

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 11

FREIGHTLINER CUSTOM CHASSIS CORPORATION,
A SUBSIDIARY OF DAIMLER-CHRYSLER
CORPORATION, INC.

and

Case No. 11-CA-20070

DAVID ROACH, an Individual

FREIGHTLINER CUSTOM CHASSIS CORPORATION,
A SUBSIDIARY OF DAIMLER-CHRYSLER
CORPORATION, INC.

and

Case No. 11-CA-20071

MIKE IVEY, an Individual

INTERNATIONAL UNION, UNITED AUTOMOBILE &
AGRICULTURAL IMPLEMENT WORKERS OF
AMERICA (UAW), AFL-CIO

and

Case No. 11-CB-3386

DAVID ROACH, an Individual

INTERNATIONAL UNION, UNITED AUTOMOBILE &
AGRICULTURAL IMPLEMENT WORKERS OF
AMERICA (UAW), AFL-CIO

and

Case No. 11-CB-3387

MIKE IVEY, an Individual

FURTHER ORDER CONSOLIDATING CASES.
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING

It having been charged by David Roach, an Individual, in Cases Nos. 11-CA-20070 and 11-CB-3386 and by Mike Ivey, an Individual, in Cases Nos. 11-CA-20071 and 11-CB-3387, that Freightliner Custom Chassis Corporation, a subsidiary of Daimler-Chrysler Corporation, Inc., herein called Respondent Freightliner, and the International Union, United Automobile and Agricultural Implement Workers of America, (UAW), herein called Respondent Union, have engaged in, and are now engaging in, unfair labor practices affecting commerce as set forth and defined in the National Labor Relations Act, as amended, 29 U.S.C., Sec. 151, et. seq., herein called the Act, an Order Consolidating Cases, Complaint and Notice of Hearing having issued in Cases Nos. 11-CA-20070 and 11-CA-20071 on September 28, 2004, and the Acting General Counsel of the National Labor Relations Board, herein called the Board, on behalf of the Board by the undersigned, having duly considered the matter and deeming it necessary in order to effectuate the purposes of the Act, and to avoid unnecessary costs and delay,

HEREBY ORDERS, pursuant to Section 102.33 of the Board's Rules and Regulations, Series 8, as amended, that these cases be, and they hereby are, consolidated.

Said cases having been consolidated for hearing, the General Counsel of the Board, on behalf of the Board by the undersigned, pursuant to Section 10(b) of the Act and the Board's Rules and Regulations, Series 8, as amended, Section 102.15, hereby issues this Further Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, and alleges as follows:

1.

(a) The charge in Case No. 11-CA-20070 was filed by David Roach, an Individual, on August 11, 2003, and was served on Respondent Freightliner on August 11, 2003.

(b) The charge in Case No. 11-CA-20071 was filed by Mike Ivey, an Individual, on August 11, 2003, and was served on Respondent Freightliner on August 11, 2003.

(c) The charge in Case No. 11-CB-3386 was filed by David Roach, an Individual on August 11, 2003, and was served on Respondent Union on August 11, 2003.

(d) The charge in Case No. 11-CB-3387 was filed by Mike Ivey, an Individual, on August 11, 2003, and was served on Respondent Union on August 11, 2003.

2.

Respondent Freightliner is now, and has been at all times material herein, a Delaware corporation with a facility located at Gaffney, South Carolina, where it is engaged in the manufacture of chassis for use in commercial vehicles.

3.

During the past 12 months, which period is representative of all times material herein, Respondent Freightliner purchased and received at its Gaffney, South Carolina, facility, goods and materials valued in excess of \$50,000 directly from points outside the State of South Carolina.

4.

During the past 12 months, which period is representative of all times material herein, Respondent Freightliner sold and shipped from its Gaffney, South Carolina, facility, products valued in excess of \$50,000 directly to points outside the State of South Carolina.

5.

Respondent Freightliner is now, and has been at all times material herein, an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

6.

Respondent Union is a labor organization within the meaning of Section 2(5) of the Act.

7.

At all times material herein, the following-named persons have been, and are now, agents of Respondent Freightliner, acting on its behalf, and are agents within the meaning of Section 2(2) and 2(13) of the Act:

Rainier Schmueckle	-	President and Chief Executive Officer
Roger Neilson	-	Chief Operating Officer
Chris Rice	-	Human Resources Manager
Jack Conlan	-	President
Scott Evitt	-	General Manager, Human Resources, Labor Relations, Organization and Administration

8.

At all times material herein, the following-named persons occupied the positions set opposite their names, and have been, and are now, agents of Respondent Freightliner, acting on its behalf, and are supervisors within the meaning of Section 2(11) of the Act:

Rainier Schmueckle	-	President and Chief Executive Officer
Roger Neilson	-	Chief Operating Officer
Chris Rice	-	Human Resources Manager
Jack Conlan	-	President
Scott Evitt	-	General Manager, Human Resources, Labor Relations, Organization and Administration

9.

