

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

THE WASHINGTON POST

and

Case 5-CA-207690

WASHINGTON-BALTIMORE NEWSPAPER GUILD
LOCAL NO. 32035 A/W THE NEWSPAPER GUILD
– COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Washington-Baltimore Newspaper Guild Local 32035, affiliated with The News Guild – Communications Workers of America, AFL-CIO, whose correct name is Washington-Baltimore Newspaper Guild, Local No. 32035, affiliated with The Newspaper Guild – 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 The Washington Post (Respondent) has violated the Act as described below.

1. The charge in this proceeding was filed by the Charging Party on October 6, 2017, and a copy was served on Respondent by U.S. mail on October 11, 2017.

2. (a) At all material times, Respondent has been a corporation with an office and place of business in Washington, D.C., Respondent's facility, and has been engaged in the publication and distribution of a daily newspaper distributed directly to the District of Columbia, Maryland, Virginia, and other states.

(b) In conducting its operations during the 12-month period ending January 31, 2018, Respondent derived gross revenues in excess of \$200,000 and was a member

of, and subscriber to, various interstate news services and regularly carried in its publications advertisements of nationally-sold products.

(c) During the 12-month period ending January 31, 2018, Respondent has conducted its business operations described above in paragraph 2(a) in Washington, D.C., and the Board asserts plenary jurisdiction over enterprises in Washington, D.C.

(d) 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, John Kennedy held the position of Respondent's Vice-President of Labor Relations 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. (a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All employees employed by Respondent as defined in Article 1 (Bargaining Unit) of the parties' collective-bargaining agreement in effect from June 11, 2015 to June 10, 2017.

(b) At all material times, Respondent has recognized the Charging Party as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from June 11, 2015 to June 10, 2017.

(c) At all times material times, based on Section 9(a) of the Act, the Charging Party has been the exclusive collective-bargaining representative of the Unit.

6. (a) About May 1, 2017, Respondent implemented a new social media policy.

(b) The subjects set forth above in paragraph 6(a) relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(c) Respondent engaged in the conduct described above in paragraph 6(a) without affording the Union an opportunity to bargain with Respondent with respect to this conduct and the effects of this conduct.

7. (a) About June 13, 2017, the Charging Party requested that Respondent bargain collectively about the new social media policy.

(b) Since about June 13, 2017, Respondent has failed and refused to bargain collectively about the subject set forth above in paragraph 7(a).

(c) The subject set forth above in paragraph 7(a) relates to the wages, hours, and other terms and conditions of employment of the Unit and is a mandatory subject for the purposes of collective bargaining.

8. By the conduct described above in paragraphs 6 and 7, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

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

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 March 14, 2018, or postmarked on or before March 13, 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 July 10, 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 28th day of February 2018.

(SEAL)

/s/ Sean R. Marshall

SEAN R. MARSHALL
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
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Attachments