



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420

January 31, 2017

Bryan Carmody, ESQ.
Hospital of Barstow, Inc. d/b/a Barstow Community Hospital
4 Honey Hollow Rd
Katonah, NY 10536-3607

Re: California Nurses Association (Hospital of
Barstow, Inc. d/b/a Barstow Community
Hospital)
Cases: 31-CB-184962
31-CB-184969

National Nurses Organizing Committee
(Hospital of Barstow, Inc. d/b/a Barstow
Community Hospital)
Cases: 31-CB-184977
31-CB-184974

Dear Mr. Carmody:

We have carefully investigated and considered your charges that CALIFORNIA NURSES ASSOCIATION and NATIONAL NURSES ORGANIZING COMMITTEE (collectively "Union") have violated the National Labor Relations Act.

Decision to Dismiss: Based on the investigation, I have decided to dismiss charges 31-CB-184962 and 31-CB-184974 for the following reasons:

Each of these charges alleges that the Union violated Section 8(b)(3) of the Act by refusing to execute a written contract, upon the request of the Employer, incorporating a side agreement reached between the parties regarding wage increases effective on July 11, 2015. The investigation revealed that while the side agreement correctly summarized the wage increases that the Employer implemented in July 2015, it did not fairly and completely summarize what the Union believes is due to employees regarding wage increases in 2015 because it does not address the Employer's unilateral cessation of wage increases from April 2015 until July 2015. As there was no meeting of the minds on this material term, I find that there is insufficient evidence to support a violation as alleged in each of these charges.

Decision to Partially Dismiss: Based on the investigation, I have also decided to partially dismiss charges 31-CB-184969 and 31-CB-184977 for the following reasons:

To the extent that these charges allege that the Union violated Section 8(b)(3) of the Act by refusing to provide information requested by the Employer, the investigation reveals that the Union responded to the requests and provided all requested information to the Employer. With

California Nurses Association (Hospital of
Barstow, Inc. d/b/a Barstow Community
Hospital) and National Nurses Organizing
Committee
Cases 31-CB-184962; 31-CB-184969;
31-CB-184974; and 31-CB-184977

respect to the allegation that the Union unreasonably delayed in providing necessary and relevant requested information to the Employer, the investigation revealed that the Union responded in a reasonable time to each of the Employer's requests for information, save one. Accordingly, I find there is insufficient evidence to establish that the Union violated Section 8(b)(3) of the Act by refusing to provide evidence in response to the Employer's request, or by unreasonably delaying with respect to all but one of the Employer's requests.

The portion of charges 31-CB-184969 and 31-CB-184977 alleging that the Union violated Section 8(b)(3) of the Act, by unreasonably delaying in providing the Employer with Assignment Despite Objection forms, remains subject to further processing.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **February 14, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than February 13, 2017. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before** February 14, 2017. The request may be filed electronically through the **E-File Documents** link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any

California Nurses Association (Hospital of
Barstow, Inc. d/b/a Barstow Community
Hospital) and National Nurses Organizing
Committee
Cases 31-CB-184962; 31-CB-184969;
31-CB-184974; and 31-CB-184977

request for an extension of time to file an appeal received after February 14, 2017, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours;



Mori Rubin
Regional Director

Enclosure

cc: Hospital of Barstow, Inc. d/b/a Barstow
Community Hospital
820 E Mountain View St
Barstow, CA 92311-3086

Jane Lawhon, Legal Counsel
National Nurses Organizing Committee
155 Grand Avenue
2nd Floor
Oakland, CA 94612

Nicole Daro, Legal Counsel
California Nurses Association (CNA)
155 Grand Avenue
2nd Floor
Oakland, CA 94612

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)



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January 27, 2017

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

Re: NALC Local Branch 2293 (United States
Postal Service)
Case 31-CB-185001

Dear (b) (6), (b) (7)(C)

We have carefully considered your charge that NALC Local Branch 2293 has violated the National Labor Relations Act and the Postal Reorganization Act.

Decision to Dismiss: In view of your lack of cooperation in investigating this case, I have determined that further proceedings are not warranted at this time and I am dismissing your charge.

Since the filing of the charge, the investigating Board agent has made multiple attempts to schedule an appointment with you to take your supplemental affidavit. From December 12, 2016 to January 10, 2017, the Board agent left you several messages by phone and email requesting that you present evidence in support of your charge. Although you scheduled an appointment with the Board agent for December 28, 2016, you decided not to give an affidavit during the appointment. Since that appointment, the Board agent has continued to attempt to reach you to obtain your evidence in support of the charge. Receiving no response from you, the Board agent finally sent you an email on January 4, 2017, informing you that if you did not present evidence in support of the charge by January 10, 2017, she would recommend dismissal of the charge for lack of cooperation. To date, you have failed to contact the Board Agent to present your evidence in support of your charge. Accordingly, based on your lack of cooperation, I have determined that further proceedings are not warranted at this time and I am dismissing your charge.

