

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

ALL STEEL IRON WORKS, INC.

and

Case 13-CA-261682

IRON WORKERS REGIONAL LOCAL NO. 853

MOTION TO CLARIFY DEFAULT JUDGMENT

On February 9, 2021, the National Labor Relations Board (the Board), per Section 102.20 of the Board's Rules and Regulations, granted Counsel for the General Counsel's Motion For Default Judgment in this matter. *See* 370 NLRB No. 81 (2021). Said Order is also attached as Exhibit 1.

The Board granted Counsel for the General Counsel's Motion For Default Judgment based on the undisputed fact that All Steel Iron Works, Inc. (Respondent) withdrew its Answer to Complaint and did not answer the First Amended Complaint due to it "not wishing to expend the funds necessary to defend this matter," and that it "does not intend to answer the Amended Complaint or any other pleadings in this matter." Counsel for the General Counsel's December 14, 2020 Motion To Transfer Proceedings To The Board And Motion For Default Judgment (and its Exhibits) is attached as Exhibit 2.

However, in the Board's February 9, 2021 Decision, and specifically in its recitation of the Alleged Unfair Labor Practices, the Conclusion of Law, the Remedy, and the Order, the Board inadvertently omitted the inclusion of the Section 8(a)(5) layoff of eight (8) named employees as alleged in the First Amended Complaint, which had been attached to Counsel for the General Counsel's Motion For Default Judgment as Exhibit 9.

Therefore, Counsel for the General Counsel respectfully requests that the Board clarify its findings of facts, conclusions of law, remedy, and Order to specifically include the unlawful layoff of the eight (8) named employees as alleged in paragraph VI(a) of the First Amended Complaint.

/s/ Lisa Friedheim-Weis, 2/11/21

Lisa Friedheim-Weis, Esq.
Counsel for the General Counsel
National Labor Relations Board, Region 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Attachments

CERTIFICATE OF SERVICE

This is to certify that on February 11, 2021, copies of the attached Motion To Clarify Default Judgment, which were electronically filed with the Office of the Executive Secretary, have been served upon the following in the manner indicated:

Pamela Kot
All Steel Iron Works, Inc.
6620 S. Lorel Avenue
Bedford Park, IL 60638-6333
pam@allsteeliron.com

CERTIFIED MAIL

Lance C Ziebell, Shareholder
Lavelle Law, Ltd.
1933 North Meacham Road Suite 600
Schaumburg, IL 60173
lziebell@lavellelaw.com

CERTIFIED MAIL & EMAIL

Ed Urbauer
Iron Workers Regional Local Union No. 853
7700 Industrial Drive
Forest Park, IL 60130
eurbauer@iwintl.org

EMAIL

Librado Arreola
Gregorio & Marco
2 N. LaSalle Street, Suite 1650
Chicago, IL 60602
larreola@gregoriolaw.com

EMAIL

Vincent Di Donato, International Rep.
Iron Workers International Union
3003 North Main Street
East Peoria, IL 61611
vdidonato@iwintl.org

EMAIL

/s/ Lisa Friedheim-Weis

Lisa Friedheim-Weis,
Counsel for the General Counsel
National Labor Relations Board, Region 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Exhibit

1

NOTICE: This opinion is subject to formal revision before publication in the bound volumes of NLRB decisions. Readers are requested to notify the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570, of any typographical or other formal errors so that corrections can be included in the bound volumes.

**All Steel Iron Works, Inc. and Iron Workers Regional
Local No. 853.** Case 13–CA–261682

February 9, 2021

DECISION AND ORDER

BY CHAIRMAN MCFERRAN AND MEMBERS KAPLAN
AND EMANUEL

The General Counsel seeks a default judgment in this case on the ground that All Steel Iron Works, Inc. (the Respondent) has withdrawn its answer to the complaint. Upon a charge filed by Iron Workers Regional Local No. 853 (the Union) on June 15, 2020, and amended on November 3, 2020, the General Counsel issued a complaint and notice of hearing on November 10, 2020, against the Respondent, alleging that it had violated Section 8(a)(5) and (1) of the Act. On November 24, 2020, the Respondent filed an answer to the complaint. On November 25, 2020, the General Counsel issued a first amended complaint and notice of hearing. On December 10, 2020, the Respondent filed a motion to withdraw its answer.¹

On December 14, 2020, the General Counsel filed with the National Labor Relations Board a Motion to Transfer Proceedings to the Board and for Default Judgment. On December 16, 2020, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent filed no response. The allegations in the motion are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on Motion for Default Judgment

Section 102.20 of the Board’s Rules and Regulations provides that the allegations in a complaint shall be deemed admitted if an answer is not filed within 14 days from service of the complaint, unless good cause is shown. In addition, the complaint affirmatively stated that unless an answer was received by November 24, 2020, the Board may find, pursuant to a motion for default judgment, that the allegations in the complaint are true. Although the Respondent filed an answer on November 24, 2020, it later withdrew that answer. The withdrawal of an answer has the same effect as a failure to file an answer, i.e., the allegations in the complaint must be considered to be true.² Accordingly, based on the withdrawal of the Respondent’s

¹ In its motion, the Respondent stated that it did not intend to file an answer to the General Counsel’s November 25 first amended complaint because it does not “wish[] to the expend the funds necessary to defend

answer, we deem the allegations in the complaint to be admitted as true, and grant the General Counsel’s Motion for Default Judgment.

On the entire record, the Board makes the following

FINDINGS OF FACT

I. JURISDICTION

At all material times, the Respondent has been a corporation with an office and place of business in Bedford Park, Illinois (the Respondent’s facility), and has been engaged in the business of manufacturing steel products.

In conducting its business operations during the 12-month period ending on December 31, 2019, a representative period, Respondent purchased and received at its facility goods valued in excess of \$50,000 directly from points outside of the State of Illinois.

We find that the Respondent is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act, and that the Union is a labor organization within the meaning of Section 2(5) of the Act.

II. ALLEGED UNFAIR LABOR PRACTICES

1. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of the Respondent within the meaning of Section 2(11) of the Act and agents of the Respondent within the meaning of Section 2(13) of the Act:

John Kot - Owner and President
Pamela Kot - Chief Financial Officer (CFO)

2. The following employees of the Respondent (the unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time shop employees engaged in production and fabrication and all field employees engaged in erection and installation; but excluding all confidential employees, professional employees, clerical employees, managerial employees, guards and supervisors as defined by the Act.

