

ATTACHMENT H

NLRB COMPLAINTS AND SETTLEMENTS



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 3

111 West Huron Street - Room 901

Buffalo, New York 14202-2387

Telephone: (716) 551-4931 Facsimile (716) 551-4972

Web Site Address: <http://www.nlr.gov>

April 1, 2005

Laborers International Union of
North America, Local 210
Mr. Rick Bugman,
2750 Harlem Road
Cheektowaga, NY 14225

**RE: LABORERS INTERNATIONAL UNION OF NORTH AMERICA,
LOCAL 210
Case: 3-CB-8360-1**

Dear Mr. Bugman:

I am enclosing herewith a copy of the first amended charge filed in the above-captioned case.

Very truly yours,

HELEN E. MARSH
Regional Director

jg

Enclosure

cc: Gorlick, Kravits & Listhaus, P.C.
Andrew A Gorlick, Esq.
442 Potomac Avenue
Buffalo, NY 14213

Mr. William Trezevant, Esq.
247 Georgia Street
Buffalo, NY 14201

Laborers International Union of
North America, Local 210
Mr. Michael Barse
905-16th Street, N.W.
Washington, DC 20006-1765

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

AMENDED

CHARGE AGAINST LABOR ORGANIZATION
OR IT'S AGENTS

DO NOT WRITE IN THIS SPACE	
Case 3-CB-8360	Date Filed <i>April 1, 2005</i>

INSTRUCTIONS:

File an original and 4 copies of this charge and an additional copy for each organization, each local, and each individual named in item 1 with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name Laborers International Union of North America, Local 210		b. Union Representative to contact Rick Bugman
c. Telephone No. (716)895-5311	d. Address (street, city, state and ZIP code) 2750 Harlem Road, Cheektowaga, NY 14225	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(b), subsections (1), (A) and 8(b)(2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

SEE ATTACHED

3. Name of Employer Hohl Industries		4. Telephone No. 716 332 0460
5. Location of plant involved (street, city, state and ZIP code) 770 Riverview Boulevard, Tonawanda, NY 14150		6. Employer representative Curt Cook, Superintendent
7. Type of establishment (factory, mine, wholesaler, etc.) contractor	8. Identify principal product or service construction	9. Number of workers employed unknown
10. Full name of party filing charge William Trezevant		
11. Address of party filing charge (street, city, state and ZIP code) 247 Georgia Street Buffalo, NY 14201		12. Telephone No. (716) 856-8730

6. DECLARATION

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By *William F. Trezevant* William Trezevant
(signature of representative or person making charge)

Attorney
(title or office, if any)

Address 247 Georgia Street
Buffalo, NY 14201

(716) 856-8730

4/1/05
(date)

Telephone No.

Attachment to amended charge

Case 3-CB-8360

Since on or about September 16, 2004, and continuously thereafter, it, a labor organization, by its officers, agents, and representatives, restrained and coerced and is restraining and coercing employees, including but not limited to Peter Capitano, Jr., (Capitano), in the exercise of their rights to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all of such activities, which rights are guaranteed in Section 7 of the said Act by:

- Failing and refusing, until January 19, 2005, to certify Capitano as a steward, which failure / refusal precluded him from being eligible for referral to jobs as a steward.
- Failing to follow the Union's hiring hall rules.
- Harassing members of Capitano's family because he filed charges with the Board.
- Admonishing Mr. Capitano in a letter certifying him as a steward, and circulating the letter at a Union membership meeting, where such letters are not normally circulated.
- Failing and refusing to provide Capitano with copies of the Union's International Constitution, Local Constitution, Local By-Laws and current hiring hall rules, in retaliation for filing charges with the Board.
- Referring Capitano to a job that paid less than a job to which he should have been referred, with an employer who had not made fringe benefit fund contributions for eight months, and where he would be under the supervision of the Union's sergeant-at-arms, who was the acting foreman on the job.
- Promising future benefits to Capitano if he withdrew his charge with the Board.
- Interrogating Capitano about his charge before the Board.
- Threatening continued retaliation against Capitano for filing charges with the Board.

On or about September 16, 2004, it, a labor organization, by its officers, agents, and representatives, caused an employer to discriminate against Capitano, in violation of Section 8(a)(3) of the Act.

