

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

GENERAL DYNAMICS INFORMATION
TECHNOLOGY, INC., A SUBSIDIARY OF
GENERAL DYNAMICS CORP.

and

Case 5-CA-205869

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Communications Workers of America, AFL-CIO (the Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that General Dynamics Information Technology, Inc., a subsidiary of General Dynamics Corp. (Respondent) has violated the Act as described below.

1. (a) The charge in this proceeding was filed by the Charging Party on September 7, 2017, and a copy was served on Respondent by U.S. mail on September 11, 2017.

(b) The first amended charge was filed by the Charging Party on October 31, 2017, and a copy was served on Respondent by U.S. mail on the same date.

2. (a) At all material times until about December 18, 2017, Respondent has been a corporation with an office and place of business in Alexandria, Virginia, engaged in the business of providing call center services to private and governmental entities, including at the Pension Benefit Guaranty Corporation facility (the PBGC facility), located in Alexandria, Virginia.

(b) In conducting its operations during the 12-month period ending December 31, 2017, Respondent performed services valued in excess of \$50,000 in states other than 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. 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, Krislyn King held the position of Respondent's Program Manager, and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act, and an agent of Respondent within the meaning of Section 2(13) of the Act.

5. About July 19, 2017, Respondent, by e-mail, promulgated and maintained the following rule:

...“solicitation” is when someone attempts to persuade another to support or join a particular cause or organization, such as a political party, a fitness club, a labor union or a church group...Regardless of the cause or organization, employees cannot engage in solicitation during working time.

6. On or about August 18 and 24, 2017, Respondent, by Krislyn King, in a conference room at the PBGC facility, informed employees that it would be futile to select the Charging Party as their bargaining representative because their wages would not increase absent an act of Congress.

7. On or about August 22, 2017, Respondent, by Krislyn King, in a conference room at the PBGC facility:

(a) threatened employees with a loss of unspecified financial benefits if they selected the Charging Party as their bargaining representative.

(b) threatened employees with the loss of the contract with the Pension Benefit Guaranty Corporation if they selected the Charging Party as their bargaining representative; and

(c) informed employees that Respondent was withholding benefits to the employees because the Charging Party filed a petition to represent employees of Respondent.

8. By the conduct described above in paragraph 5, Respondent promulgated, and has since maintained, a work rule that:

(a) explicitly restricts activities protected by Section 7 of the Act; and/or

(b) was promulgated in response to activities protected by Section 7 of the Act.

9. By the conduct described above in paragraphs 5 through 8, 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.

10. 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, the General Counsel seeks an Order requiring Respondent to: (1) copy and mail, at its own expense, any Notice to Employees that may issue in this proceeding to all former employees employed by Respondent at its PBGC facility at any time between July 19, 2017, and December 18, 2017; and (2) distribute the Notice to Employees by e-mail to all former employees employed by Respondent at its PBGC facility at any time between July 19, 2017, and December 18, 2017, and for whom it has e-mail addresses.

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 February 13, 2018, or postmarked on or before February 12, 2018.**

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 through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File 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 complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on May 22, 2018, at 10:00 a.m., at the Board Hearing Room, 6th Floor, 1015 Half Street, SE, Washington, DC, 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 30th day of January 2018.

(SEAL)

/s/ SEAN R. MARSHALL

Sean R. Marshall, Acting Regional Director
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Attachments