3. On April 26, 2019, the Board certified the Union as the exclusive collective-bargaining representative of the unit.

4. At all material times since April 26, 2019, based on Section 9(a) of the Act, the Union has been the designated exclusive collective-bargaining representative of the unit.

this matter” and that it “does not intend to answer the Amended Complaint or any further pleadings in this matter.”

² See *3H Service System, Inc.*, 369 NLRB No. 116 (2020); *Maislin Transport*, 274 NLRB 529 (1985).

5. About January 3, 2020, the Respondent, by email, informed the Union that the Respondent was closing its business effective January 31, 2020.

6. About January 3, 2020, the Respondent, by email to the Union, withdrew its recognition of the Union as the exclusive collective-bargaining representative of the unit effective January 31, 2020.

7. About February 28, 2020 and on numerous dates thereafter, the Union observed the Respondent continuing its operations at its facility as described above.

8. About May 4, 2020, the Union, by email, requested that the Respondent bargain collectively with the Union as the exclusive collective-bargaining representative of the unit.

9. Since about May 4, 2020, the Respondent has failed and refused to bargain with the Union as the exclusive collective-bargaining representative of the unit.

10. Since about May 4, 2020, the Union has requested in writing that the Respondent furnish the Union with the following information:

(a) A list of all bargaining unit employees presently employed by the Company, including their names, addresses, phone numbers, hire dates and rates of pay.

(b) A list of subcontractors or independent contractors that presently perform bargaining unit work for the Company, including their names, addresses, phone numbers, hire dates, anticipated termination dates, and rates of pay.

(c) Also, if the Company has transferred any bargaining unit work to any of its other locations, please provide a description of the work that was transferred, the date the work was transferred, and the address of the location to where the work was transferred.

(d) Provide the date upon which the lease of the premises presently occupied by the Company at its location at 6620 S. Lorel Avenue expires. If the Company does not lease these premises, explain how the Company occupies these premises, if without a lease, does it own the property?

(e) If the Company will cease its operations, please provide the date upon which such action will take place.

11. Since about June 15, 2020, the Union requested in writing that the Respondent furnish the Union with the following information:

(a) All Small Business Association documents related to loans as part of "CARES Act" issued to or applied for by the following persons and/or entities: "All Steel Iron Works, Inc.," "John Kot," and "Pamela Kot." Additionally, provide all correspondence or applications to the Small Business Administration by entities using the following business address: 6620 S. Lorel Avenue, Chicago, IL 60638.

(b) Also, please provide the annual budget and profit and loss statements for 2019 and 2020. In addition, please provide 2019 business tax filings for All Steel Iron Works, Inc., as well as the balance sheet ending March 1, 2020. If the Company will cease its operations, please provide the date upon which such action will take place.

12. The information requested by the Union, as described above in paragraphs 11 and 12, is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the unit.

13. Since about June 16, 2020, the Respondent, by John Kot, has failed and refused to furnish the Union with the information requested by it.

CONCLUSION OF LAW

By the conduct described above, the Respondent has been failing and refusing to recognize and bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(5) and (1) of the Act.

The Respondent's unfair labor practices described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDY

Having found that the Respondent has engaged in certain unfair labor practices, we shall order it to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act. Specifically, having found that the Respondent violated Section 8(a)(5) and (1) by failing and refusing to bargain with the Union, we shall order the Respondent to recognize and, on request, bargain with the Union as the exclusive collective-bargaining representative of the unit employees with respect to wages, hours, benefits, and other terms and conditions of employment and, if an understanding is reached, to embody the understanding in a signed agreement.

To ensure that the employees are accorded the services of their selected bargaining agent for the period provided by law, we shall construe the initial period of the certification as beginning the date the Respondent begins to bargain in good faith with the Union. *Mar-Jac Poultry Co.*, 136 NLRB 785 (1962); accord *Burnett Construction Co.*, 149 NLRB 1419, 1421 (1964), *enfd.* 350 F.2d 57 (10th Cir. 1965); *Lamar Hotel*, 140 NLRB 226, 229 (1962), *enfd.* 328 F.2d 600 (5th Cir. 1964), *cert. denied* 379 U.S. 817 (1964).

In addition, having found that the Respondent violated Section 8(a)(5) and (1) by failing and refusing to furnish the Union with information that is relevant and necessary to its role as the exclusive collective bargaining representative of the unit employees, we shall order the

Respondent to provide the Union with the information it requested on May 4, and June 15, 2020.

ORDER

The National Labor Relations Board orders that the Respondent, All Steel Iron Works, Inc., Bedford Park, Illinois, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Failing and refusing to recognize and bargain collectively and in good faith with Iron Workers Regional Local Union No. 853 (the Union) as the exclusive collective-bargaining representative of the employees in the bargaining unit.

(b) Refusing to bargain collectively with the Union by failing and refusing to furnish it with requested information that is relevant and necessary to the Union’s performance of its functions as the exclusive collective-bargaining representative of the Respondent’s unit employees.

(c) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) On request, bargain collectively and in good faith with the Union as the exclusive collective-bargaining representative of the employees in the following appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

All full-time and regular part-time shop employees engaged in production and fabrication and all field employees engaged in erection and installation; but excluding all confidential employees, professional employees, clerical employees, managerial employees, guards and supervisors as defined by the Act.

(b) Furnish to the Union in a timely manner the information requested by the Union on May 4 and June 15, 2020.

(c) Post at its Bedford Park, Illinois facility copies of the attached notice marked “Appendix.”³ Copies of the notice, on forms provided by the Regional Director for Region 13, after being signed by the Respondent’s authorized representative, shall be posted by the Respondent and

³ If the facility involved in these proceedings is open and staffed by a substantial complement of employees, the notices must be posted within 14 days after service by the Region. If the facility involved in these proceedings is closed due to the Coronavirus Disease 2019 (COVID-19) pandemic, the notices must be posted within 14 days after the facility reopens and a substantial complement of employees have returned to work, and the notices may not be posted until a substantial complement of employees have returned to work. Any delay in the physical posting

maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent shall take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since January 3, 2020.

(d) Within 21 days after service by the Region, file with the Regional Director for Region 13 a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply.

Dated, Washington, D.C. February 9, 2021

Lauren McFerran, Chairman

Marvin E. Kaplan, Member

William J. Emanuel, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

APPENDIX

NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

of paper notices also applies to the electronic distribution of the notice if the Respondent customarily communicates with its employees by electronic means. If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading “Posted by Order of the National Labor Relations Board” shall read “Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board.”

