

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 18**

**UNITED PULSE TRADING D/B/A AGT FOODS**

**and**

**BAKERY, CONFECTIONERY, TOBACCO WORKERS  
AND GRAIN MILLERS, INTERNATIONAL UNION,  
AFL-CIO, LOCAL NO. 167G**

**Case 18-CA-242003**

**MOTION TO SUPPLEMENT AND THEN CLOSE THE RECORD**

At the end of the hearing in this case, on January 29, 2020, the Administrative Law Judge gave the parties 10 days (extended by email to Feb. 12, 2020) to complete and copy documents subpoenaed by the General Counsel. In an effort to complete that record, the undersigned copied and left with the Court Reporter documents marked GCX 21-31 consisting of Performance Evaluations and Pay Raise Authorization forms for the following employees offered as examples of the documents that were summarized in GCX 4:

GCX 21, Jeff Aamot;

GCX 22, Chad Badke;

GCX 23, Sunshine Duchaine;

GCX 24, Sydney Mauti;

GCX 25, Victor Mogaka;

GCX 26, Oscar Monroy;

GCX 27, Romulo Ortiz;

GCX 28, Craig Sauer;

GCX 29, Chelsea Smith;

GCX 30, Kelsey Beyer;

GCX 31, Bob Muhindi.

These documents are attached to the transcript submitted by the Court Reporter on Feb. 10, 2020. Counsel for Respondent Jonathan Sutton has authorized the undersigned to state that Respondent objects to the relevance of any completed evaluation, but otherwise agrees that GCX 21-31 are company records as described above and in the transcript.

As submitted by the Court Reporter, GCX 25 is missing one page, attached hereto and marked GCX 25-Add. Counsel for Respondent Jonathan Sutton has authorized the undersigned to state that Respondent repeats its objection to the relevance of any completed evaluation, but otherwise agrees that in the company's files, this page is attached to the annual evaluation dated 4/13/16 already in the file, at the end of it, and should be included in the exhibit (the exhibit is not paginated, but GCX 25-Add would also come before another annual evaluation dated 4/18/17). Mr. Sutton also noted, however, that there is no evidence in the record that would identify the author of the post-it note or the initials on it.

Mr. Sutton also requested that the Administrative Law Judge's order to seal evaluations already admitted at the trial (e.g., GCX 5, Tr p. 28) should be extended to apply to GCX 21-31, and the undersigned has no objection to that request.

The Administrative Law Judge's order to keep the record open also permitted the parties to examine underlying documents and state appropriate objections to GCX 4 and RX 2. Counsel for the General Counsel states that he has no objection to the accuracy of RX 2, but has not been able to reach Mr. Sutton to obtain his position regarding GCX 4 despite leaving email and three voice mail messages today. Counsel for the General Counsel requests that if no objection is filed in this case by close of business today, GCX 4 should be admitted to the record as corrected by the testimony.

Counsel for General Counsel represents that he has contacted Elce Redmond representing the Charging Party and he has no objection to admission of GCX 21-31 under seal, or the addition of GCX 25-Add, or to closing the record.

Dated: February 12, 2020

/s/ Joseph Bornong  
JOSEPH BORNONG  
COUNSEL FOR THE GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
REGION 18  
Federal Office Building  
212 Third Avenue South, Suite 200  
Minneapolis, MN 55401-2657

Attachments



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HR-300

### Pay Raise Authorization

Employee: Victor Mogaeka

Location: Minot - Fine Milling New Hourly Rate or Salary: \_\_\_\_\_

Requested By: Brad Feist Date: 3/28/16

**Approved By**

Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Plant Manager: \_\_\_\_\_ Date: \_\_\_\_\_

General Manager: \_\_\_\_\_

I, \_\_\_\_\_

effect at the start of the next schedu

Signature: \_\_\_\_\_

*Victor went from 17.50 (3/10/14) to 20.00 on 10/12/15 he has shown very little improvement in this area or beyond.*

*I propose we freeze his wage at 20.00 + revisit if he shows improvement. (asks for much time off & still not comfortable in FM above)*

te: \_\_\_\_\_

alize that it will take \_\_\_\_\_

\*\* All raises will take effect at the paid every other Friday, with the p and the last day of the month. \*\*

*Fine LTM*

Hourly employees are rees are paid on the 15<sup>th</sup>

**\*\* FOR OFFICE USE ONLY \*\***

Effective Date in Payroll: \_\_\_\_\_ Set up By: \_\_\_\_\_

Date Set up: \_\_\_\_\_