

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

DO NOT WRITE IN THIS SPACE	
Case 06-CA-252223	Date Filed April 30, 2020

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 Area Wide Protective (AWP)	b. Tel. No. 304-494-1761 c. Cell No. 304-494-1761 f. Fax No. g. e-Mail ncooper@awptraffic.com h. Number of workers employed 95+
d. Address (Street, city, state, and ZIP code) 1537 Elizabeth Park, Mineral Wells, WV 26150	e. Employer Representative Natasha Cooper, Assistant Manager
i. Type of Establishment (factory, mine, wholesaler, etc.) Traffic Control	j. Identify principal product or service Traffic Control
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 (list subsections) (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)  See Attachment	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Mr. Dale McCray, Lead Organizer for the International Brotherhood of Electrical Workers Local Union 978	
4a. Address (Street and number, city, state, and ZIP code) 25049 Veterans Memorial Highway, Terra Alta, West Virginia 26764	4b. Tel. No. 304-841-2140 4c. Cell No. 4d. Fax No. 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) International Brotherhood of Electrical Workers	
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>Dale McCray</u> (signature of representative or person making charge)	<u>Dale McCray, Lead Organizer</u> (Print/type name and title or office, if any)
Address <u>25049 Veterans Memorial Hwy Terra Alta, WV 26764</u>	Tel. No. Office, if any, Cell No. <u>304 841 2140</u> Fax No. e-Mail <u>dale_mccray@ibew.org</u>
	<u>4/29/20</u> (date)

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.

## Basis of Charge

- On about October 10, 2019, the Employer discharged Mike Mosteller because he assisted and supported the Union's organizing campaign.
- On about October 21, 2019, the Employer discharged Steven Jolley because he assisted and supported the Union's organizing campaign.
- On about October 15 and 16, 2019, the Employer, by James Patton, impliedly threatened employees that unionizing would be futile by telling them if they voted a union in they would not get a raise, would still make \$10 an hour, and would not be able to contribute to the Employer's retirement plan.
- On about October 15 and 16, 2019, the Employer, by James Patton, impliedly threatened employees that unionizing would be futile because unionized employees at other Employer locations make less than the Employer's West Virginia employees.
- On about October 15 and 16, 2019, the Employer, by James Patton, impliedly threatened employees that unionizing would be futile because a union would not be able to affect discipline or discharge decisions.
- On about October 15, 2019, the Employer, by James Patton, threatened employees that employee Mike Mosteller was discharged in part for his union activity in attempting to organize a union at the Employer.
- On about October 16, 2019, the Employer, by James Patton, impliedly threatened employees that unionizing would be futile by stating that if the union was selected to represent employees and the Employer needed to pay more clients would not use the Employer and, as a result, the Employer would not have work for employees.
- On about October 15 and 16, 2019, the Employer, by James Patton, solicited employee grievances and promised to remedy those grievances.
- On about October 15, 2019, the Employer, by James Patton, threatened employees that certain employees had been discharged because they signed statements for the Union that contained false information.
- On about October 15, 2019, the Employer, by James Patton, coercively offered more than ministerial assistance to employees by offering to help employees revoke their signed union authorization cards by discussing revocation with them and providing them with the use of his tablet to revoke their cards.
- On about October 15, 2019, the Employer, by James Patton, coerced employees by asking employees if they signed union authorization cards and if they wished to revoke their authorizations.