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT fail and refuse to recognize and bargain collectively and in good faith with the Iron Workers Regional Local Union No. 853 (the Union) as the exclusive collective-bargaining representative of our employees in the bargaining unit.

WE WILL NOT refuse to bargain collectively with the Union by failing and refusing to furnish it with requested information that is relevant and necessary to the Union's performance of its functions as the exclusive collective-bargaining representative of our unit employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL, on request, bargain with the Union as the exclusive collective-bargaining representative of our employees in the following appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

All full-time and regular part-time shop employees engaged in production and fabrication and all field employees engaged in erection and installation; but excluding all confidential employees, professional employees, clerical employees, managerial employees, guards and supervisors as defined by the Act.

WE WILL furnish to the Union in a timely manner the information it requested on May 4 and June 15, 2020.

ALL STEEL IRON WORKS, INC.

The Board's decision can be found at www.nlr.gov/case/13-CA-261682 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



Exhibit

2

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

ALL STEEL IRON WORKS, INC.

and

Case 13-CA-261682

IRON WORKERS REGIONAL LOCAL NO. 853

**MOTION TO TRANSFER PROCEEDINGS TO THE BOARD AND
MOTION FOR DEFAULT JUDGMENT**

Pursuant to Section 102.50 and 102.56 of the Rules and Regulations of the National Labor Relations Board (the Board), Counsel for the General Counsel files this Motion to Transfer Proceedings to the Board and Motion for Default Judgment. The General Counsel is entitled to default judgment in this matter because All Steel Iron Works, Inc. (“Respondent”) has withdrawn its answer and thus has failed to comply with the requirements for filing an answer to complaint as prescribed by Section 102.20 of the Board’s Rules and Regulations. *Windward Roofing and Construction Co.*, 333 NLRB 658, 658 (2001); *U.S. Telefactors Corp.*, 293 NLRB 567 (1989).

In support of this motion, Counsel for the General Counsel respectfully submits the following:

1. Pursuant to an unfair labor practice charge filed on June 15, 2020, and a first amended charge filed on November 3, 2020, in Case 13-CA-261682 by Iron Workers Regional Local No. 853 (“Charging Party”) against Respondent, the Regional Director for Region 13 issued a Complaint and Notice of Hearing on November 10, 2020. A copy of the unfair labor practice charge, first amended charge, the affidavits of service for the charge and first amended charge, and the Complaint and Notice of Hearing and the affidavit of service for the Complaint and Notice of Hearing are attached as Exhibits 1 through 6, respectively.
2. On November 24, 2020, an Answer was filed on behalf of Respondent. A copy of Respondent’s Answer and affidavit of service of the Answer are attached as Exhibits 7 and 8.
3. On November 25, 2020, the Regional Director for Region 13 issued a First Amended Complaint and Notice of Hearing. The Answer to First Amended Complaint was due December 9, 2020. A copy of the First Amended Complaint and the affidavit of service for the First Amended Complaint are attached as Exhibits 9 and 10.

4. On December 10, 2020, Respondent filed with Region 13 a Motion To Withdraw Answer concerning its November 24, 2020 Answer to Complaint, and further averred within its Motion that it “did not answer the Amended Complaint due to it not wishing to expend the funds necessary to defend this matter,” and that it “does not intend to answer the Amended Complaint or any other pleadings in this matter.” A copy of Respondent’s Motion To Withdraw Answer and affidavit of service of Respondent’s Motion are attached as Exhibits 11 and 12.

5. Based on the foregoing, a hearing in this matter is not necessary and it is appropriate for the Board to issue a Decision and Order without further proceedings.

Counsel for the General Counsel respectfully moves that the Board grant the Motion to Transfer Proceedings to the Board and Motion for Default Judgment, finding all allegations in the First Amended Complaint to be true and issue an appropriate Remedial Order.

Dated at Chicago, Illinois, this 14th day of December 2020.

/s/ Lisa Friedheim-Weis

Lisa Friedheim-Weis, Esq.,
Counsel for the General Counsel
National Labor Relations Board, Region 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Attachments

CERTIFICATE OF SERVICE

This is to certify that on December 14, 2020, copies of the attached **Motion to Transfer Proceedings to the Board and Motion for Default Judgment**, which were electronically filed with the Office of the Executive Secretary, have been served upon the following in the manner indicated:

Pamela Kot
All Steel Iron Works, Inc.
6620 S. Lorel Avenue
Bedford Park, IL 60638-6333
pam@allsteeliron.com

CERTIFIED MAIL

Lance C Ziebell, Shareholder
Lavelle Law, Ltd.
1933 North Meacham Road Suite 600
Schaumburg, IL 60173
lziebell@lavellelaw.com

CERTIFIED MAIL & EMAIL

Ed Urbauer
Iron Workers Regional Local Union No. 853
7700 Industrial Drive
Forest Park, IL 60130
eurbauer@iwintl.org

EMAIL

Librado Arreola
Gregorio & Marco
2 N. LaSalle Street, Suite 1650
Chicago, IL 60602
larreola@gregoriolaw.com

EMAIL

Vincent Di Donato, International Rep.
Iron Workers International Union
3003 North Main Street
East Peoria, IL 61611
vdidonato@iwintl.org

EMAIL

/s/ Lisa Friedheim-Weis

Lisa Friedheim-Weis,
Counsel for the General Counsel
National Labor Relations Board, Region 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case 13-CA-261682

Date Filed 6/15/20

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 All Steel Iron Works, Inc.	b. Tel. No. (708) 357-3231
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 6620 S. Lorel Avenue IL Bedford Park 60638-6333	e. Employer Representative Pamela Kot
	g. e-Mail pam@allsteeliron.com
	h. Number of workers employed 15
i. Type of Establishment (factory, mine, wholesaler, etc.) Iron & Steel	j. Identify principal product or service Fabrication of Iron
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) 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) --See additional page--	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Ed Urbauer Title: Iron Workers Regional Local Union No. 853	
4a. Address (Street and number, city, state, and ZIP code) 7700 Industrial Drive IL Forest Park 60130-_____	4b. Tel. No. (847) 455-1473
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail eurbauer@iwinl.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)	
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 Librado Arreola (signature of representative or person making charge)	Librado Arreola Title: (Print/type name and title or office, if any)
2 N. LaSalle Street, Suite 1650 Address Chicago IL 60602-_____	06/15/2020 14:46:38 (date)
	Tel. No. (312) 263-2343
	Office, if any, Cell No.
	Fax No.
	e-Mail larreola@gregoriolaw.com

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 1**

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by failing to furnish information requested by the union.

