

(09-07)

 UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD

AMENDED CHARGE AGAINST EMPLOYER
DO NOT WRITE IN THIS SPACE

 Case
 18-CA-19551

 Date Filed
 December 29, 2010

INSTRUCTIONS

File an original together with four (4) copies and a copy for each additional charged party named in item 1 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 MikLin Enterprises d/b/a Jimmy John's		b. Number of workers employed 200
c. Address (street, city, state, ZIP code) 4375 Trillium Lane West Minnestrista, MN 55364		d. Employer Representative Mike Mulligan, President
e. Telephone and Fax Nos. 612.804.7646		
f. Type of Establishment (factory, mine, wholesaler, etc.) Gourmet sandwich shop	g. Identify principal product or service Retail sandwich and delivery	
h. 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) <u>8(a)(1) and 8(a)(3)</u> 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)

1. Since September 2, the Employer has granted wage increases to undermine support for the Union.
2. On about September 8, the Employer, through its supervisor and agent Jason Effertz, threatened to terminate bike drivers and replace them with car drivers in retaliation for employees' Union or other concerted protected activities.
3. Since about September 2, the Employer threatened to tighten and/or strictly enforce its policies in retaliation for the employees' Union or other concerted protected activities.
4. Since about September 2, the Employer has implemented a new sick policy or began enforcing a policy not previously enforced in retaliation for the employees' Union or other concerted protected activities.
5. On about September 11, the ER, through its agent Laurea Yunger, more strictly enforced its policies when it issued a written warning to Bart Boeckenstedt in retaliation for his Union or other concerted, protected activities.
6. On about September 17, the Employer, through its supervisor and agent Krista Elharar, gave employees Boehnke, Gremillion, Frank and Smith a warning for engaging in concerted protected activities.
7. On about September 24, the Employer, through its supervisor and agent Kevin Sanders, more strictly enforced its policies when it gave Jeff Mangen a written warning for being late in retaliation for his Union or other concerted protected activities.
8. On about September 24, the Employer distributed a letter advising employees of change in how it provides wage increases in retaliation for employees' Union or other concerted protected activities.
9. On about September 28, the Employer, through its supervisor and agent Tim Voss, threatened an employee that Voss couldn't change the schedule or the Union would file a ulp.

(Continued on attached page)

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Industrial Workers of the World, Twin Cities General Membership Branch

4a. Address (street and number, city, state and ZIP code)

 79 13th Avenue NE, #103A
 Minneapolis, MN 55413

4b. Telephone Nos.


612.598.6205

Fax No.
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).

Industrial Workers of the World

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 MICAH BUCKLEY-FARLEE 
 Signature of representative or person making charge

Address

Telephone No.

612.598.6205

Fax No.

 Title Organizer

Date

12/29/2010

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. **no**

10. On about September 30, the Employer, through its supervisor and agent Sam Alarcon, threatened employees that they would be denied a raise in retaliation for their Union or other concerted protected activity.
11. On about September 30, the Employer, through its supervisor and agent Sam Alarcon, denied employee Dan VanLaeger a raise in retaliation for his Union or other concerted protected activity.
12. On about October 1, the Employer disparately enforced its posting policy and took down a Union posting.
13. Since about September, the Employer, through its supervisor and agent Corey Reeves, has on various occasions interrogated employees about their support for the Union.
14. On about September 7, the Employer disciplined and threatened to terminate employee Randall Berry, in retaliation for his Union or other concerted protected activities.
15. On about October 11, the Employer, through its supervisor and agent Jay Burian interrogated employees about their union activities by offering them anti-union buttons.
16. On about October 11, the Employer, through its supervisor and agent Tim Voss disparately enforced its access policy against an employee of the store because of the employee's Union or other protected concerted activities.
17. On about October 18, the Employer, through its Owner Mike Mulligan, solicited grievances and implied resolution of the problems raised.
18. On about October 21, the Employer, through its supervisor and agent Jay Burian, promised employees holiday pay and wage increases after the Union lost the election.
19. On about September through October, the Employer, through Manager Ryan Casalenda threatened employees with termination for engaging in union activity.
20. On about September through October, the Employer blamed the Union for acts of sabotage when it had no proof that sabotage occurred or that the Union was to blame.
21. The Employer has maintained in its Employee Handbook an overly broad policy which prohibits employees from discussing compensation data.