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Truckers win an injunction

Federal judge orders trucking company to reinstate drivers fired for union activity

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A federal judge has issued a rare injunction ordering a port truck company to reinstate two workers who were fired because of their union activity.

U.S. District Judge Philip S. Gutierrez of the Central District on Tuesday issued a 10(j) injunction, ordering Green Fleet Systems LLC to reinstate drivers Amilcar Cardona and Mateos Mares while a National Labor Relations Board case is pending that accuses the company of more than 50 labor law violations. *Garcia v. Green Fleet Systems, LLC*, CV146220 (C.D. Cal., filed Aug. 7, 2014).

The labor board may seek 10(j) injunctions under the National Labor Relations Act against employers and unions in federal

courts to stop unfair labor practices while a case is still in progress. In 2013, there were only 22 such injunctions.

The drivers alleged they were misclassified by Green Fleet Systems as "independent contractors" and subsequently fired for supporting drivers' efforts to become members of the Teamsters union. They further alleged they were fired for refusing to withdraw their wage and hour claims for illegal deductions.

"It sends a message throughout the ports of Los Angeles and Long Beach as well as the trucking industry throughout the country that misclassified drivers are in fact employees, that they are entitled to choose union representation, and that they cannot be fired for their union activities or for filing wage claims," said Julie Gutman Dickinson, who represents the two drivers.

"Companies like Green Fleet can no longer violate the law with impunity," the Bush Gottlieb partner said.

Misclassification is a common problem in the transportation industry, Gutman Dickinson said.

"A vast majority of truck drivers are misclassified, but we are

slowly but surely changing the way business is done in this industry," she added.

The judge also enjoined Green Fleet Systems from interrogating employees about their union activity, threatening to fire employees because of union activity, creating an impression of surveillance and limiting employees' access to company property. The judge also ordered the company to post the terms of the order in both English and Spanish in a location where employees could access it.

"If we didn't get this immediate order, then the message would go back to employees that they can't exercise their rights," Gutman Dickinson said. "By getting a quick relief based on how likely we are to succeed in the case, people know their employer can't get away with unlawfully getting rid of them."

Green Fleet Systems was represented by Thomas A. Lenz, a partner at Atkinson, Andelson, Loya, Ruud & Romo PLC in Pasadena and Cerritos. Lenz said he is reviewing the order. He declined further comment.

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