

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

MILLERCOORS, LLC

and

TEAMSTERS BREWERY & SOFT DRINK WORKERS
CONFERENCE A/W INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

Cases 5-CA-89566
5-CA-92796

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

Teamsters Brewery & Soft Drink Workers Conference a/w International Brotherhood of Teamsters, herein called the Charging Party, has charged in Cases 5-CA-89566 and 5-CA-92796, that MillerCoors, LLC, herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151 et seq., herein called the Act. Based thereon, and in order to avoid unnecessary costs or delay, the Acting General Counsel, by the undersigned Acting Regional Director, pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, ORDERS that these cases are consolidated.

These cases having been consolidated, the Acting General Counsel, by the undersigned Acting Regional Director, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issues this Amended Order Consolidating Cases, Consolidated Complaint and Notice of Hearing and alleges as follows:

1. (a) The original charge in Case 5-CA-89566, was filed by the Charging Party on September 18, 2012, and a copy was served by mail on Respondent on September 20, 2012.

(b) The first amended charge in Case 5-CA-89566, was filed by the Charging Party on December 28, 2012, and a copy was served by mail on Respondent on the same date.

(c) The original charge in Case 5-CA-92796, was filed by the Charging Party on November 7, 2012, and a copy was served by mail on Respondent on November 8, 2012.

(d) The first amended charge in Case 5-CA-92796, was filed by the Charging Party on December 26, 2012, and a copy was served by mail on Respondent on the same date.

2. (a) At all material times, Respondent, a limited liability company organized under the laws of the State of Delaware, with its principal office in Chicago, Illinois, and an office and place of business in Elkton, Virginia, herein called the Shenandoah facility, is engaged in the business of brewing and distributing beer.

(b) During the past twelve months, a representative period, Respondent, in conducting its business operations described above in paragraph 2(a), has sold and shipped from its Shenandoah facility goods valued in excess of \$50,000 directly to points located outside the State of Virginia.

(c) 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.

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

4. At all material times, the following individuals have 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:

Lamont Appleton	-	Process Leader
Gene Bell	-	Supervisor
Charles "Tony" Cofield	-	Manufacturing Development Manager
Ernie Finnigan	-	Process Leader
Jeffrey Hewitt	-	Unit Manager - Warehouse
Eric Knuckoles	-	Process Leader
Amy Michtich	-	Vice-President and Plant Manager
Colleen Reiter	-	Vice-President of Manufacturing Operations
Jeff Selkirk	-	Process Leader

5. In or around August or September 2012, the exact dates being presently unknown to the undersigned, Respondent, at the Shenandoah facility, engaged in the conduct described below by the individuals named therein:

(a) Vice-President of Manufacturing Operations, Colleen Reiter, implied to employees that it would be futile to select the Union as their collective-bargaining representative by stating that if a union comes in, you will start at zero;

(b) supervisor Lamont Appleton, implied to employees that it would be futile to select the Union as their collective-bargaining representative by stating that with the economy, the Union couldn't do anything more for the employees;

(c) supervisor Eric Knuckoles, implied to employees that it would be futile to select the Union as their collective-bargaining representative by stating that there are no benefits to having a union, because the pension is a done deal and the health insurance is comparable;

(d) Plant Manager Amy Michtich, implied to employees that it would be futile to select the Union as their bargaining representative by stating that the Union won't improve anything and employees might even be worse off, if they bring in a union;

(e) supervisors and or agents presently unknown to the undersigned, created and/or distributed handbills that implied to employees that it would be futile to select the Union as their collective-bargaining representative;

(f) Plant Manager Amy Michtich, supervisor Jeff Selkirck, supervisor Jeff Hewitt, supervisor Gene Bell, supervisor Eric Knuckoles, and supervisor Lamont Appleton, interrogated employees about their union activities and union sympathies;

(g) supervisors and or agents presently unknown to the undersigned, polled employees about their union sympathies by asking them to appear in a video that was shown at a captive-audience meeting;

(h) Plant Manager Amy Michtich, threatened employees with layoff, if they selected the Union as their collective-bargaining representative;

(i) Plant Manager Amy Michtich, threatened employees with loss of benefits, if they selected the Union as their collective-bargaining representative by stating, employees will lose the ability to go to their supervisor and ask off for their child's sport, they'll lose that flexibility;

(j) supervisors and or agents presently unknown to the undersigned, created and or distributed handbills that threatened employees with loss of benefits, if they selected the Union as their bargaining representative; and

(k) supervisor Ernie Finnigan threatened employees with layoff, if they selected the Union as their collective-bargaining representative by stating that if the employees voted the Union in, it would lead to a 5-2 schedule.

6. In or around October 2012, the exact dates being presently unknown to the undersigned, Respondent, at the Shenandoah facility, engaged in the conduct described below by the individuals named therein:

(a) Plant Manager Amy Michtich promised employees that benefits would increase in 2013, if the employees rejected the Union as their bargaining representative; and

(b) supervisor Cofield promised employees that Respondent was not going to shift to a 5-2 schedule in order to keep good will with the employees.

7. By the conduct described above in paragraphs 5 and 6, 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.

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

REMEDY

As part of the remedy for the unfair labor practices alleged above in paragraphs 5 and 6, the Acting General Counsel seeks an Order requiring Respondent to cause the Notice to Employees to be read to employees during working time by Vice-President of Manufacturing Operations, Colleen Reiter, or Vice-President and Plant Manager Amy Michtich.

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 March 25, 2013, or postmarked on or before March 22, 2013.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on **E-Gov tab**, select **E-Filing** and then 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 Sections 102.21. If an 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 be accomplished in conformance with the requirements of Section 102.114 of 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 commencing at 10:00 a.m., E.D.T., on the 29th day of April 2013, in A Courtroom, Staunton Circuit Court, 113 East Beverly Street, Staunton, Virginia, 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 Baltimore, Maryland this 11th day of March 2013.

(SEAL)

ALBERT W. PALEWICZ

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Attachments