Date of request	Employer representative	List items requested	Date refused
5/4/2020		Employee list and contact information; etc.	
5/4/2020		Bargain over wages	



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



Download
NLRB
Mobile App

June 16, 2020

Pamela Kot
All Steel Iron Works, Inc.
6620 South Lorel Avenue
Bedford Park, IL 60638-6333

Re: All Steel Iron Works, Inc.
Case 13-CA-261682

Dear Ms. Kot:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Christopher J. Lee whose telephone number is (312)353-9777 and e-mail address is christopher.lee@nlrb.gov. If this Board agent is not available, you may contact Supervisor Field Examiner Joyce A. Hofstra whose telephone number is (312)353-7609.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by June 29, 2020. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter Sung Ohr", written over a horizontal line.

Peter Sung Ohr
Regional Director

CJL/dg

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

13-CA-261682

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**

[] CORPORATION [] LLC [] LLP [] PARTNERSHIP [] SOLE PROPRIETORSHIP [] OTHER (Specify)

3. IF A CORPORATION or LLCA. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): [] CALENDAR YR [] 12 MONTHS or [] FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (**Check the largest amount**):
[] \$100,000 [] \$250,000 [] \$500,000 [] \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**

[] YES [] NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

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 representation and/or unfair labor practice proceedings 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 refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ALL STEEL IRON WORKS, INC.

Charged Party

and

**IRON WORKERS REGIONAL LOCAL UNION
NO. 853**

Charging Party

Case 13-CA-261682

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 16, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Pamela Kot
All Steel Iron Works, Inc.
6620 South Lorel Avenue
Bedford Park, IL 60638-6333

June 16, 2020

Date

Denise Gatsoudis, Designated Agent of
NLRB

Name

/s/ Denise Gatsoudis

Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
13-CA-261682	11/3/2020

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer All Steel Iron Works, Inc.		b. Tel. No. (708)357-3231
		c. Cell No.
d. Address (street, city, state ZIP code) 6620 S. Lorel Avenue, Bedford Park, IL 60638-6333	e. Employer Representative Pamela Kot/John Kot	f. Fax No.
		g. e-Mail pam@allsteeliron.com
		h. Dispute Location (City and State) Bedford Park, IL
i. Type of Establishment (factory, nursing home, hotel) Iron and Steel	j. Principal Product or Service Fabricated iron	k. Number of workers at dispute location 15

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 (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)

(1) Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees. (2) Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by failing to furnish information requested by the union. (3) Within the previous six months and continuing, the Employer failed and refused to recognize the union as the certified collective bargaining representative.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Iron Workers Regional Local Union No. 853

4a. Address (street and number, city, state, and ZIP code)
7700 Industrial Drive, Forest Park, IL 60130

4b. Tel. No.
(847)455-1473

4c. Cell No.

4d. Fax No.

4e. e-Mail
eurbauer@iwintl.org

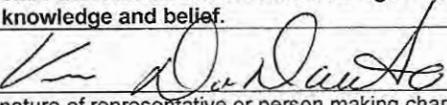
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

Iron Workers International Union

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.
(309) 566-9359

By: 
(signature of representative or person making charge)

Vincent Di Donato, Int'l Rep
Print Name and Title

Office, if any, Cell No.

Fax No.

Address: 3003 N Main Street, East Peoria, IL
61611

Date: 11-03-2020

e-Mail
vdidonato@iwintl.org

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.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



Download
NLRB
Mobile App

November 3, 2020

Pamela Kot
All Steel Iron Works, Inc.
6620 S. Lorel Avenue
Bedford Park, IL 60638-6333

Re: All Steel Iron Works, Inc.
Case 13-CA-261682

Dear Ms. Kot:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner Christopher J. Lee whose telephone number is (312)353-9777 and whose e-mail address is christopher.lee@nlrb.gov. If the agent is not available, you may contact Supervisor Field Examiner Joyce A. Hofstra whose telephone number is (312)353-7609.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Peter Sung Ohr', written over a horizontal line.

Peter Sung Ohr
Regional Director

Enclosure: Copy of first amended charge

cc: Lance C Ziebell, Shareholder
Lavelle Law, Ltd.
1933 North Meacham Road
Suite 600
Schaumburg, IL 60173

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ALL STEEL IRON WORKS, INC.

Charged Party

and

**IRON WORKERS REGIONAL LOCAL UNION
NO. 853**

Charging Party

Case 13-CA-261682

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 3, 2020, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Pamela Kot
All Steel Iron Works, Inc.
6620 S. Lorel Avenue
Bedford Park, IL 60638-6333

Lance C Ziebell, Shareholder
Lavelle Law, Ltd.
1933 North Meacham Road
Suite 600
Schaumburg, IL 60173

November 3, 2020

Date

Brendan Zarling, Designated Agent of
NLRB

Name

/s/ Brendan Zarling

Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

ALL STEEL IRON WORKS, INC.

and

Case 13-CA-261682

**IRON WORKERS REGIONAL LOCAL
UNION NO. 853**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Iron Workers Regional Local Union No. 853 (Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that All Steel Iron Works, Inc., (Respondent) has violated the Act as described below.

I.

(a) The charge in this proceeding was filed by the Union on June 15, 2020, and a copy was served on Respondent by U.S. mail on June 16, 2020.

(b) The first amended charge in this proceeding was filed by the Union on November 3, 2020, and a copy was served on Respondent by U.S. mail that same day.

II.

(a) At all material times, Respondent has been an Illinois corporation with an office and place of business located in Bedford Park, Illinois, (Respondent's facility) and has been engaged in the business of manufacturing steel products.

(b) In conducting its business operations during the 12-month period ending on December 31, 2019, a representative period, Respondent purchased and received at its facility goods valued in excess of \$50,000 directly from points outside of the State of Illinois.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

III.

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

IV.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act):

John Kot	-	Owner and President
Pamela Kot	-	Chief Financial Officer (CFO)

V.

(a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time shop employees engaged in production and fabrication and all field employees engaged in erection and installation; but excluding all confidential employees, professional employees, clerical employees, managerial employees, guards and supervisors as defined by the Act.

(b) On April 26, 2019, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(c) At all times since April 26, 2019, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

VI.

