

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

Case

4689-3

Date Filed

1/21/17

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 Delphi Golf and Restaurant, Inc.	b. Tel. No. 315-415-0000
	c. Cell No. 315-415-1111
	f. Fax No. 315-415-2222
d. Address (Street, city, state, and ZIP code) 123 Corporate Drive Any Town, USA	e. Employer Representative Dewey, Long and Howe, LLC
	g. e-Mail Delphigolf@gmail.com
	h. Number of workers employed 90
i. Type of Establishment (factory, mine, wholesaler, etc.) Golf Course & Resturant	j. Identify principal product or service Service of food and entertainment
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) <u>Section 8(b)(1)(A) and (2) and (3) of the NLRA.</u> 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) On July 29, 2016 Delphi Golf, Inc. and the ABC Union entered into a collective-bargaining agreement. The majority of the Company's employees in the collective-bargaining unit covered by the agreement had not designated the ABC Union as their collective-bargaining representative, the agreement, contains a union-security clause requiring employees who are members in good standing of the ABC Union to maintain their membership in good standing and all other employees to become members of the ABC Union on or before the thirty-first day following the effective date of the agreement or the date of their hire, a job referral procedure, and a provision for check-off of union dues; upon instructions from the ABC Union, the Company refused to employ the above three waitresses for restaurant positions because the above applicants were not members of the Union. By conduct set forth in the complaint the Company and the Union infringed upon employee rights protected by Section 7 of the Act. Jonathan Smith and 3 other employees were suspended for 3 days for their involvement.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Dorothy Pearce, Helen Clark and Mary Ellen Cook--prospective employees for position of waitresses Johnathan Smith on behalf of non-members of ABC union.	
4a. Address (Street and number, city, state, and ZIP code) 5678 Main Street Any Town, USA	4b. Tel. No. 315-415-6666
	4c. Cell No. 315-415-7777
	4d. Fax No. 315-415-8888
	4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
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 <i>(signature of representative or person making charge)</i>	Jonathan Smith on behalf of the above. <i>(Print/type name and title or office, if any)</i>
Address 5678 Main Street, Any Town USA	Tel. No. 315-415-9999
	Office, if any, Cell No. 315-415-3333
	Fax No. 315-415-4444
	e-Mail JSmith@me.com
	1/20/17 <i>(date)</i>

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.