076
	4d. Fax No. (831) 422-7997	4e. e-Mail pmaturino@ufcw5.org
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) United Food & Commercial Workers Union, AFL-CIO		
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. (510) 337-1001
By  (signature of representative or person making charge)		Office, if any, Cell No.
Alan Crowley, Attorney (Print/type name and title or office, if any)		Fax No. (510) 337-1023
Address: Weinberg, Roger & Rosenfeld 1001 Marina Village Parkway, Suite 200 Alameda, CA 94501		e-Mail acrowley@unioncounsel.net nlrbotices@unioncounsel.net
		9/6/19 (date)

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

1 1044531

CERTIFICATE OF SERVICE

Pursuant to the Board's Rules and Regulations, I hereby certify that on September 25, 2019 a true and correct copy of the foregoing **Employer's Request for Review** was E-filed with the NLRB Office of Executive Secretary, and was sent to the other parties by e-mail at the email addresses referenced below:

VALERIE HARDY-MAHONEY
Regional Director NLRB Region 32
REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224
Valerie.Hardy-Mahoney@nlrb.gov

C. Santillan
UNITED FOOD AND COMMERCIAL
WORKERS UNION LOCAL 5
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csantillan@ufcw5.org

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