

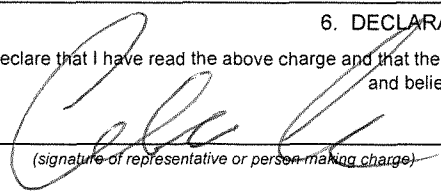
INTERNET
FORM NLRB-501
(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

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 Peninsula Humane Society	b. Tel. No. 650-685-8502	
	c. Cell No.	
	f. Fax No. 650-685-8428	
d. Address (<i>Street, city, state, and ZIP code</i>) 12 Airport Blvd San Mateo, CA 94401-1006	e. Employer Representative Ken White, President	g. e-Mail kwhite@phs-sPCA.org
		h. Number of workers employed 34
i. Type of Establishment (<i>factory, mine, wholesaler, etc.</i>) Animal Shelter	j. Identify principal product or service Animal welfare services	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection (1) and (5) 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.		
2. Basis of the Charge (<i>set forth a clear and concise statement of the facts constituting the alleged unfair labor practices</i>) In the past six months, the above-referenced Employer has refused to provide information in response to the Union's request for information relating to negotiations over wages.		
3. Full name of party filing charge (<i>if labor organization, give full name, including local name and number</i>) Teamsters Union Local No. 856		
4a. Address (<i>Street and number, city, state, and ZIP code</i>) 453 San Mateo Avenue San Bruno, CA 94066	4b. Tel. No. 650-635-0111	
	4c. Cell No. 415-275-0528	
	4d. Fax No. 650-635-1632	
	4e. e-Mail tjenkins@ibt856.org	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (<i>to be filled in when charge is filed by a labor organization</i>) International Brotherhood of Teamsters		
6. DECLARATION		Tel. No. 510-337-1001
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Office, if any, Cell No.
By  <small>(signature of representative or person making charge)</small>	Caroline N. Cohen, Attorney	Fax No. 510-337-1023
	<small>(Print/type name and title or office, if any)</small>	e-Mail nlrnotices@unioncounsel.net
Address: Weinberg, Roger & Rosenfeld 1001 Marina Village Parkway, Suite 200 Alameda, CA 94501	February 13, 2017 <small>(date)</small>	ccohen@unioncounsel.net

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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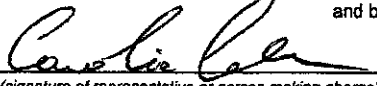
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i. Type of Establishment (factory, mine, wholesaler, etc.) Animal Shelter	j. Identify principal product or service Animal welfare services
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2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) In the past six months, the above-referenced Employer has interfered with employees' right to bargain through the representative of their choosing by sending an email to employees mischaracterizing discussions that took place between the Union and the Employer at a confidential mediation. The Employer did so in an effort to coerce employees to vote in favor of the Employer's wage increase and health care proposals. In so doing, the Employer engaged in impermissible direct dealing and failed to negotiate with the member's chosen exclusive bargaining representative. Further, the above-referenced Employer interfered with employees' Section 7 rights when it sent an email mischaracterizing the implications of going on strike in an apparent effort to discourage employees from striking.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Teamsters Union Local No. 856	
4a. Address (Street and number, city, state, and ZIP code) 453 San Mateo Avenue San Bruno, CA 94066	4b. Tel. No. 650-635-0111 4c. Cell No. 415-275-0528 4d. Fax No. 650-635-1632 4e. e-Mail tjenkins@ibt856.org
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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  (signature of representative or person making charge)	Caroline N. Cohen, Attorney (Print type name and title or office, if any)
Address: Weinberg, Roger & Rosenfeld 1001 Marina Village Parkway, Suite 200 Alameda, CA 94501	February 13, 2017 (date)
Tel. No. 510-337-1001 Office, if any, Cell No. Fax No. 510-337-1023 e-Mail nlrnotices@unioncounsel.net ccohen@unioncounsel.net	

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PRIVACY ACT STATEMENT

11901869

From: Ken White

Sent: Thursday, January 05, 2017 3:31 PM

To: Shelter

Subject: re the possibility of a strike by Teamster-
"represented" employees

To the staff of Peninsula Humane Society &
SPCA:

At approximately 2:50PM Wednesday January 4, Teamsters Union's Tim Jenkins notified PHS that the members have taken a strike vote. We've asked that they provide us with 48 hours' notice before striking so that we can arrange for care of the animals entrusted to us. Since this will impact each and every one of us, both those "represented" by the Teamster Union and those who are not, there are certain points that are worth reviewing and sharing for us all.

