

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 01**

JACK COOPER SPECIALIZED TRANSPORT, INC.

and

GENERAL DRIVERS, WAREHOUSEMEN &  
HELPERS, LOCAL UNION NO. 89, A/W  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS

CASE 01-CA-098369

TEAMSTERS NATIONAL AUTOMOBILE  
TRANSPORTERS INDUSTRY NEGOTIATING  
COMMITTEE (TNATING)

and

GENERAL DRIVERS, WAREHOUSEMEN &  
HELPERS, LOCAL UNION NO. 89, A/W  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS

CASE 01-CB-098404

and

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 251

Party in Interest

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

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board), and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case 01-CA-098369 and Case 01-CB-098404, which are based on charges filed by General Drivers, Warehousemen & Helpers, Local Union No. 89, a/w International Brotherhood of Teamsters (Charging Party), against Jack Cooper Specialized

Transport, Inc. (Respondent Employer), and Teamsters National Automobile Transporters Industry Negotiating Committee (Respondent Union), are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq. (the Act), and Section 102.15 of the Board's Rules and Regulations and alleges Respondents have violated the Act as described below:

1. (a) The charge in Case 01-CA-098369 was filed by the Charging Party on February 14, 2013, and a copy was served by regular mail on Respondent Employer on February 15, 2013.

(b) The first amended charge in Case 01-CA-098369 was filed by the Charging Party on December 9, 2013, and a copy was served by regular mail on Respondent Employer on December 12, 2013.

2. (a) The charge in Case 01-CB-098404 was filed by the Charging Party on February 14, 2013, and a copy was served by regular mail on Respondent Union on February 15, 2013.

(b) The first amended charge in Case 01-CB-098404 was filed by the Charging Party on December 9, 2013, and a copy was served by regular mail on Respondent Union on December 12, 2013.

3. At all material times, Respondent Employer, a corporation with its principal place of business in Joplin, Missouri, has been engaged in the transportation of vehicles throughout the United States.

4. Annually, in conducting its operations described above in paragraph 3, Respondent Employer performs services valued in excess of \$50,000 in States other than the State of Missouri.

5. At all material times, Respondent Employer has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

6. (a) At all material times, Respondent Union has been a labor organization within the meaning of Section 2(5) of the Act.

(b) At all material times, International Brotherhood of Teamsters, Local 251 (Local 251) has been an affiliate of Respondent Union and a labor organization within the meaning of Section 2(5) of the Act.

7. At all material times, the following individuals held the positions set forth opposite their respective names, and have been supervisors of Respondent Employer within the meaning of Section 2(11) of the Act and agents of Respondent Employer within the meaning of Section 2(13) of the Act:

Paul Houck	Labor Relations Representative
Jim Johnston	President
Curtis Goodwin	Senior Vice President Labor Relations
Doug White	Supervisor

8. About September 14, 2013, Respondent Employer, by Houck, at Jack Cooper Transport, Inc.'s terminal in East Brookfield, Massachusetts (the East Brookfield location), gave assistance and support to Respondent Union by distributing union authorization cards to, and/or collecting them from, its employees.

9. (a) About September 14, 2013, Respondent Employer granted recognition to, and entered into and since then has maintained and enforced a collective-bargaining agreement with, Respondent Union as the exclusive collective-bargaining representative of the following employees of Respondent Employer (the Unit):

All owner-drivers employed by Jack Cooper Specialized, Inc. throughout the United States.

(b) The collective-bargaining agreement described above in subparagraph 9(a) provides:

All present employees who are members of [a Local Union affiliated with TNATINC] on the effective date of this subsection or on the date of execution of this Agreement, whichever is the later, shall remain members of the Local Union in good standing as a condition of employment. All present employees who are not members of the Local Union and all employees who are hired hereafter shall become and remain members in good standing of the Local Union as a condition of employment on and after the thirty-first (31st) day following the beginning of their employment or on and after the thirty-first (31st) day following the effective date of

this subsection or the date of this Agreement, whichever is the later.

10. Respondent Employer engaged in the conduct described above in paragraph 9, even though Respondent Union was not the lawfully recognized exclusive collective-bargaining representative of the Unit and did not represent an uncoerced majority of the Unit.

11. By engaging in the conduct described above in paragraphs 8, 9, and 10, Respondent Employer has encouraged its employees to join Local 251, an affiliate of Respondent Union.

12. About September 14, 2013, Respondent Union received assistance and support from Respondent Employer, which distributed and/or collected union authorization cards on behalf of Respondent Union and Local 251.

13. (a) About September 14, 2013, Respondent Union obtained recognition from, and entered into and since then has maintained and enforced, the collective-bargaining agreement with Respondent Employer described above in paragraph 9.

(b) The collective-bargaining agreement described above in subparagraph 13(a) contains the union security clause described above in subparagraph 9(a).

14. Respondent Union engaged in the conduct described above in paragraph 14 even though it was not was not the lawfully recognized exclusive collective-bargaining representative of the Unit.

15. By the conduct described above in paragraphs 8, 9, 10, and 11, Respondent Employer has been rendering unlawful assistance and support to a labor organization in violation of Section 8(a)(2) and (1) of the Act.

16. By the conduct described above in subparagraph 9(b) and paragraph 10, Respondent Employer has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby encouraging membership in a labor organization in violation of Section 8(a)(3) and (1) of the Act.

17. By the conduct described above in paragraphs 12, 13, and 14, Respondent Union has been restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(b)(1)(A) of the Act.

18. By the conduct described above in subparagraph 13(b) and 14, Respondent Union has been attempting to cause, and causing, an employer to discriminate against its employees in violation of Section 8(a)(3) of the Act in violation of Section 8(b)(2) of the Act.

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

### **ANSWER REQUIREMENT**

Respondents are notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, each must file an answer to the consolidated complaint. The answer must be **received by this office on or before February 14, 2014, or postmarked on or before February 13, 2014.** Respondents should file an original and four copies of their answer with this office and serve a copy of their answer on each of the other parties.

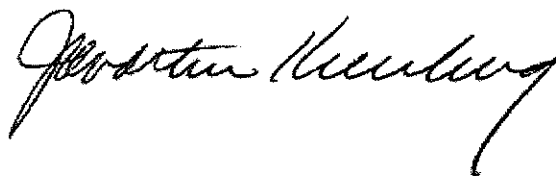
An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer 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 consolidated complaint are true.

#### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **May 5, 2014**, at **10:00 a.m.**, at the **Thomas P. O'Neill Jr. Federal Building, 10 Causeway Street, 6<sup>th</sup> Floor, Boston, Massachusetts, 02222**, 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, Respondents and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this consolidated 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: January 31, 2014



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Jonathan B. Kreisberg, Regional Director  
National Labor Relations Board  
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