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WEINBERG, ROGER & ROSENFELD
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1001 Marina Village Parkway, Suite 200
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E-Mail: drosenfeld@unioncounsel.net
nlrbnotices@unioncounsel.net

PROUD ADMONISHEE

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 16

UNITED FOOD AND COMMERCIAL
WORKERS LOCALS 051, 7 AND 1036, et al.,

Respondent,

and

MEIJER, INC.,

Charging Party.

No. 16-CB-3850

**NOTIFICATION OF POTENTIAL
VIOLATION OF ADMONITION TO
NATIONAL LABOR RELATIONS
BOARD**

The Admonishee in this case respectfully submits a potential violation of the admonition which a previous Board issued. Attached as **Exhibit A** is a letter to which are attached two charges. **Exhibit B** is a more recent charge filed in Region 28. The charges attached to Exhibit A have been rejected by the Region as containing language in violation of Operation Management Memorandum No. 17-05. We do not know the fate of the newer charge Exhibit B but we believe it will be rejected. We believe that referring to strikebreakers as scabs is just as appropriate as referring to the Right to Work Committee as the Right to Shirk Committee or referring to strikebreakers as replacements. The Board however should be advised of this conduct because the admonishee believes in transparency and in reporting conduct to the Board. The Board should take whatever action it deems appropriate.

Can we at least get approval to describe them them as strikebreakers or apostates if we cannot call them scabs. See *Iancu v. Brunetti*, 588 U.S. ____ (2019)(cannot describe issue in case for fear of Board admonishing admonishee further).

Dated: August 26, 2020

ORGANIZE AND RESIST!

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /S/ David A. Rosenfeld
 DAVID A. ROSENFELD
 PROUD ADMONISHEE

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EXHIBIT A



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004

Agency Website: www.nlr.gov
Telephone: (602)640-2160
Fax: (602)640-2178



Download
NLRB
Mobile App

August 14, 2020

VIA EMAIL Only:

David Rosenfeld
Weinberg, Roger & Rosenfeld, P.C.
1001 Marina Village Parkway, Suite 200
Alameda, CA 94501
E-mail: drosenfeld@unioncounsel.net

Re: ASARCO, LLC
Inquiry Nos. 1-2777429941 (7/30/2020)
1-2779561251 (8/4/2020)

Dear Mr. Rosenfeld:

The Region has received the unfair labor practice charges associated with the above-referenced inquiry numbers, which you e-filed on July 30, 2020 and August 4, 2020. Both of those charges contain demeaning language or epithets or references to demeaning language or epithets. The Region is therefore declining to docket the charges and is returning them to you pursuant to the policy set forth in Memorandum OM 17-05 "Non-Docketing of Facially Inappropriate Charge or Petition Forms." If you wish to file a new charge raising the same allegations without using demeaning language or epithets or references to demeaning language or epithets, you may do so. Please be aware that, under Section 10(b) of the Act, the Region cannot issue a complaint based on an unfair labor practice occurring more than six months before the filing of the charge with the Board and service of a copy of the charge on the Charged Party.

Sincerely,

/s/ Kyler Scheid

Kyler Scheid
Field Attorney

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

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

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 ASARCO LLC		b. Tel. No. (520) 879-7818 c. Cell No. (520) 879-7818 f. Fax No. g. e-Mail ssinele@asarco.com
d. Address (Street, city, state, and ZIP code) 1365 Pima Mine Road Sahuarita, AZ 85629	e. Employer Representative Stacy Sinele	h. Dispute Location (City & State) Tucson, Arizona
i. Type of Establishment (factory, mine, wholesaler, etc.) Mine and smelter	j. Identify principal product or service Copper	k. Number of workers at dispute location 1,750+
1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) 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 about July 6, 2020, and continuing, the above-named Employer has refused to reinstate employees engaged in an unfair labor practice strike by retaining scabs .		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Brotherhood of Boilermakers, Local 627		
4a. Address (Street and number, city, state, and ZIP code) 2345 West Thomas Road Phoenix, AZ 85015		4b. Tel. No. (602) 495-1282 4c. Cell No. 4d. Fax No. (602) 495-1391 4e. e-Mail jacob@boilermakers627.com
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) International Brotherhood of Boilermakers		
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 Office, if any, Cell No. Fax No. (510) 337-1023
By <u>David A Rosenfeld</u> (signature of representative or person making charge)		David A. Rosenfeld, Attorney (Print/type name and title or office, if any)
Address: Weinberg, Roger & Rosenfeld 1001 Marina Village Parkway, Suite 200 Alameda, CA 94501		July 30, 2020 (date) e-Mail nlrbotices@unioncounsel.net

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**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.

