

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 Carter Brothers Security Services, LLC	b. Tel. No. (404) 869-9054
	c. Cell No.
	f. Fax No. (678) 389-8475
d. Address (Street, city, state, and ZIP code) 3455 Peachtree Road, Suite 1500 Atlanta GA 30326	e. Employer Representative Jeffrey W. Melcher Esq. Attorney
	g. e-Mail jmelcher@gordonrees.com
	h. Number of workers employed 75
i. Type of Establishment (factory, mine, wholesaler, etc.) Construction Services	j. Identify principal product or service Installation of residential home security systems jointly with AT&T Digital Life, Inc.
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) _____ 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) Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent employees from engaging in protected concerted activity. See Attached Page 2 for additional Basis of Charge description	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Ramses Gutierrez Title:	
4a. Address (Street and number, city, state, and ZIP code) 1117 Eagle Drive Salinas CA 93905	4b. Tel. No. (831) 710-2243
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail rga8ok@gmail.com
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 Joseph W. Rose (signature of representative or person making charge)	Mr. Joseph W. Rose Esq. Title: Attorney (Print/type name and title or office, if any)
11335 Gold Express Drive, Suite 135 Address Gold River CA 95670	Tel. No. (916) 273-1260
	Office, if any, Cell No. (805) 570-0898
	Fax No. (916) 290-0148
	e-Mail joe@joeroselaw.com
	11/14/2015 11:24:14 (date)

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.

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Attachment

Names of the employee(s) discharged, disciplined, and/or retaliated against:

Addo, Christopher
 Alarcon, Jonathan
 Archuletta, Lee
 Astor, Joseph
 Avila, Erik
 Chivars, Toussaint
 Espiritu, Joshua
 Finer, Zachary
 Garcia, Cesar
 Gaytan, Marly
 Gray, Earl
 Gutierrez, Ramses
 Hadley, Martin
 Harris, Willie Lee Jr.
 Jacob, Jonathan "Jay" Keith
 Ma, John
 Lomeli, Oswaldo
 Manzo, Christopher
 Masters, Keondre
 Mitchel, Matthew
 Moore, Kevin
 Oregel, Luis
 Osorio, Alan
 Parks, Joseph
 Polee, Keith
 Preeg, Sam
 Rodriguez, David
 Sanderson, Phil
 Sapasap, Ricardo
 Skinner, Patricia
 Torabyan, Robert
 Torres, Armando
 Uy, Gianfranco
 Vides, Leonardo
 Vilaysouk, David
 White, Marshall
 Williams, Patrick Lorenzo

Specific dates on which the Employer's conduct occurred and/or the Employer's Representative or Agent responsible for the conduct:

On June 29, 2015, and October 13, 2015, Employer Carter Brothers Security Services, LLC, through its attorney, Jeffrey Melcher of Gordon & Rees LLP, filed appellate briefs with the United States Court of Appeals for the Ninth Circuit in the case captioned RAMSES GUTIERREZ, et al., individually and on behalf of all others similarly situated Plaintiffs and Appellees, vs. CARTER BROTHERS SECURITY SERVICES, LLC, a Florida limited liability company, Case No. 2:14-cv-00351-MCE-CKD, seeking to enforce a private arbitration agreement ("Agreement") to compel arbitration of employment disputes on an individual rather than a class or collective basis. Accordingly, the Employer seeks to apply the Agreement to restrict the exercise of Sec. 7 rights, which conduct is thus unlawful under Leslie's Poolmart, Inc. and Keith Cunningham, Case 21-CA-102332 (Aug. 25, 2015), On Assignment Staffing Services, Inc. and Arnella M. Freeman, Case 32-CA-095025 (Aug. 27, 2015), Murphy Oil USA, Inc. 361 NLRB No. 72 (2014), and D. R. Horton, Inc., 357 NLRB No. 184 (2012), enf. denied in relevant part 737 F.3d 344 (5th Cir. 2013). At all times during the last six months, the Employer has continuously maintained and enforced its unlawful rule and/or policy to prevent Charging Party and hundreds of other similarly situated underpaid workers from engaging in concerted protected activity for mutual aid and protection by collectively advancing their wage, overtime, and other employment-related claims, which is a continuing violation. See Cellular Sales of Missouri, LLC, 362 NLRB No. 27, slip op. at 12 (2015).