

DO NOT WRITE IN THIS SPACE	
Case 31-CA-307446	Date Filed 12/15/2023

**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 Space Exploration Technologies Corporation ("SpaceX")	b. Tel. No. 202-649-2716
	c. Cell No. 202-285-8834
	f. Fax No.
d. Address (Street, city, state, and ZIP code) One Rocket Road Hawthorne, California 90250	e. Employer Representative Christopher Cardaci 1030 15th Street N.W. Washington, D.C. 20005
	g. e-mail Christopher.Cardaci@spacex.com
	h. Number of workers employed 9,500
i. Type of Establishment (factory, mine, wholesaler, etc.) Office, manufacturing, and mission control	j. Identify principal product or service Designs, manufactures, and launches rockets and spacecraft
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) 8(a)(1) 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) Attorney Anne Shaver brings this amended charge on behalf of Employee D against their former employer, SpaceX, which committed an unfair labor practice when it fired Employee D and eight other individuals for engaging in protected concerted activity at work. SpaceX also violated 8(a)(1) by making unlawful coercive statements and unlawfully interrogating Employee D and others regarding information including the nature of concerted protected activity engaged in by employee's colleagues, and those colleagues' identities. In addition, the Employer violated the Act by: (1) [6.7(C)] issuing statements in an email dated [6.7(C)] 2022 that unlawfully restricted [6.7(C)] and [6.7(C)] right to engage in concerted protected activities; (2) unlawfully placing an employee on administrative leave on or about [6.7(C)] 2022; (3) unlawfully placing an employee on administrative leave on or about [6.7(C)] 2022; (4) [6.7(C)] unlawfully creating the impression of surveillance on or about July 20, 2022 during an investigatory interview by showing an employee screenshots of a Signal group chat that several SpaceX employees participated in; (5) [6.7(C)] unlawfully creating the impression of surveillance on or about July 21, 2022 during an investigatory interview by showing an employee screenshots of a Signal group chat that several SpaceX employees were a part of; and (6) [6.7(C)] unlawfully creating the impression of surveillance during an investigatory interview on or about July 21, 2022 by reading aloud to an employee posts of a Signal group chat that several SpaceX employees were part of. Please see attached Addendum for a concise statement of the facts.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Anne Shaver	
4a. Address (Street and number, city, state, and ZIP code) Lieff Cabraser Heimann & Bernstein LLP 275 Battery Street, 29th Floor San Francisco, CA 94000  Laurie Burgess Burgess Law Offices P.C. 498 Utah St., San Francisco, CA 94110	4b. Tel. No. 415-956-1000
	4c. Cell No.
	4d. Fax No.
	4e. e-mail ashaver@lchb.com
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.	
/s/ Anne B. Shaver  <i>(signature of representative or person making charge)</i>	Anne B. Shaver  <i>(Print/type name and title or office, if any)</i>
Tel. No. 415-956-1000	
Office, if any, Cell No.	
Fax No.	
e-mail ashaver@lchb.com	
Address 275 Battery Street, 29th Floor, San Francisco CA 94111	Date 12/15/2023

**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.

## Amended Addendum – NLRB Charge of Employee D<sup>1</sup>

In the past six months SpaceX has violated the NLRA by terminating employees for engaging in the core concerted protected activity of speaking up against SpaceX’s failure and refusal to address the culture of sexism, harassment and discrimination that pervades the workplace via the permission granted such behavior by SpaceX management including [6,7(C)] [6,7(C)] and [6,7(C)]. SpaceX’s unlawful conduct includes the following:

On [6,7(C)], 2022 a group of employees sent an Open Letter to SpaceX’s leadership protesting Musk’s repeated conduct of issuing inappropriate, disparaging, sexually charged comments on Twitter – a platform that SpaceX specifically acknowledges as a formal source of news regarding SpaceX activities. Employee D participated in the drafting of the Open Letter. The Open Letter authors complained that [6,7(C)] statements (examples of which were attached to the Letter) permeated the workplace and created a hostile work environment. The Open Letter authors called upon SpaceX to take appropriate remedial action including condemning [6,7(C)] harmful behavior, holding all leadership accountable for their actions and seeking uniform enforcement of SpaceX’s “No Asshole” policy. The Open Letter that Employee D co-authored and its appendices are attached hereto as **Exhibit A**.

On [6,7(C)], 2022, *immediately on the heels of engaging in this concerted protected activity*, SpaceX fired five (5) employees who participated in organizing to redress sexual harassment and discrimination in the workplace. SpaceX [6,7(C)] called the Open Letter “overreaching activism” and stated that SpaceX had “terminated a number of employees involved.” See **Exhibit B**.

After this initial wave of wrongful retaliatory terminations, over the next two months SpaceX continued its campaign of retaliation and intimidation by unlawfully interrogating dozens of employees and making unlawful coercive statements, including that the conversations were attorney-client privileged and could not be disclosed to anyone, in private meetings that occurred on dates including but not limited to July 15, 19, 20, 21, 29, and August 12. As a result of its unlawful coercive interrogations SpaceX terminated Employee D effective [6,7(C)], 2022, as well as three (3) other employees on [6,7(C)] and [6,7(C)], in retaliation for their conduct of drafting and/or sharing the Open Letter with other SpaceX employees, and/or openly challenging management about the [6,7(C)] terminations.

SpaceX engaged in the above unlawful conduct for the purpose of retaliating against employees for engaging in concerted protected activities and to discourage other employees from engaging in similar organizing activities protected under the NLRA.

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<sup>1</sup> Employee D is proceeding anonymously to protect themselves from public harassment (aka “doxing”) from fans of SpaceX and/or [6,7(C)].