

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21**

SAVAGE SERVICES CORPORATION

and

**Cases 21-CA-216288
21-CA-220027
21-CA-226572**

**WHOLESALE DELIVERY DRIVERS, GENERAL
TRUCK DRIVERS, CHAUFFEURS, SALES,
INDUSTIAL AND ALLIED WORKERS,
TEAMSTERS LOCAL 848, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**

**AMENDED ORDER CONSOLIDATING CASES,
AMENDED CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED that Cases 21-CA-216288, 21-CA-220027, and 21-CA-226572, which are based on charges filed by the International Brotherhood of Teamsters, Local 848, International Brotherhood of Teamsters whose correct name is Wholesale Delivery Drivers, General Truck Drivers, Chauffeurs, Sales, Industrial and Allied Workers, Teamsters Local 848, International Brotherhood of Teamsters (Union) against Savage Services Corporation (Respondent), are consolidated.

This Amended Order Consolidating Cases, Amended Consolidated Complaint and Notice of Hearing supersedes the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing which issued on March 18, 2019. The Amended Order Consolidating Cases, Amended Consolidated Complaint and Notice of Hearing is based on the above charges, 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 Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. (a) The original charge in Case 21-CA-216288 was filed by the Union on March 8, 2018, and a copy was served on Respondent by U.S. mail on March 9, 2018.

(b) The first amended charge in Case 21-CA-216228 was filed by the Union on April 9, 2018, and a copy was served on Respondent by U.S. mail on April 10, 2018.

(c) The second amended charge in Case 21-CA-216288 was filed by the Union on May 15, 2018, and a copy was served on Respondent by U.S. mail on May 15, 2018.

(d) The third amended charge in Case 21-CA-216288 was filed by the Union on July 31, 2018, and a copy was served on Respondent by U.S. mail on August 1, 2018.

(e) The original charge in Case 21-CA-220027 was filed by the Union on May 9, 2018, and a copy was served on Respondent by U.S. mail on May 10, 2018.

(f) The first amended charge in Case 21-CA-220027 was filed by the Union on August 1, 2018, and a copy was served on Respondent by U.S. mail on August 1, 2018.

(g) The original charge in Case 21-CA-226572 was filed by the Union on August 30, 2018, and a copy was served on Respondent by U.S. mail on August 30, 2018.

(i) The first amended charge in Case 21-CA-226572 was filed by the Union on October 30, 2018, and a copy was served on Respondent by U.S. mail on October 31, 2018.

2. (a) At all material times, Respondent, a Utah corporation, with a facility located at 1636 East Denni Street, Wilmington, California (Respondent's Facility), has been engaged in the business of transportation of refined oil byproducts.

(b) During the 12-month period ending May 18, 2018, Respondent, in conducting its operations described in paragraph 2(a) above, purchased and received at its Wilmington, California facility goods valued in excess of \$50,000 directly from points outside the State of California.

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

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

5. (a) 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:

Dick Mitsucchi	Terminal Manager
Adam Thompson	Manager
Greg Bermoy	Dispatch Manager
Balthazer Garibay	Supervisor
Wilfredo Perez	Supervisor
Gerald Roybal	Supervisor
Raymond Young	Supervisor

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

John Cevallos	Labor Consultant
Angel (Last Name Unknown)	Labor Consultant

(c) At all material times, an individual whose name is not known to General Counsel but whose name is known to Respondent, described as a Caucasian male, about 65 years old, about 6 feet tall, thin build, gray hair, receding hairline, and glasses, and herein referred to as Male #1, has been an agent of Respondent within the meaning of Section 2(13) of the Act.

(d) At all material times, an individual whose name is not known to General Counsel but whose name is known to Respondent described as a Latino male, about 5 foot 6 inches tall, about 180 pounds, fair skin, and dark hair, and herein referred to as Male #2, has been an agent of Respondent within the meaning of Section 2(13) of the Act.

6. Respondent, by Terminal Manager Dick Mitsucchi:

(a) About December 14, 2017, at the PBF Energy Refinery in Torrance, California, interrogated employees about their Union activities and knowledge of the Union's organizing campaign.

(b) About December 14, 2017, at the PBF Energy Refinery in Torrance, California, during the same conversation described above in subparagraph 6(a), promised to remedy employees' grievances if the employees would not support the Union.