(a) About January 3, 2020, by email to the Union, Respondent informed the Union that Respondent was closing its business effective January 31, 2020.

(b) About January 3, 2020, by e-mail to the Union, Respondent withdrew its recognition of the Union as the exclusive collective-bargaining representative of the Unit effective January 31, 2020.

VII.

(a) About February 28, 2020 and on numerous dates thereafter, the Union observed Respondent continuing its operations at its facility as described above in paragraph II.

(b) About May 4, 2020, the Union, by e-mail requested that Respondent bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit.

(c) Since about May 4, 2020, Respondent has failed and refused to bargain with the Union as the exclusive collective-bargaining representative of the Unit.

VIII.

(a) Since about May 4, 2020, the Union has requested in writing that Respondent

furnish the Union with the following information:

1. A list of all bargaining unit employees presently employed by the Company, including their names, addresses, phone numbers, hire date and rates of pay.
2. A list of subcontractors or independent contractors that presently perform bargaining unit work for the Company, including their names, addresses, phone numbers, hire date, anticipated termination date, and rates of pay.
3. Also, if the Company has transferred any bargaining unit work to any of its other locations, please provide a description of the work that was transferred, the date the work was transferred, the address of the location to where the work was transferred.
4. Provide the date upon which the lease of the premises presently occupied by the Company at its location at 6620 S. Lorel Avenue, expires. If the Company does not lease these premises, explain how the Company occupies these premises, if without a lease, does it own the property?
5. If the Company will cease its operations, please provide the date upon which such action will take place.

(b) Since about June 15, 2020, the Union requested in writing that Respondent furnish the Union with the following information:

1. All Small Business Association documents related to loans as part of "CARES Act issued to or applied for by the following persons and/or entities: "All Steel Iron Works, Inc.," "John Kot," and "Pamela Kot." Additionally, provide all correspondence or applications to the Small Business Administration by entities using the following business address: 6620 S Lorel Avenue, Chicago, IL 60638.
2. Also, please provide the annual budget and profit and loss statements for 2019 and 2020. In addition, please provide 2019 business tax filings for All Steel Iron Works, Inc, as well as the balance sheet ending March 1, 2020. If the Company will cease its operations, please provide the date upon which such action will take place.

(c) The information requested by the Union, as described above in paragraphs VIII (a) and (b) is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(d) Since about June 16, 2020, Respondent, by John Kot, in writing, has failed and

refused to furnish the Union with the information requested by it as described above in paragraphs VIII (a) and (b).

IX.

By the conduct described above in paragraphs VI through VIII, Respondent has been failing and refusing to recognize and bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

X.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before November 24, 2020, or postmarked on or before November 23, 2020.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer 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. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on February 16, 2021, 10:00 a.m. at the Dirksen Federal Building, 219 South Dearborn Street, 8th Floor, Suite 808, Chicago, Illinois, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Chicago, Illinois this 10th day of November 2020.

/s/ Peter Sung Ohr

Peter Sung Ohr
Regional Director
National Labor Relations Board
Region 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, Il 60604

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 13-CA-261682

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Pamela Kot
All Steel Iron Works, Inc.
6620 S. Lorel Avenue
Bedford Park, IL 60638-6333
pam@allsteeliron.com

Lance C Ziebell , Shareholder
Lavelle Law, Ltd.
1933 North Meacham Road
Suite 600
Schaumburg, IL 60173
lziebell@lavellelaw.com

Ed Urbauer
Iron Workers Regional Local Union No. 853
7700 Industrial Drive
Forest Park, IL 60130
urbauer@iwintl.org

Librado Arreola
Gregorio & Marco
2 N. LaSalle Street, Suite 1650
Chicago, IL 60602
larreola@gregoriolaw.com

Vincent Di Donato, International Rep.
Iron Workers International Union
3003 North Main Street
East Peoria, IL 61611
vdidonato@iwintl.org

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

ALL STEEL IRON WORKS, INC.

and

Case 13-CA-261682

**IRON WORKERS REGIONAL LOCAL UNION
NO. 853**

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **November 10, 2020**, I served the above-entitled document by e-issuance, as noted below, upon the following persons, addressed to them at the following addresses:

Pamela Kot **E-ISSUED**
All Steel Iron Works, Inc.
6620 S. Lorel Avenue
Bedford Park, IL 60638-6333
pam@allsteeliron.com

Lance C Ziebell , Shareholder **E-ISSUED**
Lavelle Law, Ltd.
1933 North Meacham Road
Suite 600
Schaumburg, IL 60173
lziebell@lavellelaw.com

Ed Urbauer **E-ISSUED**
Iron Workers Regional Local Union No. 853
7700 Industrial Drive
Forest Park, IL 60130
urbauer@iwintl.org

Librado Arreola **E-ISSUED**
Gregorio & Marco
2 N. LaSalle Street, Suite 1650
Chicago, IL 60602
larreola@gregoriolaw.com

Vincent Di Donato , International Rep.
Iron Workers International Union
3003 North Main Street
East Peoria, IL 61611
vdidonato@iwintl.org

E-ISSUED

November 10, 2020

Loretta I. Thompson, Designated Agent of
NLRB

Date

Name

Loretta I. Thompson

Signature

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 13-CA-261682

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Pamela Kot
All Steel Iron Works, Inc.
6620 S. Lorel Avenue
Bedford Park, IL 60638-6333
pam@allsteeliron.com

Lance C Ziebell , Shareholder
Lavelle Law, Ltd.
1933 North Meacham Road
Suite 600
Schaumburg, IL 60173
lziebell@lavellelaw.com

Ed Urbauer
Iron Workers Regional Local Union No. 853
7700 Industrial Drive
Forest Park, IL 60130
urbauer@iwintl.org

Librado Arreola
Gregorio & Marco
2 N. LaSalle Street, Suite 1650
Chicago, IL 60602
larreola@gregoriolaw.com

Vincent Di Donato, International Rep.
Iron Workers International Union
3003 North Main Street
East Peoria, IL 61611
vdidonato@iwintl.org

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

ALL STEEL IRON WORKS, INC.)	
)	
and)	Case 13-CA-261682
)	
IRON WORKERS REGIONAL LOCAL)	
UNION NO. 853)	

ANSWER TO COMPLAINT AND NOTICE OF HEARING

NOW COMES the Respondent, ALL STEEL IRON WORKS, INC., by and through its attorneys, Lavelle Law, Ltd., and for its Answer to the Complaint and Notice of Hearing, answers as follows:

I.