If you wish to refile this charge later when you can cooperate in the investigation, you may do so. However, your attention is directed to Section 10(b) of the Act which provides that a charge must be filed with the NLRB and served on the charged party within six months of the conduct alleged to be unlawful.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **February 10, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than February 9, 2017. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before February 10, 2017**. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after February 10, 2017, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to

NALC Local Branch 2293 (United States
Postal Service)
Case 31-CB-185001

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keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



Mori Rubin
Regional Director

Enclosure

cc: Henry Cordero, President
NALC Local Branch 2293
9201 Wilshire Blvd
Ste 106
Beverly Hills, CA 90210-5512

Roderick D. Eves, Deputy Managing
Counsel
United States Postal Service (Law
Department - NLRB Unit)
1720 Market Street
RM 2400
Saint Louis, MO 63155-9948

Kate M. Swearengen
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330 West 42nd Street
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Koula Fuller, Postmaster
United States Postal Service
820 N. San Vicente Blvd
West Hollywood, CA 90069



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January 12, 2017

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

Re: Teamsters Local Union No. 986 (ABM
Parking Services)
Case 31-CB-185058

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that Teamsters Local Union No. 986 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **January 26, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **January 25, 2017**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before January 26, 2017**. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **January 26, 2017, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

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TENGA PRESENTE: Esta carta explica que el NLRB está desestimando las alegaciones en el cargo que usted presentó y donde determinó no seguir adelante con la conducta alegada en el cargo. Usted puede apelar esta decisión, pero debe hacerlo dentro de un periodo de tiempo específico. Si el Inglés no es su primer idioma y quisiera que esta carta se le explicara en su primer idioma, usted puede contactar a la Oficina Regional por carta o llamar al (310)235-7351. La Junta Nacional de Relaciones del Trabajo (NLRB) se asegurará, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procesamiento de sus cargos y las decisiones que se hagan en ellos. *(PLEASE NOTE: This letter explains that the NLRB is dismissing the allegations in the charge you filed and does not plan to proceed further on the conduct alleged in the charge. You may appeal that decision, but you must do so within a specific time period. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter, or call (310)235-7351. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their charges and the decisions made in them.)*

Very truly yours,



Mori Rubin
Regional Director

Enclosure

cc: Debra Goldberg
Teamsters Local No. 986
1198 Durfee Avenue
South El Monte, CA 91733

Karen Haubrich
ABM Parking Services
152 Technology Drive
Irvine, CA 92618



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January 25, 2017

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

Re: Studio Utility Employees Local 724
(Entertainment Partners –Scream Queens)
Case 31-CB-185853

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that Studio Utility Employees Local 724 (Union) has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below. Your charge alleges that the Union violated Section 8(b)(1)(A) of the Act by refusing to process a grievance concerning your layoff for arbitrary or discriminatory reasons, or in bad faith. The investigation revealed that about (b) (6), (b) (7)(C) 2016, you were laid off from your job at TCFTV-Scream Queens. You brought this matter to the attention of a Union Business Agent and argued that the Employer had not followed the seniority provisions of the parties' collective-bargaining agreement given that two less senior employees were not laid off. In response, the Union conducted an investigation, consulted with counsel, and determined that it could not prevail on a grievance because the two less senior employees had been working in positions that were not subject to the seniority layoff provisions of the parties' collective-bargaining agreement. Accordingly, there is insufficient evidence to establish that the Union violated Section 8(b)(1)(A) as alleged.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **February 8, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than February 7, 2017. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before** February 8, 2017. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after February 8, 2017, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

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Very truly yours,



Mori Rubin
Regional Director

Enclosure

cc: Tom Innman, Business Manager
Studio Utility Employees Local 724
6700 Melrose Ave
Los Angeles, CA 90038-3493

Entertainment Partners – Scream Queens
5555 Melrose Ave
Los Angeles, CA 90038-3112



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January 31, 2017

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

Re: American Postal Workers Union AFL-CIO California
Area Local (United States Postal Service)
Case 31-CB-185854

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that American Postal Workers Union, AFL-CIO, California Area Local 4635 has violated the National Labor Relations Act ("the Act") and the Postal Reorganization Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Union breached its duty of fair representation for arbitrary, capricious or discriminatory reasons by failing to fairly represent (b) (6), (b) (7)(C) in the processing of (b) (6), (b) (7)(C) grievance in violation of Section 8(b)(1)(A) of the Act in retaliation for filing internal union charges against (b) (6), (b) (7)(C) union representatives¹. More specifically, you allege the following: (1) the Union failed to grant (b) (6), (b) (7)(C) an extension of time to file an appeal of the Step 2 grievance denial and it rescinded an extension of time to file the Step 3 grievance/appeal; (2) the Union failed to permit (b) (6), (b) (7)(C) to have the Union representative of (b) (6), (b) (7)(C) choice handle (b) (6), (b) (7)(C) grievance; (3) the Union failed to timely file (b) (6), (b) (7)(C) Step 3 grievance/appeal; and (4) the Union unlawfully withdrew (b) (6), (b) (7)(C) grievance.

