

CHARGE OF DISCRIMINATION		ENTER CHARGE NUMBER
This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC
<u>California Department of Fair Employment and Housing</u> and EEOC <i>(State or local Agency, if any)</i>		
NAME (Indicate Mr., Ms., or Mrs.)	Mr. Thomas Ross	HOME TELEPHONE NO. (Include Area Code)
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)		
NAME	NO. OF EMPLOYEES/MEMBERS	TELEPHONE NUMBER (Include Area Code)
United Service Workers-West: SEIU	20 + members	510-437-8100
STREET ADDRESS	CITY, STATE AND ZIP CODE	
1650 Harbor Bay Parkway, Suite 200, Alameda, CA	94502	
NAME	TELEPHONE NUMBER (Include Area Code)	
SEIU International Union	202-730-7000	
STREET ADDRESS	CITY, STATE AND ZIP CODE	
1800 Massachusetts Ave NW, Washington, DC	20036	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate boxes)		DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (Month, day, year)
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input checked="" type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> AGE <input type="checkbox"/> RETALIATION <input type="checkbox"/> OTHER (Specify)		September 15, 2022
THE PARTICULARS ARE (If additional space is needed, attached extra sheet(s)):		
<p>I am a security officer with Allied Universal in San Francisco. Allied Universal has a contract with United Service Workers-West: SEIU (which is the local affiliate of SEIU International). The contract requires that I join or financially support the affiliated SEIU unions as a condition of employment.</p> <p>I have sincere religious beliefs which conflict with joining or financially supporting the SEIU unions.</p> <p>On August 12, 2020, I sent a certified letter to the President of United Service Workers-West: SEIU informing the unions of my religious beliefs and asked for an accommodation. The unions have continued to ignore my request for religious accommodation while Allied Universal on July 20, 2022 demanded that I sign a payroll deduction, join the unions, and pay union dues. I refused on September 1, 2022, but on September 15, 2022 my employer deducted union fees from my paycheck without my consent to send to the unions.</p> <p>By these acts the unions have violated my rights under Title VII of the Civil Rights Act of 1964, as amended, and parallel state laws.</p>		
<input checked="" type="checkbox"/> I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary to meet State and Local Requirements)
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
Date <u>10/23/22</u> Charging Party (Signature) <u>Thomas J. Ross</u>		SIGNATURE OF COMPLAINANT
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

STATEMENT ON RELIGIOUS ACCOMMODATION

Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq.*) requires employers and unions to accommodate the religious beliefs of employees who object to joining or financially supporting a labor union.

Every circuit court that has considered the question has held that unions and employers may not compel a person to fund a union that conflicts with his religious beliefs. Ninth Circuit: *IAM v. Boeing*, 833 F.2d 165 (9th Cir.1987); *Tooley v. Martin-Marietta*, 648 F.2d 1239 (9th Cir. 1981); *Anderson v. General Dynamics*, 589 F.2d 397 (9th Cir. 1978); *Burns v. S. Pac. Transp. Co.*, 589 F.2d 403 (9th Cir. 1978). Seventh Circuit: *Nottelson v. Smith Steel Workers*, 643 F.2d 445 (7th Cir. 1981). Sixth Circuit: *EEOC v. Univ. of Detroit*, 904 F.2d 331 (6th Cir. 1990); *McDaniel v. Essex*, 571 F.2d 338 (6th Cir. 1978); 696 F.2d 34 (1982). Fifth Circuit: *Cooper v. General Dynamics*, 533 F.2d 163 (5th Cir.1976) (exemption from payment). Third Circuit: *See Jacobo Marti & Sons v. NLRB*, 676 F.2d 975 (3rd Cir. 1982).

No U.S. Court of Appeals has ruled to the contrary.

Title VII broadly protects the rights of employees of faith. Under Title VII, it is unnecessary that the employee's belief be taught by any church or supported by any official church doctrine. *Boeing*, 833 F.2d at 169-70; *Young v. Sw. Sav. and Loan*, 509 F.2d 140 (5th Cir. 1975) (protection for an atheist). It is also unnecessary that the religious belief be logical, consistent, acceptable, or even comprehensible to be entitled to protection. *See, e.g., Thomas v. Review Bd.*, 450 U.S. 707, 715-716 (1981); *United States v. Ballard*, 322 U.S. 78, 86-87 (1944).

Employees of faith have these religious accommodation rights under Title VII regardless of state or federal labor laws that may appear to be inconsistent. *Boeing*, 833 F.2d at 168. In *Wilson v. NLRB*, 920 F.2d 1282 (6th Cir. 1990), the court held that a provision of the federal labor relations laws, which limited religious accommodation to only those who were members of churches with specific teachings on labor unions, was unconstitutional. Thus, any union or employer that insists that an employee of faith be a member of a specific church as a condition of religious accommodation has violated that employee's constitutional and Title VII rights.

In summary, employers and unions have an obligation under Title VII to accommodate employees who cannot, because of their personal religious beliefs, join or financially support a labor union.