- (a) The charge in this proceeding was filed by the Union on June 15, 2020, and a copy was served on Respondent by U.S. mail on June 16, 2020.

ANSWER: Admit.

- (b) The first amended charge in this proceeding was filed by the Union on November 3, 2020, and a copy was served on Respondent by U.S. mail that same day.

ANSWER: Admit.

II.

- (a) At all material times, Respondent has been an Illinois corporation with an office and place of business located in Bedford Park, Illinois, (Respondent's facility) and has been engaged in the business of manufacturing steel products.

ANSWER: Deny.

- (b) In conducting its business operations during the 12-month period ending on December 31, 2019, a representative period, Respondent purchased and received at its facility

goods valued in excess of \$50,000 directly from points outside of the State of Illinois.

ANSWER: Deny.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER: Deny.

III.

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

ANSWER: Respondent has insufficient information with which to answer this allegation and, accordingly, denies the same.

IV.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act):

John Kot - Owner and President
Pamela Kot - Chief Financial Officer (CFO)

ANSWER: Deny.

V.

(a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time shop employees engaged in production and fabrication and all field employees engaged in erection and installation; but excluding all confidential employees, professional employees, clerical employees, managerial employees, guards and supervisors as defined by the Act.

ANSWER: Deny.

(b) On April 26, 2019, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

ANSWER: Admit.

(c) At all times since April 26, 2019, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

ANSWER: Admit.

VI.

(a) About January 3, 2020, by email to the Union, Respondent informed the Union that Respondent was closing its business effective January 31, 2020.

ANSWER: Admit. Answering further, the referenced email, which is not attached to the Complaint, speaks for itself.

(b) About January 3, 2020, by e-mail to the Union, Respondent withdrew its recognition of the Union as the exclusive collective-bargaining representative of the Unit effective January 31, 2020.

ANSWER: Deny. Answering further, the referenced email, which is not attached to the Complaint, speaks for itself.

VII.

(a) About February 28, 2020 and on numerous dates thereafter, the Union observed Respondent continuing its operations at its facility as described above in paragraph II.

ANSWER: As Respondent has no idea what the Union observed, it has insufficient information to answer the allegations of this Paragraph and, accordingly, denies the same.

(b) About May 4, 2020, the Union, by e-mail requested that Respondent bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit.

ANSWER: Admit.

(c) Since about May 4, 2020, Respondent has failed and refused to bargain with the Union as the exclusive collective-bargaining representative of the Unit.

ANSWER: As Respondent did not exist as a corporate entity on May 4, 2020, and, therefore could not bargain in a corporate behalf, Respondent denies the allegations of this Paragraph.

VIII.

(a) Since about May 4, 2020, the Union has requested in writing that Respondent furnish the Union with the following information:

1. A list of all bargaining unit employees presently employed by the Company, including their names, addresses, phone numbers, hire date and rates of pay.
2. A list of subcontractors or independent contractors that presently perform bargaining unit work for the Company, including their names, addresses, phone numbers, hire date, anticipated termination date, and rates of pay.
3. Also, if the Company has transferred any bargaining unit work to any of its other locations, please provide a description of the work that was transferred, the date the work was transferred, the address of the location to where the work was transferred.
4. Provide the date upon which the lease of the premises presently occupied by the Company at its location at 6620 S. Lorel Avenue, expires. If the Company does not lease these premises, explain how the Company occupies these premises, if without a lease, does it own the property?
5. If the Company will cease its operations, please provide the date upon which such action will take place.

ANSWER: Admit.

(b) Since about June 15, 2020, the Union requested in writing that Respondent

furnish the Union with the following information:

1. All Small Business Association documents related to loans as part of "CARES Act issued to or applied for by the following persons and/or entities: "All Steel Iron Works, Inc.," "John Kot," and "Pamela Kot." Additionally, provide all correspondence or applications to the Small Business Administration by entities using the following business address: 6620 S Lorel Avenue, Chicago, IL 60638.
2. Also, please provide the annual budget and profit and loss statements for 2019 and 2020. In addition, please provide 2019 business tax filings for All Steel Iron Works, Inc, as well as the balance sheet ending March 1, 2020. If the Company will cease its operations, please provide the date upon which such action will take place.

(c) The information requested by the Union, as described above in paragraphs VIII (a) and (b) is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

ANSWER: Deny.

(d) Since about June 16, 2020, Respondent, by John Kot, in writing, has failed and refused to furnish the Union with the information requested by it as described above in paragraphs VIII (a) and (b).

ANSWER: As Respondent did not exist as a corporate entity on June 16, 2020, and, therefore could not bargain in a corporate behalf, Respondent denies the allegations of this Paragraph.

IX.

By the conduct described above in paragraphs VI through VIII, Respondent has been failing and refusing to recognize and bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of

the Act.

ANSWER: Deny.

X.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER: Deny.

Respectfully submitted,
All Steel Iron Works, Inc.

/s/ Lance C. Ziebell
By: one of its attorneys

Lance C. Ziebell – 6298037
Lavelle Law, Ltd.
Suite 600
1933 North Meacham Road
Schaumburg, Illinois 60173
Phone: 847-705-7555
Email: lziebell@lavellelaw.com
S:\7001-7250\7143\Union\Pleadings\261682\Pleadings\answer.docx

**BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

REMZI JAOS)	
)	
Complainant,)	
)	
v.)	Case No. 13-CA-244479
)	
ALL STEEL IRON WORKS, INC.)	
)	
Respondent.)	

TO: National Labor Relations Board
c/o Mr. Christopher Lee
Suite 808
219 South Dearborn Street
Chicago, Illinois 60604-2027
Email: christopher.lee@nlrb.gov

Gregorio & March
c/o Ms. Librado Arreola
Suite 1650
2 North LaSalle Street
Chicago, Illinois 60602
Email: larreola@gregoriolaw.com

Iron Workers Regional Shop Local Union No. 853
c/o Mr. Ed Urbauer
7700 Industrial Drive
Forest Park, Illinois 6013
Email: eurbauer@iwintl.org

Iron Workers International Union
c/o Mr. Vincent DiDonato
3003 North Main Street
East Peoria, Illinois 61611
vdidonato@iwintl.org

NOTICE OF FILING

Please take notice that on November 24, 2020, the undersigned caused to be filed with the National Labor Relations Board, Region 13, **All Steel Iron Works, Inc.’s Answer**, copies of which are attached hereto and are hereby served upon you.

