

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

HISPANICS UNITED OF BUFFALO, INC.

and

Case 3-CA-27872

CARLOS ORTIZ, AN INDIVIDUAL

COMPLAINT AND NOTICE OF HEARING

Carlos Ortiz, an Individual, has charged that Hispanics United of Buffalo, herein referred to by its correct legal name, Hispanics United of Buffalo, Inc. and herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151 et seq., herein called the Act. Based thereon, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, issues this Complaint and Notice of Hearing and alleges as follows:

I

The charge in this proceeding was filed by Carlos Ortiz on November 18, 2010, and a copy was served by regular mail on Respondent on November 19, 2010.

II

(a) At all material times, Respondent, a not-for-profit corporation with an office and place of business in Buffalo, New York, herein called Respondent's Buffalo, New York facility, has been engaged in the operation of providing social services to its clients.

(b) Annually, in conducting its operations described above in paragraph II(a), Respondent derives gross revenues in excess of \$250,000 and purchases and receives at its Buffalo, New York facility, goods and materials valued in excess of \$5,000 directly from points outside the State of New York.

III

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

IV

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:

Lourdes Inglesias	-	Executive Director
Carmen Gallardo	-	Supervisor/Member Board of Directors
Magalie Lomax	-	Human Resources Administrator
Nannette Dorriso	-	Member Board of Directors

V

(a) On or about October 9, 2010, Respondent's employee, Mariana Cole-Rivera, engaged in concerted activities with other employees, including Carlos Ortiz, Ludimar Rodriguez, Damicela Rodriguez and Yaritza Campos, by concertedly complaining on her Facebook page regarding the working conditions of Respondent's employees.

(b) On or about October 12, 2010, Respondent, by Lourdes Inglesias, terminated its employees Carlos Ortiz, Mariana Cole-Rivera, Ludimar Rodriguez, Damicela Rodriguez and Yaritza Campos.

(c) Respondent engaged in the conduct described above in paragraph VI(b) because the above-named employees engaged in the conduct described above in paragraph VI(a), and to discourage employees from engaging in these or other concerted activities.

VI

By the conduct described above in paragraph V(b) and (c), 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.

VII

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

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs V and VI, the Acting General Counsel seeks an Order requiring that Respondent take the following affirmative action:

Preserve and, within 14 days of a request, provide at the office designated by the Board or its agents, a copy of all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of any backpay or other monetary award due under the terms of this Order. If requested, the originals of such records shall be provided to the Board or its agents in the same manner.

The Acting General Counsel seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on June 22, 2011 at 10:00 a.m., in the Hearing Room, Niagara Center Building, Suite 630, 130 South Elmwood Avenue, Buffalo, New York, 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.

ANSWER REQUIREMENT

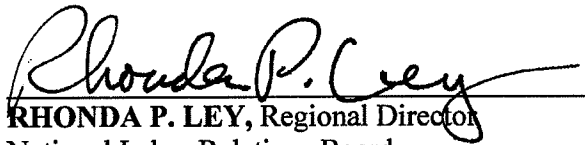
Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Complaint. The answer must be **received by this office on or before May 23, 2011, or postmarked on or before May 22, 2011.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

An answer may also be filed electronically through the Agency's website. To file electronically, go to 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 document 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 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 Motion for Default Judgment, that the allegations in the Complaint are true.

DATED at Buffalo, New York, this 9th day of May, 2011.


RHONDA P. LEY, Regional Director
National Labor Relations Board
Niagara Center Building – Suite 630
130 S. Elmwood Avenue
Buffalo, New York 14202

Attachments