

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

TESLA, INC.

and

Case 12-CA-293359

(b) (6), (b) (7)(C), an Individual

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by **(b) (6), (b) (7)(C)** an individual (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 Tesla, Inc. (Respondent) violated the Act as described below.

1.

(a) The original charge in Case 12-CA-293359 was filed by the Charging Party on April 1, 2022, and a copy was served on Respondent by U.S. mail on the same date.

(b) The amended charge in Case 12-CA-293359 was filed by the Charging Party on June 9, 2022, and a copy was served on Respondent by U.S. mail on June 10, 2022.

2.

(a) At all material times, Respondent has been a Delaware corporation with its headquarters in Austin Texas, and facilities throughout the United States, including an office and place of business located at 1051 Sand Lake Road in Orlando, Florida (Respondent's Orlando facility), and has been engaged in the design, manufacture, sale, service and repair of electric vehicles and other products.

(b) During the past 12 months, Respondent, in conducting its operations as described in paragraph 2(a), derived gross revenues in excess of \$500,000.

(c) During the past 12 months, Respondent, in conducting its operations as described in paragraph 2(a), purchased and received goods at Respondent's Orlando facility valued in excess of \$50,000 directly from points located outside the State of Florida.

(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 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:

(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)

4.

On a date in December 2021, a more precise date being currently unknown to the undersigned, Respondent, by (b) (6), (b) (7)(C) at Respondent's Orlando facility,:

(a) Told employees not to discuss their pay with other persons.

(b) Told employees not to complain to higher level managers about their pay or other terms and conditions of employment, notwithstanding Respondent's "open door" policy.

5.

On or about January 20, 2022, Respondent, by (b) (6), (b) (7)(C), at Respondent's Orlando facility:

(a) Told employees not to discuss the hiring of employees with other persons.

(b) Told employees not to complain to higher level managers about employees' terms and conditions of employment, notwithstanding Respondent's "open door" policy.

6.

On or about (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C), at Respondent's Orlando facility, told employees not to discuss the suspension of an employee with other persons.

7.

On or about (b) (6), (b) (7)(C), 2022, Respondent, by (b) (6), (b) (7)(C), by telephone, told employees not to discuss an employee discharge with other persons.

8.

By the conduct described above in paragraphs 4(a), 4(b), 5(a), 5(b), 6 and 7, Respondent has been interfering with, restraining, and coercing employees in the exercise of rights guaranteed in Section 7 of the Act, in violation of Section 8(a)(1) 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 filed answer must be **received by**

this office on or before 11:59 p.m. on September 16, 2022. Respondent also must serve a copy of the answer on each of the other parties.

Pursuant to Section 102.5(c) of the Board's Rules and Regulations, the answer must be filed electronically through the Agency's website unless Respondent is unable to file electronically, and accompanies the filing of its answer in paper format with a statement explaining why it does not have access to the means for filing electronically or why filing electronically would impose an undue burden. 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 **December 6, 2022**, at **9:30 a.m.**, at the **NLRB Hearing Room, 201 E. Kennedy Blvd., Suite 530, Tampa, Florida**, 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: September 2, 2022.



David Cohen, Regional Director
National Labor Relations Board, Region 12
201 E. Kennedy Blvd., Suite 530
Tampa, Florida 33602-5824

Attachments