/s/ Lance C. Ziebell
Lance C. Ziebell

CERTIFICATE OF SERVICE

I, Lance C. Ziebell, an attorney, hereby certify that I mailed a copy of this Notice and the documents referred to herein to the above parties by electronically mailing it to them at the electronic mail addresses set forth herein this 24th day of November, 2020.

/s/ Lance C. Ziebell
Lance C. Ziebell

Lance C. Ziebell
Lavelle Law, Ltd.
Suite 600
1933 North Meacham Road
Schaumburg, Illinois 60173
Phone: 847-705-7555
Email: lziebell@lavellelaw.com
S:\7001-7250\7143\Union\Pleadings\261682\Pleadings\nof.answer.doc

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

ALL STEEL IRON WORKS, INC.

and

Case 13-CA-261682

**IRON WORKERS REGIONAL LOCAL
UNION NO. 853**

FIRST AMENDED COMPLAINT

This First Amended Complaint is based on a charge filed by Iron Workers Regional Local Union No. 853 (Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that All Steel Iron Works, Inc., (Respondent) has violated the Act as described below.

I.

(a) The charge in this proceeding was filed by the Union on June 15, 2020, and a copy was served on Respondent by U.S. mail on June 16, 2020.

(b) The first amended charge in this proceeding was filed by the Union on November 3, 2020, and a copy was served on Respondent by U.S. mail that same day.

II.

(a) At all material times, Respondent has been an Illinois corporation with an office and place of business located in Bedford Park, Illinois, (Respondent's facility) and has been engaged in the business of manufacturing steel products.

(b) In conducting its business operations during the 12-month period ending on December 31, 2019, a representative period, Respondent purchased and received at its facility goods valued in excess of \$50,000 directly from points outside of the State of Illinois.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

III.

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

IV.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act):

John Kot	-	Owner and President
Pamela Kot	-	Chief Financial Officer (CFO)

V.

(a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time shop employees engaged in production and fabrication and all field employees engaged in erection and installation; but excluding all confidential employees, professional employees, clerical employees, managerial employees, guards and supervisors as defined by the Act.

(b) On April 26, 2019, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(c) At all times since April 26, 2019, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

VI.

(a) Respondent laid-off the following employees on about the date set forth opposite their respective name:

Eric Fields	November 11, 2019
Charles Tinzie	December 6, 2019
Jose Garcia	December 6, 2019 and January 14, 2020
Sergio Sanchez	January 15, 2020
Mike Barowski	January 17, 2020
Daniel Jelinek	March 2020
Kyle McClelland	March 2020
Eduardo Marin	June 2020

(b) About January 3, 2020, by email to the Union, Respondent informed the Union that Respondent was closing its business effective January 31, 2020.

(c) About January 3, 2020, by e-mail to the Union, Respondent withdrew its recognition of the Union as the exclusive collective-bargaining representative of the Unit effective January 31, 2020.

VII.

(a) About February 28, 2020 and on numerous dates thereafter, the Union observed Respondent continuing its operations at its facility as described above in paragraph II.

(b) About May 4, 2020, the Union, by e-mail requested that Respondent bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit.

(c) Since about May 4, 2020, Respondent has failed and refused to bargain with the Union as the exclusive collective-bargaining representative of the Unit.

VIII.

(a) Since about May 4, 2020, the Union has requested in writing that Respondent furnish the Union with the following information:

1. A list of all bargaining unit employees presently employed by the Company, including their names, addresses, phone numbers, hire date and rates of pay.
2. A list of subcontractors or independent contractors that presently perform bargaining unit work for the Company, including their names, addresses, phone numbers, hire date, anticipated termination date, and rates of pay.
3. Also, if the Company has transferred any bargaining unit work to any of its other locations, please provide a description of the work that was transferred, the date the work was transferred, the address of the location to where the work was transferred.
4. Provide the date upon which the lease of the premises presently occupied by the Company at its location at 6620 S. Lorel Avenue, expires. If the Company does not lease these premises, explain how the Company occupies these premises, if without a lease, does it own the property?
5. If the Company will cease its operations, please provide the date upon which such action will take place.

(b) Since about June 15, 2020, the Union requested in writing that Respondent furnish the Union with the following information:

1. All Small Business Association documents related to loans as part of "CARES Act issued to or applied for by the following persons and/or entities: "All Steel Iron Works, Inc.," "John Kot," and "Pamela Kot." Additionally, provide all correspondence or applications to the Small

Business Administration by entities using the following business address: 6620 S Lorel Avenue, Chicago, IL 60638.

2. Also, please provide the annual budget and profit and loss statements for 2019 and 2020. In addition, please provide 2019 business tax filings for All Steel Iron Works, Inc, as well as the balance sheet ending March 1, 2020. If the Company will cease its operations, please provide the date upon which such action will take place.

(c) The information requested by the Union, as described above in paragraphs VIII (a) and (b) is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(d) Since about June 16, 2020, Respondent, by John Kot, in writing, has failed and refused to furnish the Union with the information requested by it as described above in paragraphs VIII (a) and (b).

IX.

By the conduct described above in paragraphs VI through VIII, Respondent has been failing and refusing to recognize and bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

X.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

XI.

As part of the remedy for the unfair labor practices alleged above in paragraphs VI and VII, the General Counsel seeks an order requiring Respondent to offer reinstatement and make-whole the employees listed in paragraph VI(a). The General Counsel further seeks such other relief as may be appropriate to remedy the unfair labor practices alleged.

As part of the remedy for Respondent's unfair labor practices alleged above in paragraphs VI through VII, the General Counsel seeks an Order requiring Respondent to bargain in good faith with the Union, on request, for the period required by *Mar-Jac Poultry Co.*, 136 NLRB 785 (1962), as the recognized bargaining representative in the appropriate unit. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before December 9, 2020, or postmarked on or before December 8, 2020.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer 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. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

Dated at Chicago, Illinois this 25th day of November 2020.

