

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Region 21

INTERMODAL BRIDGE TRANSPORT

and

Case 21-CA-157647

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

COMPLAINT
AND
NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by International Brotherhood of Teamsters (Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq., (the Act), and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Intermodal Bridge Transport (Respondent), has violated the Act as described below:

1. (a) The original charge in this proceeding was filed by the Union on August 10, 2015, and a copy was served by regular mail on Respondent on August 20, 2015.
- (b) The first amended charge in this proceeding was filed by the Union on September 24, 2015, and a copy was served by regular mail on Respondent on October 9, 2015.
- (c) The second amended charge in this proceeding was filed by the Union on March 15, 2016, and a copy was served by regular mail on Respondent on March 23, 2016.

2. (a) At all material times, Respondent, a Delaware corporation, with a place of business located at 1919 East Pacific Coast Highway, Wilmington, California (herein the Wilmington facility), has been engaged in the business of logistics, drayage, and container storage services.

(b) During the 12-month period ending December 31, 2015, a representative period, Respondent, in conducting its operations described above in paragraph 2(a), performed services valued in excess of \$50,000 in states other than 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:

Ozzie Zea	Assistant Vice President
Brent Bradley	Safety Director
Rod Kirkbridge	Operations Manager

(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:

Marlo Quevedo	Dispatcher
Veronica Chang	Assistant to the Safety Director

6. On about May 16, 2015, Respondent, by Marlo Quevedo, at the dispatch window at the Wilmington facility:

- (a) interrogated an employee about the employee's support for the Union;
- (b) promised more work to an employee if the employee refrained from union organizational activities;
- (c) threatened an employee with unspecified reprisals by stating that there would be consequences and employees would regret it if employees continued supporting the Union;
- (d) threatened an employee that Respondent would close the Wilmington facility if the Union won or came in to the Wilmington facility.

7. On about June 16, 2015, Respondent, by Marlo Quevedo, at the dispatch window at the Wilmington facility:

- (a) interrogated an employee about the employee's support for the Union.
- (b) promised more work and better work assignments to an employee if the employee refrained from union organizational activities;
- (c) threatened an employee with job loss for engaging in union organizational activities.

8. Since at least March 24, 2015, Respondent has misclassified its employee-drivers as independent contractors, thereby inhibiting them from engaging in Section 7 activity and depriving them of the protections of the Act.

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

10. 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 May 2, 2016, or postmarked on or before April 30, 2016. 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.nlrb.gov, click on **File Case 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 **June 13, 2016**, at 1:00 p.m. PDT in Hearing Room 902, 888 South Figueroa Street, 9th Floor, Los Angeles, California, 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 Los Angeles, California, this 18th day of April, 2016.



Olivia Garcia, Regional Director
Region 21
National Labor Relations Board
888 South Figueroa Street, Ninth Floor
Los Angeles, CA 90017-5449

Attachments