<h2 style="margin: 0;">CHARGE OF DISCRIMINATION</h2> <p style="font-size: small; margin: 5px 0 0 0;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	Charge Presented To: Agency(ies) Charge No(s): <div style="margin-left: 20px;"> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div>
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California Department of Fair Employment and Housing
and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.) Mr. Thomas Ross	Home Phone (Incl. Area Code) [REDACTED]	Date of Birth N/A
Street Address City, State and ZIP Code [REDACTED] [REDACTED]		

Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name Allied Universal Security Services	No. Employees, Members 20+	Phone No. (Include Area Code) (415) 926-6401
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Street Address City, State and ZIP Code 400 Montgomery Street, 7th floor San Francisco, CA 94104
Name No. Employees, Members Phone No. (Include Area Code)
Street Address City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

<input type="checkbox"/> RACE	<input type="checkbox"/> COLOR	<input type="checkbox"/> SEX	<input checked="" type="checkbox"/> RELIGION	<input type="checkbox"/> NATIONAL ORIGIN
<input type="checkbox"/> RETALIATION	<input type="checkbox"/> AGE	<input type="checkbox"/> DISABILITY	<input type="checkbox"/> GENETIC INFORMATION	
<input type="checkbox"/> OTHER (Specify)				

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
	9/15/2022
<input checked="" type="checkbox"/> CONTINUING ACTION	

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

1. I am a security officer with Allied Universal in San Francisco. Allied Universal has a contract with United Service Workers-West. This contract requires that I join or financially support the affiliated SEIU unions as a condition of employment.
2. I have sincere religious beliefs that conflict with joining or financially supporting the SEIU unions. When I was hired in 2020, and again in a letter dated August 31, 2022, I informed my employer of my religious beliefs. In my August 2022 letter, I sent a copy of my first letter from August 2020 to the union president explaining how my religious beliefs conflict with union support.
3. On September 15, 2022, my employer stated that union membership was compulsory and deducted union fees from my paycheck without my consent.
4. By these and other acts my employer has violated my rights under Title VII of the Civil Rights Act of 1964, as amended, and parallel state laws.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

10/23/22

Date

Thomas J. Ross

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

STATEMENT ON RELIGIOUS ACCOMMODATION

Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq.*) requires employers and unions to accommodate the religious beliefs of employees who object to joining or financially supporting a labor union.

Every circuit court that has considered the question has held that unions and employers may not compel a person to fund a union that conflicts with his religious beliefs. Ninth Circuit: *IAM v. Boeing*, 833 F.2d 165 (9th Cir.1987); *Tooley v. Martin-Marietta*, 648 F.2d 1239 (9th Cir. 1981); *Anderson v. General Dynamics*, 589 F.2d 397 (9th Cir. 1978); *Burns v. S. Pac. Transp. Co.*, 589 F.2d 403 (9th Cir. 1978). Seventh Circuit: *Nottelson v. Smith Steel Workers*, 643 F.2d 445 (7th Cir. 1981). Sixth Circuit: *EEOC v. Univ. of Detroit*, 904 F.2d 331 (6th Cir. 1990); *McDaniel v. Essex*, 571 F.2d 338 (6th Cir. 1978); 696 F.2d 34 (1982). Fifth Circuit: *Cooper v. General Dynamics*, 533 F.2d 163 (5th Cir.1976) (exemption from payment). Third Circuit: *See Jacobo Marti & Sons v. NLRB*, 676 F.2d 975 (3rd Cir. 1982).

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Employees of faith have these religious accommodation rights under Title VII regardless of state or federal labor laws that may appear to be inconsistent. *Boeing*, 833 F.2d at 168. In *Wilson v. NLRB*, 920 F.2d 1282 (6th Cir. 1990), the court held that a provision of the federal labor relations laws, which limited religious accommodation to only those who were members of churches with specific teachings on labor unions, was unconstitutional. Thus, any union or employer that insists that an employee of faith be a member of a specific church as a condition of religious accommodation has violated that employee's constitutional and Title VII rights.

In summary, employers and unions have an obligation under Title VII to accommodate employees who cannot, because of their personal religious beliefs, join or financially support a labor union.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name United Service Workers-West:SEIU		b. Union Representative to contact David Huerta, Pres.	
c. Address (Street, city, state, and ZIP code) 1650 Harbor Bay Parkway, Suite 200, Alameda, CA 94502		d. Tel. No. (510) 437-8100	e. Cell No.
		f. Fax No.	
		g. e-mail	
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) 8(b)(1)(A) and 8(b)(2) 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 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)			
SEE ATTACHMENT			
3. Name of Employer Allied Universal Security Services		4a. Tel. No. (415)-926-6401	b. Cell No.
		c. Fax No.	
		d. e-mail	
5. Location of plant involved (street, city, state and ZIP code) Corporate Headquarters: 400 Montgomery St., 7th Floor, San Francisco, CA 94104 Work Location: 1 Sutter Street, San Francisco, CA, 94104		6. Employer representative to contact HR Department	
7. Type of establishment (factory, mine, wholesaler, etc.) Security services	8. Identify principal product or service Security guards	9. Number of workers employed many hundreds	
10. Full name of party filing charge Thomas Ross			
11. Address of party filing charge (street, city, state and ZIP code) [REDACTED]		11a. Tel. No. [REDACTED]	b. Cell No.
		c. Fax No.	
		d. e-mail [REDACTED]	
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge)		Blaine Hutchison, Attorney (Print/type name and title or office, if any)	
c/o National Right to Work Legal Defense Foundation Address 8001 Braddock Road, Suite 600, Springfield, VA 22160		Tel. No. (703) 321-8510	
Date Nov 10, 2022		Cell No.	
		Fax No. (703) 321-9319	
		e-mail blh@nrtw.org	

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 may cause the NLRB to decline to invoke its processes.