At all times material herein, the following named persons have been, and are now, agents of Respondent Union, acting on its behalf, and are agents within the meaning of Section 2(2) and 2(13) of the Act.

Nate Gooden	-	UAW Vice-President
David McAllister	-	Administrative Assistant
Gary Casteel	-	UAW Region 8 Director
Bob King	-	UAW Vice President of Organizing
Dave Bortz	-	UAW Director of Organizing

10.

Since on or about February 11, 2003, and continuing to date, Respondent Freightliner, through the actions of its agents at Respondent Freightliner's Gaffney, South Carolina, facility, has interfered with, restrained, and coerced, and is interfering with, restraining, and coercing its employees in the exercise of rights guaranteed in Section 7 of the Act by the following acts and conduct:

(a) On or about August 1, 2003 informing employees that it could not grant a wage increase during a Union organizing campaign.

(b) On or about August 1, 2003 informing employees that it delayed in granting the July 2003 wage increase because of the Union organizing campaign.

11.

On or about July 2003, the Respondent Freightliner delayed in granting its employees a wage increase.

12.

Respondent Freightliner engaged in the conduct described above in paragraph 11 because its employees supported, or assisted the Union, and engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection, and in order to discourage employees from engaging in such activities or other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

13.

Beginning in June 2003 and continuing until September 2003, Respondent Freightliner bargained with Respondent Union concerning whether to grant a wage increase to its employees.

14.

On or about September 8, 2003, Respondent Freightliner rendered, and Respondent Union accepted, assistance and support by informing employees that the July 2003 wage increase that was previously withheld would be granted based upon Respondent Union's consent.

15.

Respondent Freightliner and Respondent Union engaged in the conduct described in paragraphs 13 and 14 even though Respondent Union did not represent a majority of Respondent Freightliner's employees.

16.

Respondent Freightliner, by the acts described above in paragraphs 10, 11, 12, 13, 14, and 15 and by each of said acts, has engaged in, and is engaging in, unfair labor practices within the meaning of Section 8(a)(1) of the Act.

17.

Respondent Freightliner, by the acts described above in paragraphs 13, 14, and 15, and by each of said acts, has engaged in, and is engaging in, unfair labor practices within the meaning of Section 8(a)(2) of the Act.

18.

Respondent Freightliner, by the acts described above in paragraphs 11 and 12, and by each of said acts, has engaged in, and is engaging in, unfair labor practices within the meaning of Section 8(a)(3) of the Act.

19.

Respondent Union, by the acts described above in paragraphs 13, 14, and 15, and by each of said acts, has engaged in, and is engaging in, unfair labor practices within the meaning of Section 8(b)(1)(A) of the Act.

20.

The acts of Respondent Freightliner described above constitute unfair labor practices affecting commerce within the meaning of Section 8(a)(1), (2) and (3) and Section 2(6) and (7) of the Act.

21.

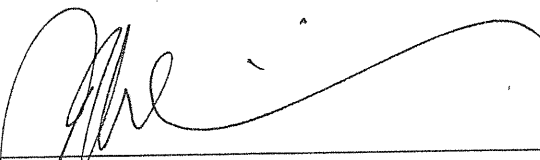
The acts of Respondent Union described above constitute unfair labor practices affecting commerce within the meaning of Section 8(b)(1)(A) and Section 2(6) and (7) of the Act.

PLEASE TAKE NOTICE that on the 22nd day of August 2005 at 9:00 a.m. in the Paris Favors Jr. Hearing Room, Suite 200, 4035 University Parkway, Winston-Salem, North Carolina, a hearing will be conducted before a duly designated Administrative Law Judge of the

National Labor Relations Board on the allegations set forth in the above complaint, at which time and place you will have the right to appear in person or otherwise and give testimony. Form NLRB-4668, Statement of Standard Procedures in Formal Hearings Held Before the National Labor Relations Board in Unfair Labor Practice Cases, is attached.

You are further notified that pursuant to Section 102.20 and 102.21 of the Board's Rules and Regulations, Series 8, as amended, you shall file with the Regional Director, acting in this matter as agent of the National Labor Relations Board, an original and four copies of an answer to the said complaint within 14 days from service thereof, and that unless you do so, all the allegations in the above complaint shall be deemed to be admitted to be true and may be so found by the Board. Immediately upon the filing of its answer, Respondent shall serve a copy thereof on each of the other parties.

Dated at Winston-Salem, North Carolina, on the 5th day of August 2005.



Patricia L. Timmins, Acting Regional Director
National Labor Relations Board
Region 11
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