

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32**

WELLS FARGO BANK, N.A.

and

**Cases 32-CA-331887
32-CA-343637**

WELLS FARGO WORKERS UNITED - CWA

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT
AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case 32-CA-331887, which is based on a charge filed by the Communications Workers of America, whose correct legal name is Wells Fargo Workers United – CWA (the Union), against Wells Fargo Bank, N.A. (Respondent); and Case 32-CA-343637, which is based on a charge filed by Wells Fargo Workers United, whose correct legal name is Wells Fargo Workers United – CWA (the Union), against Respondent, are hereby consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, 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 Board’s Rules and Regulations, and alleges Respondent has violated the Act as described below.

1.

(a) The charge in Case 32-CA-331887 was filed by the Union on December 12, 2023, and a copy was served on Respondent by U.S. mail on December 14, 2023.

(b) The first amended charge in Case 32-CA-331887 was filed by the Union on December 18, 2024, and a copy was served on Respondent by U.S. mail on December 19, 2024.

(c) The charge in Case 32-CA-343637 was filed by the Union on June 4, 2024, and a copy was served on Respondent by U.S. mail on June 4, 2024.

2.

(a) At all material times, Respondent has been a national banking association, with an office and place of business located in Atwater, California (Atwater Branch), providing banking and financial services.

(b) In conducting its business operations described above in paragraph 2(a), during the 12-month period ending December 31, 2024, a representative period, Respondent derived gross revenues in excess of \$500,000.

(c) During the period of time described above in paragraph 2(b), in conducting its business operations described above in paragraph 2(a), Respondent purchased and received at its Atwater Branch products, goods, and materials valued in excess of \$5,000 directly from points outside the State of California.

3.

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.

4.

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5.

At all material times, Natalia Ybarra held the position of Branch Manager for Respondent and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and/or an agent of Respondent within the meaning of Section 2(13) of the Act.

6.

(a) About December 8, 2023, Respondent, by Branch Manager Natalia Ybarra, at its Atwater Branch:

- (i) Created an impression of surveillance by telling employees that she knew an employee had talked to other employees about the Union;
- (ii) Created an impression of surveillance by telling employees that Respondent would be watching them on camera;
- (iii) Threatened increased scrutiny of employees by telling employees that the employees would have to do everything by the book and that she would not be as lenient with them
- (iv) Threatened employees with stricter enforcement and/or changes in their conditions of employment by telling employees that if they were going to be involved with the Union, Respondent would not continue to be lenient with them and would require employees to remain at work until 5:30 p.m.

7.

(a) About December 8, 2023, Respondent, by Branch Manager Natalia Ybarra, changed the terms and conditions of employment of its employees by preventing employees from leaving work early after they finished their closing procedures.

(b) About January 2024, Respondent, by Branch Manager Natalia Ybarra, imposed more onerous working conditions on an employee by adding appointments to the employee's calendar and overriding other appointments on the employee's calendar.

(c) Respondent engaged in the conduct described above in paragraph 7(a) because employees formed, joined or assisted the Union, engaged in concerted activities, and to discourage employees from engaging in these activities.

(d) Respondent engaged in the conduct described above in paragraph 7(b) because the employee formed, joined, or assisted the Union, engaged in concerted activities, and to discourage employees from engaging in these activities.

8.

(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 full-time and regular-part time Tellers, Personal Bankers, and Branch Operation Coordinators employed by the Employer at its facility located at 243 East Bellevue Road, Suite A4, Atwater, CA 95301; excluding Branch Managers, Branch Service Managers, Financial Advisors, confidential employees, office clerical employees, guards, and supervisors as defined in the Act.

(b) From about December 7, 2023, to about December 8, 2023, a majority of the Unit designated the Union as their exclusive collective-bargaining representative through Union authorization cards.

(c) About December 8, 2023, the Union, by letter, requested that Respondent recognize the Union as the collective-bargaining representative of the Unit and bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit.

(d) On December 8, 2023, the Union filed a Petition for Certification of Representative under Section 9(c) of the Act in Case 32-RC-331599 (Petition), which included language stating that the Union was requesting Respondent to voluntarily recognize the Union as the exclusive collective bargaining representative of the Unit.

(e) On January 18, 2024, a Board representation election was held pursuant to the Petition described above in paragraph 8(d).

(f) On January 18, 2024, a Tally of Ballots prepared at the conclusion of the election in Case 32-RC-331559 showed that, of approximately 4 eligible voters, 1 vote was cast for and 3 votes were cast against the Union. Accordingly, a majority of employees in the Unit described above in paragraph 8(a) did not select the Union as their exclusive collective-bargaining representative.