(c) About December 14, 2017, at the PBF Energy Refinery in Torrance, California, during the same conversation described above in subparagraph 6(a), impliedly threatened employees that they could lose their jobs because of their activities in support of the Union.

(d) About December 16, 2017, at the Chevron Refinery in El Segundo, California, interrogated employees about their Union activities and knowledge of the Union's organizing campaign.

(e) About December 16, 2017, at the Chevron Refinery in El Segundo, California, during the same conversation described above in paragraph 6(d), impliedly threatened employees with plant closure and that employees could lose their jobs if employees joined or supported the Union by telling employees that LAXT had filed for bankruptcy because of the Union.

(f) About December 27, 2017, during a communications meeting in the second-floor conference room at Respondent's facility, impliedly threatened employees with plant closure and that they could lose their jobs if they joined or supported the Union by telling employees that other employers closed and filed for bankruptcy when their employees unionized.

(g) About December 27, 2017, during a communications meeting in the second-floor conference room at Respondent's Facility, during the same conversation described above in subparagraph 6(f), directed employees not to sign Union authorization cards.

(h) About early January 2018, at the PBF Energy Refinery in Torrance, California, interrogated employees about their Union activities and knowledge of the Union's organizing campaign.

(i) About early January 2018, at the PBF Energy Refinery in Torrance, California, during the same conversation described above in subparagraph 6(h), impliedly threatened employees with plant closure and loss of jobs by telling employees that if the Union came in it would cause the Respondent to file for bankruptcy.

(j) About early January 2018, at the PBF Energy Refinery in Torrance, California, during the same conversation described above in subparagraph 6(h), directed employees to report to Respondent the Union activities of other employees.

(k) About January 22, 2018, at the PBF Energy Refinery in Torrance, California, created the impression that employees' Union activities were under surveillance by Respondent.

(l) About January 22, 2018, at the PBF Energy Refinery in Torrance, California, directed employees to refrain from engaging in Union activities.

(m) About February 19, 2018, in the parking lot of Respondent's facility, prohibited employees from speaking to new employees of Respondent about the Union.

(n) About March 2018, in his office at Respondent's facility, prohibited employees from wearing Union insignia on their hard hats while allowed other employees to wear other insignia.

(o) About March 21, 2018, in the truck yard at Respondent's facility, prohibited employees from wearing Union insignia on their hard hats while allowing other employees to wear other insignia.

(p) About Late April 2018, in the office personnel parking lot at Respondent's facility, prohibited employees from wearing pro-Union insignia on their hard hats while allowing other employee to wear other insignia.

7. Respondent, by Manager Adam Thompson:

(a) About November 22, 2017, during a communications meeting in the second-floor conference room at Respondent's facility, impliedly threatened employees with plant closure and that they could lose their jobs by telling employees that LAXT filed for bankruptcy because of the Union.

(b) About November 22, 2017, during a communications meeting in the second-floor conference room at Respondent's facility, the same meeting described above in paragraph 7(a), directed employees not to sign Union authorization cards.

(c) About November 22, 2017, during a communications meeting in the second-floor conference room at Respondent's facility, the same meeting described above in paragraph 7(a), threatened employees with loss of benefits if they supported the Union.

(d) About January 18, 2018, during a communications meeting in the second-floor conference room at Respondent's facility, threatened employees with plant closure and that they could lose their jobs by telling employees that Respondent would file for bankruptcy if the employees supported the Union.

(e) About January or February 2018, during a communications meeting in the second-floor conference room at Respondent's facility, interrogated employees about their Union activities.

(f) About early February 2018, during a communications meeting in the second-floor conference room at Respondent's facility, threatened employees with plant closure and that they could lose their jobs by telling employees that Respondent would file for bankruptcy if employees supported the Union.

(g) About early April 2018, in a vacant office on the first floor of Respondent's facility, prohibited employees from wearing Union insignia on their hard hats while allowing other employees to wear other insignia.

8. Respondent, by Greg Bermoy, Dispatch Manager:

(a) About late-November 2017, in his office at Respondent's facility, interrogated employees about their knowledge of the Union organizing campaign.