Since on or about March 17, 2005, it, a labor organization, by its officers, agents and representatives, continued to cause an employer to discriminate against Capitano, in violation of Section 8(a)(3) of the Act, because he refused to withdraw his charge before the Board.

FORM NLRB-508
6/90

FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE	
Case 3-CB-8414	Date Filed 7-18-05

INSTRUCTIONS:

File an original and 4 copies of this charge and an additional copy for each organization, each local, and each individual named in item 1 with the NLRB Regional Director of the region in which the alleged unfair labor practices occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT	
a. Name Laborers International Union of North America, Local 210	b. Union Representative to contact Bill Hoffman
c. Telephone No. 716/895-5311	d. Address (street, city, state and ZIP code) 2750 Harlem Road, Cheektowaga, NY 14225
c. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b)(2), subsection(s) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
<p>On or about May 3, 2005, it, a labor organization, by its officers, agents, and representatives, discriminated against David Lattuca by failing to follow union hiring hall rules and causing Severson Construction Co. to discriminate against David Lattuca by hiring him and then failing and refusing to place him on the job in violation of 8(a)(3) of the Act.</p>	
3. Name of Employer Severson Construction Co.	4. Telephone No. (716) 284-0431
5. Location of plant involved (street, city, state and ZIP code)	6. Employer representative to contact William McDermott
7. Type of establishment (factory, mine, wholesaler, etc.) construction	8. Identify principal product or service
	9. Number of workers employed 30 plus
10. Full name of party filing charge William Trezevant	
11. Address of party filing charge (street, city, state and ZIP code) 247 Georgia Street, Buffalo, NY 14201	12. Telephone No. 716/856-8730
13. DECLARATION	
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.	
By <u>William Trezevant</u> (signature of representative or person making charge)	(title or office, if any) Attorney
Address <u>247 Georgia Street, Buffalo, NY 14201</u>	Telephone No. <u>716/856-8730</u> <u>7-18-05</u> date

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE	
Case 3-CB-8416	Date Filed 7/29/05

INSTRUCTIONS:

File an original and 4 copies of this charge and an additional copy for each organization, each local, and each individual named in item 1 with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name LIUNA, Local 210	b. Union Representative to contact Jack McDonnell, Court Liaison Officer
c. Telephone No. 716-895-5311	d. Address (street, city, state and ZIP code) 2750 Harlem Road, Cheektowaga, NY 14225

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(b), subsections (1), (A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

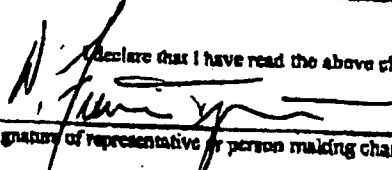
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On or about January 20, 2005, and continuously thereafter, it, a labor organization, by its officers, agents, and representatives, restrained and coerced and is restraining and coercing Sam Capitano, an employee of Severson Construction Company, in the exercise of his rights to self-organization, to form, join, or assist labor organizations; to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all of such activities, which rights are guaranteed in Section 7 of the said Act by engaging in a series of threats and interrogations of including, but not limited to, other employees of Severson Construction Company, fellow employees of Sam Capitano at Severson and other Union members.

On or about April 27, 2005, and continuously thereafter, it, a labor organization, by its officers, agents, and representatives, restrained and coerced and is restraining and coercing Sam Capitano, an employee of Severson Construction Company, in the exercise of his rights to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all of such activities, which rights are guaranteed in Section 7 of the said Act by threatening Capitano and promising future retaliation because of his internal union activities.

3. Name of Employer Severson Construction Company		4. Telephone No. 716-284-0431
5. Location of plant involved (street, city, state and ZIP code) 2749 Lockport Road, Niagara Falls, NY 14305		6. Employer representative William McDermott
7. Type of establishment (factory, mine, wholesaler, etc.) construction	8. Identify principal product or service	9. Number of workers employed 30
10. Full name of party filing charge William Trezvant		
11. Address of party filing charge (street, city, state and ZIP code) 247 Georgia Street, Buffalo, NY 14201		12. Telephone No. 716-856-8730

6. DECLARATION

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By  (signature of representative or person making charge)	William Trezvant	Attorney (title or office, if any)
Address 247 Georgia Street, Buffalo, NY 14201	716-856-8730 Telephone No.	7-29-05 (date)

FUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1601)