/s/ Peter Sung Ohr

Peter Sung Ohr
Regional Director
National Labor Relations Board
Region 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, Il 60604

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 13-CA-261682

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Pamela Kot
All Steel Iron Works, Inc.
6620 S. Lorel Avenue
Bedford Park, IL 60638-6333
pam@allsteeliron.com

Lance C Ziebell, Shareholder
Lavelle Law, Ltd.
1933 North Meacham Road, Suite 600
Schaumburg, IL 60173
lziebell@lavellelaw.com

Ed Urbauer
Iron Workers Regional Local Union No. 853
7700 Industrial Drive
Forest Park, IL 60130
urbauer@iwintl.org

Librado Arreola
Gregorio & Marco
2 N. LaSalle Street, Suite 1650
Chicago, IL 60602
larreola@gregoriolaw.com

Vincent Di Donato, International Rep.
Iron Workers International Union
3003 North Main Street
East Peoria, IL 61611
vdidonato@iwintl.org

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

ALL STEEL IRON WORKS, INC.

and

Case 13-CA-261682

**IRON WORKERS REGIONAL LOCAL UNION
NO. 853**

**AFFIDAVIT OF SERVICE OF: First Amended Complaint
(with forms NLRB-4338 and NLRB-4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **November 25, 2020**, I served the above-entitled document(s) by **electronic mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Pamela Kot **E-issurance**
All Steel Iron Works, Inc.
6620 S. Lorel Avenue
Bedford Park, IL 60638-6333
pam@allsteeliron.com

Lance C Ziebell, Shareholder **E-issurance**
Lavelle Law, Ltd.
1933 North Meacham Road, Suite 600
Schaumburg, IL 60173
lziebell@lavellelaw.com

Ed Urbauer **E-issurance**
Iron Workers Regional Local Union No. 853
7700 Industrial Drive
Forest Park, IL 60130
urbauer@iwintl.org

Librado Arreola **E-issurance**
Gregorio & Marco
2 N. LaSalle Street, Suite 1650
Chicago, IL 60602
larreola@gregoriolaw.com

Vincent Di Donato, International Rep. **E-issurance**
Iron Workers International Union
3003 North Main Street
East Peoria, IL 61611
vdidonato@iwintl.org

November 25, 2020

Date

Lori A. Brown, Designated Agent of NLRB

Name
/s/ Lori A. Brown

Signature

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 13-CA-261682

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Pamela Kot
All Steel Iron Works, Inc.
6620 S. Lorel Avenue
Bedford Park, IL 60638-6333
pam@allsteeliron.com

Lance C Ziebell, Shareholder
Lavelle Law, Ltd.
1933 North Meacham Road, Suite 600
Schaumburg, IL 60173
lziebell@lavellelaw.com

Ed Urbauer
Iron Workers Regional Local Union No. 853
7700 Industrial Drive
Forest Park, IL 60130
urbauer@iwintl.org

Librado Arreola
Gregorio & Marco
2 N. LaSalle Street, Suite 1650
Chicago, IL 60602
larreola@gregoriolaw.com

Vincent Di Donato, International Rep.
Iron Workers International Union
3003 North Main Street
East Peoria, IL 61611
vdidonato@iwintl.org

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

ALL STEEL IRON WORKS, INC.)	
)	
and)	Case 13-CA-261682
)	
IRON WORKERS REGIONAL LOCAL)	
UNION NO. 853)	

MOTION TO WITHDRAW ANSWER

NOW COMES the Respondent, ALL STEEL IRON WORKS, INC., by and through its attorneys, Lavelle Law, Ltd., and for its Motion to Withdraw Answer, states as follows:

1. On November 24, 2020, Respondent, All Steel Iron Works, Inc. (“ASIW”) filed its Answer to the first Complaint in this matter.
2. Subsequent to ASIW answering the first Complaint, an Amended Complaint was filed in this matter, with an answer to said Amended Complaint being due on December 9, 2020.
3. ASIW did not answer the Amended Complaint due to it not wishing to expend the funds necessary to defend this matter.
4. Based on ASIW’s desire to not expend further funds defending this matter, ASIW does not intend to answer the Amended Complaint or any further pleadings in this matter.
5. Further, as ASIW has an Answer of record, it requests said Answer be withdrawn.

NOW, WHEREFORE, the Respondent, ALL STEEL IRON WORKS, INC., prays that the Board withdraw its Answer filed on November 24, 2020, and for such other and further relief as is just and proper.

Respectfully submitted,
All Steel Iron Works, Inc.

/s/ Lance C. Ziebell
By: one of its attorneys

Lance C. Ziebell – 6298037
Lavelle Law, Ltd.
Suite 600
1933 North Meacham Road
Schaumburg, Illinois 60173
Phone: 847-705-7555
Email: lziebell@lavellelaw.com
S:\7001-7250\7143\Union\Pleadings\261682\Pleadings\motion.withdraw.answer.docx

**BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

REMZI JAOS)	
)	
Complainant,)	
)	
v.)	Case No. 13-CA-261682
)	
ALL STEEL IRON WORKS, INC.)	
)	
Respondent.)	

TO: National Labor Relations Board
c/o Mr. Christopher Lee
Suite 808
219 South Dearborn Street
Chicago, Illinois 60604-2027
Email: christopher.lee@nlrb.gov

Gregorio & March
c/o Ms. Librado Arreola
Suite 1650
2 North LaSalle Street
Chicago, Illinois 60602
Email: larreola@gregoriolaw.com

Iron Workers Regional Shop Local Union No. 853
c/o Mr. Ed Urbauer
7700 Industrial Drive
Forest Park, Illinois 6013
Email: eurbauer@iwintl.org

Iron Workers International Union
c/o Mr. Vincent DiDonato
3003 North Main Street
East Peoria, Illinois 61611
vdidonato@iwintl.org

National Labor Relations Board
Region 13
c/o Ms. Lisa Friedheim-Weist
Suite 808
219 South Dearborn Street
Chicago, Illinois 60604-2027

AMENDED NOTICE OF FILING

Please take notice that on December 10, 2020, the undersigned caused to be filed with the National Labor Relations Board, Region 13, **All Steel Iron Works, Inc.’s Motion to Withdraw Answer**, copies of which are attached hereto and are hereby served upon you.

/s/ Lance C. Ziebell
Lance C. Ziebell

CERTIFICATE OF SERVICE

I, Lance C. Ziebell, an attorney, hereby certify that I mailed a copy of this Notice and the documents referred to herein to the above parties by electronically mailing it to them at the electronic mail addresses set forth herein this 10th day of December, 2020.

/s/ Lance C. Ziebell
Lance C. Ziebell

Lance C. Ziebell
Lavelle Law, Ltd.
Suite 600
1933 North Meacham Road
Schaumburg, Illinois 60173
Phone: 847-705-7555
Email: lziebell@lavellelaw.com
S:\7001-7250\7143\Union\Pleadings\261682\Pleadings\nof.motion.withdraw.answer.doc