(g) The unfair labor practice conduct described above in paragraphs 6 through 7 would require setting aside the election; is such that there is only a slight possibility of traditional remedies erasing their effects and of conducting a fair rerun election; and is such that the validity of the election process conducted pursuant to the Petition described above in paragraph 8(d) and 8(e) has been undermined.

(h) The allegations described above in paragraph 8(g) are supported by, among other things:

(i) High-ranking Branch Manager Natalia Ybarra being responsible for the alleged unfair labor practice conduct described above in paragraphs 6 through 7;

- (ii) The conduct described above in paragraphs 6 through 7 having not been retracted;
- (iii) The small size of the Unit, i.e., approximately four (4) employees in the Unit, described above in paragraph 8(a);
- (iv) The unfair labor practice conduct described in paragraphs 6 and 7(a) having been directed at all employees in the Unit;
- (v) The conduct described above in paragraphs 6 and 7 having followed immediately after the Union's demand for recognition described above in paragraph 8(c) and immediately after the filing of the Petition described above in paragraph 8(d);
- (vi) Respondent's conduct described above in paragraphs 6 and 7, having immediately preceded the election described above in paragraph 8(e).
- (vii) The Union, prior to Respondent's conduct described above in paragraphs 6 through 7, having enjoyed the support of a majority of the employees in the Unit.

(i) Given the conduct described above in paragraphs 6, 7, and 8(h); and given the employees' pre-election sentiments regarding Union representation as expressed through authorization cards described above in paragraphs 8(b) and 8(c), the employees' sentiments previously expressed through authorization cards would be better protected by issuance of a bargaining order.

(j) At all times since December 8, 2023, based on Section 9(a) of the Act and the facts described above in paragraphs 8(a) through 8(i), the Union has been the exclusive collective-bargaining representative of the Unit.

(k) Since December 8, 2023, the Respondent has failed and refused to bargain with the Union as the exclusive collective bargaining representative of the Unit.

9.

By the conduct described above in paragraph 6, Respondent has been interfering with, restraining, and coercing its employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

10.

By the conduct described above in paragraph 7, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

11.

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

12.

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

REMEDIES

13.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 6, 7, and 8, and in addition to the Board's standard remedies, the Acting General

Counsel seeks an Order requiring that Respondent (a) distribute the Notice to Employees by electronic mail and intranet; (b) distribute the Employee Rights Under the NLRA poster in the same manner as the Notice; and (c) schedule with Region 32 of the NLRB one or more mandatory 45-minute training sessions for all supervisors and managers of Respondent to take place during the work day and on paid work time and that will cover employee rights protected under the National Labor Relations Act.

FURTHER, as part of the remedy for the unfair labor practices alleged above in paragraphs 6, 7, and 8, and in addition to the Board's standard remedies, the Acting General Counsel seeks an Order requiring that Respondent recognize the Union as the exclusive collective-bargaining representative of the Unit and bargain collectively with the Union as the exclusive representative of the Unit, starting from December 8, 2023, and continuing until the parties reach an agreement or a good faith impasse, pursuant to *Cemex Construction Materials Pacific, LLC*, 372 NLRB No. 130 (2023), and if agreement is reached, to embody it in writing.

The Acting General Counsel further seeks all other relief that is just and proper to remedy the unfair labor practices alleged.

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 Consolidated Complaint. The answer must be **received by this office on or before February 25, 2025**. Respondent also must serve a copy of the answer on each of the other parties.

The answer must 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. 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 Consolidated Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT, on October 21, 2025, at 9:00 a.m., and on consecutive days thereafter until concluded, a hearing in this matter will be held before an Administrative Law Judge of the National Labor Relations Board, via videoconference technology or at a location otherwise ordered by the Regional Director or Administrative Law Judge in or around Atwater, California. At the hearing, Respondent and any other party to this proceeding have the right to

appear and present testimony regarding the allegations in this Consolidated 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 Oakland, California, this 11th day of February 2025.



Christy J. Kwon
Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Suite 1510N
Oakland, CA 94612

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

Cases: 32-CA-331887
32-CA-343637

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing.

However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds thereafter must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request;

and

- (5) Copies must be simultaneously served on all other parties (*listed below*), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

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Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32**

WELLS FARGO BANK, N.A.

and

WELLS FARGO WORKERS UNITED - CWA

**Cases: 32-CA-331887
32-CA-343637**

Date: February 11, 2025

**AFFIDAVIT OF SERVICE OF ORDER CONSOLIDATING CASES,
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) upon the persons at the addresses and in the manner indicated below. Persons listed below under "E-Service" have voluntarily consented to receive service electronically, and such service has been effected on the same date indicated above.

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E-FILE

February 11, 2025
Date

Frances Hayden, Designated Agent of NLRB
Name

/s/ Frances Hayden
