

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 34**

AMERICAN MEDICAL RESPONSE OF
CONNECTICUT, INC.

and

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL 443

Case No. 34-CA-12576

COMPLAINT AND NOTICE OF HEARING

International Brotherhood of Teamsters, Local 443, herein called the Union, has charged that American Medical Response of Connecticut, Inc., herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Sec. 151, et seq., herein called the Act. The Acting General Counsel, by the undersigned, pursuant to 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issues this Complaint and Notice of Hearing and alleges as follows:

1(a) The charge in this proceeding was filed by the Union on January 19, 2010, and a copy was served by facsimile transmission and regular mail on Respondent on January 19, 2010.

(b) The amended charge in this proceeding was filed by the Union on April 29, 2010, and a copy was served by facsimile transmission and regular mail on Respondent on April 30, 2010.

2. At all material times, Respondent has provided emergency medical services at various facilities in the State of Connecticut, including a facility located in New Haven, Connecticut, herein called its facility.

3. During the 12-month period ending September 30, 2010, Respondent, in conducting its operations described above in paragraph 2, purchased and received at its facility goods valued in excess of \$50,000 directly from points located outside the State of Connecticut.

4. 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.

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

6. At all material times, the following individuals 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:

Charles E. Babson	---	General Manager
Krista Pickering	---	Operations Supervisor, Human Resources
Jeffrey Boyd	---	Clinical and Education Director
Frank Filardo	---	Supervisor
John Rossotto	---	Supervisor

7. At all material times, Respondent has maintained the following rules in its Employee Handbook:

(a) Blogging and Internet Posting Policy

- Employees are prohibited from posting pictures of themselves in any media, including but not limited to the Internet, which depicts the Company in any way, including but not limited to a Company uniform, corporate logo or an ambulance, unless the employee receives written approval from the EMSC Vice President of Corporate Communications in advance of the posting;
- Employees are prohibited from making disparaging, discriminatory or defamatory comments when discussing the Company or the employee's superiors, co-workers and/or competitors.

(b) Standards of Conduct [prohibiting the following conduct]:

- Rude or discourteous behavior to a client or coworker.
- Use of language or action that is inappropriate in the workplace whether racial, sexual or of a general offensive nature.

(c) Solicitation and Distribution Policy

- It is the policy of the Company to prohibit solicitation and distribution by non-employees on Company premises and

through Company mail and e-mail systems, and to permit solicitation and distribution by employees only as outlined below.

- Solicitation of others regarding the sale of material goods, contests, donations, etc., is to be limited to approved announcements posted on designated break room bulletin boards.

8. On or about November 8, 2009, Respondent's employee Dawnmarie Souza requested Union representation for an investigatory interview (the preparation of a written incident report) that Souza had reasonable cause to believe would result in disciplinary action against her.

9. Respondent required Souza to complete the incident report described above in paragraph 8 even though Respondent had denied her request for Union representation.

10. On or about November 8, 2009, Respondent, by Filardo and Babson, threatened Souza with discipline because of her request for Union representation described above in paragraph 8.

11. On or about November 8, 2009, Souza engaged in concerted activities with other employees by criticizing Respondent's supervisor Filardo on her Facebook page.

12. On or about December 1, 2009, Respondent terminated Souza.

13. Respondent engaged in the conduct described above in paragraph 12 because of Souza's activities described above in paragraph 11, and to discourage employees from engaging in these or other concerted activities.

14. Respondent engaged in the conduct described above in paragraph 12 because Souza's activities described above in paragraph 11 violated the rules described above in paragraphs 7(a) and (b).

15. Respondent engaged in the conduct described above in paragraph 12 because Souza assisted the Union, and to discourage employees from engaging in such activities.

16. By the conduct described above in paragraphs 7, 9, 10, 12, 13 and 14, 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.

17. By the conduct described above in paragraphs 12 and 15, Respondent has been discriminating in regard to the hire or tenure or terms and conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

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

WHEREFORE, as part of the remedy for the unfair labor practices alleged above, the Acting General Counsel seeks an Order requiring that the Respondent pay interest on any back pay or other monetary awards on a compounded, quarterly basis. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

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 November 10, 2010 or postmarked on or before November 9, 2010.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

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.nlrb.gov>, click on **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. 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. When an answer is filed electronically, an original and four paper copies must be sent to this office so that it is received no later than 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, 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 on **January 25, 2011**, at the A.A. Ribicoff Federal Building, 450 Main Street, Suite 410, Hartford, Connecticut, 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 Hartford, Connecticut, this 27th day of October, 2010.

John S. Cotter, Acting Regional Director
National Labor Relations Board
Region 34

Attachments