To start with, please understand that each of you who is in the Teamsters Union should have been asked to vote, and it is important that each of you actually did vote. We understand that not all "represented" staff may have been given the opportunity to vote. We understand that some of you want to ignore this whole thing, that you wish it would all go away. It is not going to simply go away.

It is also important that each of you knows your rights should there actually be a strike. From questions we've been asked by several of you, it seems that some of you may not be fully informed of those rights.

Each employee “represented” by the Teamsters Union gets to make his or her own decision about striking or about coming to work. No employee is required to strike. There are steps which you may take should any one or more Teamster “represented” staff wish to continue to work as scheduled during a strike.

Several of you have already approached Dan Hoffer in Human Resources to ask this very question. Please continue to feel free to do so, or to contact the National Labor Relations Board (its webpage is <https://www.nlr.gov> The NLRB is “an independent federal agency that protects the rights of private sector employees to join together, with or without a union, to improve their wages and working conditions.”) The closest office is in Oakland, phone number 510-637-3300.

All of that is about your rights as employees in a strike. Now, let’s talk about Peninsula Humane Society & SPCA’s rights if a strike occurs.

We have the very clear and overriding responsibility to continue to take care of the animals, both those at our shelters and in the community. We will exercise all our legal rights to do so.

In the case of a strike during which employees “represented” by the Teamsters Union refuse to come to work on any one or more regularly scheduled days, PHS/SPCA has the right – and will strongly consider exercising that right – to replace those employees in order to continue to provide care for the animals.

In the case of a strike, PHS/SPCA’s health insurance provider has procedures which may

result in the employee either having to pay for their own coverage or losing coverage. We provide this information not to alarm you but only because you have the right to know since this is a serious matter.

In closing, I encourage all staff “represented” by the Teamsters Union to request that the Teamsters Union completely and fully share the Employer’s (PHS/SPCA’s) proposals.

Should you have any additional questions staff may also talk to Dan Hoffer in HR.

Thank you.

Ken

Ken White | President | Peninsula Humane Society & SPCA

Office: 650.685.8502

Email: KWhite@phs-spca.org

Web: www.phs-spca.org<http://www.phs-spca.org/>

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Please visit our Center of Compassion at 1450 Rollins Rd. to see why our new Burlingame home is the cat's pajamas. http://www.phs-spca.org/

From: Ken White
Sent: Tuesday, January 31, 2017 9:11 AM
To: Shelter
Subject: efforts to bring labor negotiations to a fair and equitable conclusion

To all PHS/SPCA staff:

Wednesday January 25, PHS/SPCA made an offer in hopes of ending the Teamster negotiations that started back in October of 2015. As the summary I sent to all of you explained, our offer guarantees your current cost of health benefits for 5 years and annual increased salaries of 3%, 4% or 5% (starting back in 2016 through 2020) for staff who are reviewed and receive a score of 3, 4 or 5 on their December performance review.

We believe that this offer is very fair and equitable. The Teamsters have agreed to conduct a vote. We have asked that to happen by 5PM Friday February 10.

However, last Friday January 27, the Teamsters responded with a different offer. It is a two year offer only, ending in December of this year. It does not provide the long-term guarantees about wages or health insurance that we made to you in our offer.

At first, the Teamsters gave us until last Friday 4PM to accept the two-year offer they sent that day. This came with a message of accept the offer or "war." Then the Teamsters withdrew that deadline, and set a new deadline of 5PM yesterday.

The Teamsters have formally agreed to allow the represented employees to vote on the PHS/SPCA five-year offer. You have the right to vote.

We encourage you to ask the Teamsters for the opportunity to vote on our offer. We have requested that the Federal Mediation Service assist the Teamsters in conducting a secret ballot.

Sincerely,

Ken

Ken White | President | Peninsula Humane Society & SPCA
Office: 650.685.8502