Charge Against Union-Attachment


1. Charging Party Thomas Ross is employed by Allied Universal (“Allied”) within a bargaining unit exclusively represented by United Service Workers-West, SEIU (“the union”).
2. Allied and the union have negotiated and are enforcing a contract that requires Mr. Ross to join the union as a member or financially support the union as a condition of continued employment.
3. When Mr. Ross was hired in 2020 he informed both Allied and the union that he has sincere religious beliefs that conflict with joining and supporting the union.
4. Mr. Ross did not receive a response from either Allied or the union to his request for a religious accommodation, nor did they ever seek to enforce their compulsory unionism contract against him—until now.
5. On or about August 30, 2022, Allied presented Mr. Ross with, and demanded that he sign, “membership authorization” and “dues deduction/checkoff authorization” forms, or be terminated. Mr. Ross believes Allied was acting at the behest of the union as it attempted to enforce the compulsory unionism requirement of the contract.
6. On or about August 31, 2022, Mr. Ross sent Allied a letter reiterating his religious conflict with union membership and support. On the same day, Mr. Ross also returned to Allied the mandated “membership authorization” and “dues deduction/checkoff authorization” forms. He did not complete the forms but noted on them his religious objection to union support, writing that he did “not want to join the union” and that he did “not authorize the union to take any . . . earnings.”
7. On September 15, 2022, Allied, again acting at the behest of the union, told Mr. Ross that union membership and the deduction of union dues from his salary were compulsory to keep his job. Allied also deducted union dues from Mr. Ross’s paycheck without his consent, and in spite of the fact that he never signed any authorization for the deduction of dues. Mr. Ross believes Allied turned his unlawfully deducted funds over to the union, which to date has kept them. On the same day, Allied also threatened to terminate Mr. Ross and find a replacement because he was choosing not to join the union as a member.
8. The requirement that employees join the union as members and complete a union membership application and a dues deduction authorization form is unlawful. These and related acts and omissions restrain and coerce Mr. Ross and all similarly situated employees in the bargaining unit in the exercise of their rights under the duty of fair representation and NLRA Sections 7, 8(b)(1)(A), and 8(b)(2). The threat to terminate Mr. Ross based on agreements between the union and Allied and the City of San Francisco also violates Section 8(b)(2). Unit-wide notice posting remedies are required, among other remedies.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

INSTRUCTIONS:

File an original 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 Allied Universal Security Services	b. Tel. No. (415)-926-6401
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 400 Montgomery St., 7th Floor, San Francisco, CA 94104	e. Employer Representative HR Department
	g. e-mail
	h. Number of workers employed 100
i. Type of Establishment (factory, mine, wholesaler, etc.) Security services	j. Identify principal product or service Security guards
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) sections 7 and 8(a)(1), (2), and (3) 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 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)	
SEE ATTACHMENT	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Thomas Ross	
4a. Address (Street and number, city, state, and ZIP code)	4b. Tel. No.
	4c. Cell No.
	4d. Fax No.
	4e. e-mail
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)	
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.	
	Tel. No. (703) 321-8510
Blaine Hutchison, Attorney	Office, if any, Cell No.
(signature of representative or person making charge)	Fax No. (703) 321-9319
(Print/type name and title or office, if any)	e-mail blh@nrtw.org
c/o National Right to Work Legal Defense Foundation Address 8001 Braddock Road, Suite 600, Springfield, VA 22160	Date Nov 10, 2022

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Charge Against Employer-Attachment

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2. Allied and the union have negotiated and are enforcing a contract that requires Mr. Ross to join the union as a member or financially support the union as a condition of continued employment.
3. When Mr. Ross was hired in 2020 he informed both Allied and the union that he has sincere religious beliefs that conflict with joining and supporting the union.
4. Mr. Ross did not receive a response from either Allied or the union to his request for a religious accommodation, nor did they ever seek to enforce their compulsory unionism contract against him—until now.
5. On or about August 30, 2022, Allied presented Mr. Ross with, and demanded that he sign, “membership authorization” and “dues deduction/checkoff authorization” forms, or be terminated.
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8. The requirement that employees join the union as members, and complete a union membership application and a dues deduction authorization form, is unlawful. These and related acts and omissions restrain and coerce Mr. Ross and all similarly situated employees in the bargaining unit in the exercise of their rights under NLRA Sections 7 and 8(a)(1), (2), and (3). Unit-wide notice posting remedies are required, among other remedies.