(b) About November or December 2017, in his office at Respondent's facility, interrogated employees about their union activities.

9. Respondent, by Supervisor Balthazar Garibay, about March 2018, at the Chevron Refinery, prohibited employees from wearing Union insignia on their hard hats while allowing other employees to wear other insignia.

10. Respondent, by Supervisor Wilfredo Perez:

(a) About March 2018, at a location that is not known to the General Counsel, prohibited employees from wearing Union insignia on their hard hats while allowing other employees to wear other insignia.

(b) About March 2018, near the locker room at Respondent's facility, prohibited employees from wearing Union insignia on their hard hats while allowing other employees to wear other insignia.

(c) About early April 2018, in the supervisory office at Respondent's facility, prohibited employees from wearing Union insignia on their hard hats while allowing other employees to wear other insignia.

11. Respondent, by supervisor Gerald Roybal, about March 2018, at the Chevron Refinery in El Segundo, California, prohibited employees from wearing Union insignia on their hard hats while allowing other employees to wear other insignia.

12. Respondent, by Supervisor Raymond Young:

(a) About March 2018, at the Chevron Refinery in El Segundo, California, prohibited employees from wearing Union insignia on their hard hats while allowing other employees to wear other insignia.

(b) About March 2018, at the PBF Energy Refinery in Torrance, California, prohibited employees from wearing Union insignia on their hard hats while allowing other employees to wear other insignia.

13. About May 2, 2018, Respondent, by Labor Consultant John Cevallos (Cevallos), during a meeting in the second-floor conference room at Respondent's Facility, by soliciting employee complaints and grievances, promised its employees increased benefits and improved terms and conditions of employment if they refrained from supporting the Union.

14. About August 8, 2018, Respondent, by Labor Consultant Angel (Last Name Unknown) in the second-floor conference room at Respondent's facility, threatened employees with plant closure if employees selected the Union to represent them.

15. About late April or early May 2018, Respondent, by Male #1 described above at paragraph 5(c), at the PBF Refinery in Torrance, California, during a ride-along in an employee's truck, interrogated the employee about the employee's Union activity and the Union activities of other employees.

16. About May 2, 2018, Respondent, by Male #2 described above at paragraph 5(d), during an employee meeting in the second-floor conference room at Respondent's facility, by soliciting employee complaints and grievances, promised its employees increased benefits and improved terms and conditions of employment if they refrained from supporting the Union.

17. (a) About February 1, 2018, Respondent placed its employee Danny Ortiz (Ortiz) on a last chance agreement.

(b) About March 8, 2018, Respondent discharged Ortiz.

(c) Respondent engaged in the conduct described above in paragraphs 17(a) and (b) because Ortiz supported the Union and engaged in protected concerted activities, and to discourage employees from engaging in these activities.

18. By the conduct described above in paragraphs 6 through 16, Respondent has been interfering with, restraining, and coercing employees in the exercise of rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

19. By the conduct described above in paragraph 17, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

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

WHEREFORE as part of the remedy for the unfair labor practices alleged above in paragraphs 6 through 19, the General Counsel seeks an Order requiring that at a meeting or meetings scheduled to ensure the widest possible attendance on each shift, Terminal Manager Dick Mitsucchi read the Notice to Employees in English and in Spanish, on paid work time, in the presence of a Board agent. Alternatively, the General Counsel seeks an Order requiring that at meeting or meetings scheduled to ensure the widest possible attendance on each shift, Respondent have a Board agent read the Notice to Employees in English and Spanish, on paid work time, in the presence of the supervisors and agents identified above in paragraph 5 of this Consolidated Complaint.

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 amended consolidated complaint. The answer must be **received by this office on or before April 4, 2019, or postmarked on or before April 3, 2019**. 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 consolidated 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 amended consolidated complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **June 3, 2019**, at 1 p.m. in Hearing Room 2, at the National Labor Relations Board, Region 21, US Courthouse, 312 N. Spring Street, 10th Floor, Los Angeles, CA, 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 amended consolidated 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: March 21, 2019.



Nathan M. Seidman, Acting Regional Director
National Labor Relations Board, Region 21
US Courthouse
312 N. Spring Street, 10th Floor, Suite 1050
Los Angeles, CA 90012

Attachments