

**UNITED STATES COURT OF APPEALS**

**FOR THE**

**DISTRICT OF COLUMBIA**

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	)	
<b>WENDT CORPORATION,</b>	)	
	)	<b>Case Number: 20-1319</b>
<b>Petitioner,</b>	)	
	)	
<b>And</b>	)	
	)	
<b>NATIONAL LABOR RELATIONS BOARD,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**PETITIONER’S STATEMENT OF ISSUES TO BE RAISED**

Pursuant to the Court’s August 20, 2020 Order, Petitioner the Wendt Corporation (“Wendt”) herby submits its Statement of Issues to Be Raised:

1. Whether the National Labor Relations Board’s (hereinafter the “NLRB” and the “Board”) finding that the Petitioner violated Section 8 (a) (5) and (1) of the Act by laying off ten shop employees in February of 2018 was contrary to the prevailing law, and if not, whether it should be denied enforcement because the finding was not supported by substantial evidence.
2. Whether the NLRB’s finding that Shopmen’s Local No. 576 (“the Union”) had not waived its claim that the failure to provide wage increases in January of 2018 violated Section 8 (a) (3) and (1), was contrary to the prevailing law, and if not, whether it should be denied enforcement because the finding was not supported by substantial evidence.

3. Whether the NLRB's finding that Petitioner violated Section 8 (a) (3) and (1) of the Act by delaying providing performance reviews and wage increases, in response to a request by the Union to bargain regarding these issues, was contrary to the prevailing law and, if not, it should be denied enforcement because the finding was not supported by substantial evidence.
4. Whether the NLRB's finding that Petitioner violated Section 8 (a) (5) and (1) of the Act by removing unit work and transferring it to three newly appointed supervisors, was contrary to the prevailing law, and if not, whether it should be denied enforcement because the finding was not supported by substantial evidence.
5. Whether the NLRB's finding that Petitioner violated Section 8 (a) (3) and (1) of the Act by assigning work to employee William Hudson other than welding and denying his request for overtime, was contrary to the prevailing law and, if not, whether it should be denied enforcement because the finding was not supported by substantial evidence.
6. Whether the NLRB's finding that Petitioner violated Section 8 (a) (3) and (1) of the Act when it disciplined employee Dennis Bush for violation of its anti-harassment policy, was contrary to the prevailing law and, if not, whether it should be denied enforcement because the finding was not supported by substantial evidence.
7. Whether the NLRB's finding that Petitioner denied employee John Fricano union representation at a meeting to impose discipline, was contrary to the prevailing law and, if not, whether it should be denied enforcement because the finding was not supported by substantial evidence.

8. Whether the NLRB's Order should be denied enforcement because its remedial provisions exceed the NLRB's authority, under Section 10 (e) of the Act, and otherwise constitutes an abuse of discretion.

Dated: September 21, 2020

/s/ Ginger D. Schroder

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