EXHIBIT A

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

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d. Address (Street, city, state, and ZIP code) 1365 Pima Mine Road Sahuarita, AZ 85629	e. Employer Representative Stacy Sinele	h. Dispute Location (City & State) Tucson, Arizona
i. Type of Establishment (factory, mine, wholesaler, etc.) Mine and smelter	j. Identify principal product or service Copper	k. Number of workers at dispute location 1,750+
1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) 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 about July 6, 2020, and continuing, the above-named Employer has refused to reinstate worker heroes engaged in an unfair labor practice strike by retaining [censored by Peter Robb but see Austin v Letter Carriers, 418 U.S. 264 (1974) referencing Jack London's description].		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Brotherhood of Boilermakers, Local 627		
4a. Address (Street and number, city, state, and ZIP code) 2345 West Thomas Road Phoenix, AZ 85015		4b. Tel. No. (602) 495-1282 4c. Cell No. 4d. Fax No. (602) 495-1391 4e. e-Mail jacob@boilermakers627.com
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) International Brotherhood of Boilermakers		
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 <u>David A. Rosenfeld</u> <i>(signature of representative or person making charge)</i>		Tel. No. (510) 337-1001 Office, if any, Cell No. Fax No. (510) 337-1023
Address: Weinberg, Roger & Rosenfeld 1001 Marina Village Parkway, Suite 200 Alameda, CA 94501		e-Mail nlrbotices@unioncounsel.net
		August 4, 2020 <i>(date)</i>

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EXHIBIT A

EXHIBIT B

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

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	c. Cell No. (520) 879-7818	
	f. Fax No.	
	g. e-Mail ssinele@asarco.com	
d. Address (Street, city, state, and ZIP code) 1365 Pima Mine Road Sahuarita, AZ 85629	e. Employer Representative Stacy Sinele	h. Dispute Location (City & State) Tucson, Arizona
i. Type of Establishment (factory, mine, wholesaler, etc.) Mine and smelter	j. Identify principal product or service base metal/labor unrest	k. Number of workers at dispute location few legitimate workers
1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) 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 about July 6, 2020, and continuing, the above-named Employer has refused to reinstate worker heroes engaged in an unfair labor practice strike by retaining [censored in violation of the First Amendment and Section 8 (c) of the Act]. See also backleg, apostate, שְׁבִיטָה מְפִיר; Штрейкбрехер and Schorf-Streikbrecher		
6. Full name of party filing charge (if labor organization, give full name, including local name and number) International Brotherhood of Boilermakers, Local 627		
4a. Address (Street and number, city, state, and ZIP code) 2345 West Thomas Road Phoenix, AZ 85015	4b. Tel. No. (602) 495-1282	
	4c. Cell No.	
	4d. Fax No. (602) 495-1391	
	4e. e-Mail jacob@boilermakers627.com	
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) International Brotherhood of Boilermakers		
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 <u>David A. Rosenfeld</u> <i>(signature of representative or person making charge)</i>		Office, if any, Cell No.
David A. Rosenfeld, 408 US 902 <i>(Print/type name and title or office, if any)</i>		Fax No. (510) 337-1023
Address: Weinberg, Roger & Rosenfeld 1001 Marina Village Parkway, Suite 200 Alameda, CA 94501		e-Mail nlrbotices@unioncounsel.net
		August 19, 2020 <i>(date)</i>

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EXHIBIT B

PROOF OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction this service was made. I am over the age of eighteen years and not a party to the within action.

On August 26, 2020, I served the following documents in the manner described below:

NOTIFICATION OF POTENTIAL VIOLATION OF ADMONITION TO NATIONAL LABOR RELATIONS BOARD

- (BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from larnold@unioncounsel.net to the email addresses set forth below.

On the following part(ies) in this action:

Mr. Peter Robb
National Labor Relations Board
General Counsel
Office of the General Counsel
1015 Half Street SE
Washington, D.C. 20570-0001
Peter.Robb@nlrb.gov

Timothy L. Watson, Regional Director
National Labor Relations Board
Region 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102
timothy.watson@nlrb.gov

Mr. Glenn M. Taubman
Attorney
8001 Braddock Road, Suite 600
Springfield, VA 22160
gmt@nrtw.org

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 26, 2020, at Alameda, California.

/s/ Laureen D. Arnold
Laureen D. Arnold