With respect to allegations 1, 2, and 3 above, I have decided to dismiss those portions of your charge because the investigation revealed that (b) (6), (b) (7)(C) had knowledge of those events prior to (b) (6), (b) (7)(C) 2016. Thus, those allegations of the charge were filed outside the period set forth in Section 10(b) of the Act, which provides in pertinent part "[t]hat no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge..."

Even assuming that your charge were timely filed, there is insufficient evidence that the Union breached its duty of fair representation by failing to fairly represent (b) (6), (b) (7)(C) with regard to the handling of (b) (6), (b) (7)(C) grievance. A breach of the duty of fair representation occurs only

¹ Although the charge does not specifically allege a violation of Section 8(b)(1)(A) of the Act, the body of the charge clearly alleges a breach of the duty of fair representation.

when a union's conduct toward a member of the collective bargaining unit is arbitrary, discriminatory, or in bad faith. *Vaca v. Sipes*, 386 U.S. 190 (1967).

To the extent you allege that the Union breached its duty of fair representation when the Union failed to grant (b) (6), (b) (7)(C) an extension of time to file an appeal of the Step 2 grievance denial and it rescinded an extension of time to file the Step 3 grievance/appeal, there is insufficient evidence to show that the Union's decision was based on arbitrary, capricious or discriminatory reasons. The investigation revealed that the Union determined that the extension was not properly granted, which could have resulted in its Step 3 grievance being deemed untimely by the Employer. Moreover, the investigation revealed that the Union continued to represent (b) (6), (b) (7)(C) with regard to the grievance and moved the grievance to the next step of the grievance process.

Additionally, the Union did not breach the duty of fair representation when it denied (b) (6), (b) (7)(C) request for a particular union representative to handle the matter. The investigation revealed that the Union advised (b) (6), (b) (7)(C) that waiting for (b) (6), (b) (7)(C) preferred representative to return from vacation would unnecessarily delay the grievance and could result in it being found untimely. Thus, the Union did not breach the duty of fair representation when it decided to proceed with the grievance and it exercised the "substantial latitude in their representational decisions" that the Board has afforded Unions. *Local 888, Am. Fed'n of Gov't Employees*, 323 NLRB 717, 722 (1997) (citing *Service Employees Local 579 (Beverly Manor)*, 229 NLRB 692, 695 (1977)).

To the extent you allege that the Union failed to timely file its Step 3 grievance/appeal, again there is insufficient evidence to establish a violation of the Act. The evidence is unclear with regard to the timeliness of the Step 3 grievance/appeal. However, even if it were untimely, this is at most mere negligence. Negligent grievance handling, alone, is insufficient to constitute arbitrary conduct, and no violation will be found. See, e.g., *Teamsters Local 692 (Great Western Unifreight)*, 209 NLRB 446 (1974). Moreover, in this case both the Employer and the Union continued to process the grievance and the Step 3 was not denied as untimely.

With regard to your allegation that the Union unlawfully withdrew (b) (6), (b) (7)(C) grievance, there is insufficient evidence that the Union's conduct was arbitrary, or discriminatory. The evidence revealed that the Union determined that it could not prevail if it proceeded with the grievance because the remedies (b) (6), (b) (7)(C) sought could not be obtained under the collective bargaining agreement. Thus, the Union's decision falls within the wide range of reasonableness it is afforded under the Act. *Ford Motor Company v. Huffman*, 345 U.S. 330, 338 (1953). Furthermore, the investigation revealed no evidence that the Union based its decision not to pursue the grievance on arbitrary, discriminatory, or otherwise unlawful considerations. In fact, the evidence shows that the Union continued to process (b) (6), (b) (7)(C) grievance after (b) (6), (b) (7)(C) filed internal Union charges against (b) (6), (b) (7)(C) representatives. The Union met with the Employer about the grievance, and it was only after that meeting, when the Union was convinced that the remedies (b) (6), (b) (7)(C) sought were unavailable to (b) (6), (b) (7)(C) under the collective bargaining agreement, that the Union exercised its lawful discretion to withdraw the grievance.

Finally, to the extent you allege that the Union prevented (b) (6), (b) (7)(C) from attending a hearing regarding (b) (6), (b) (7)(C) internal charges, this is a purely internal union matter and not a violation of the Act.

For the above reasons, I have decided to dismiss your charge.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

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Appeal Due Date: The appeal is due on **Tuesday, February 14, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **Monday, February 13, 2017**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

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American Postal Workers Union AFL-CIO
California Area Local (U.S. Postal Service)
Case 31-CB-185854

- 4 -

January 31, 2017

is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Mori Rubin

MORI RUBIN
Regional Director

Enclosure


cc: David Gordillo
American Postal Workers Union,
AFL-CIO, California Area Local 4635
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(b) (6), (b) (7)(C)

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420

January 30, 2017

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

Re: SEIU Local 1877 (Aramark - USC)
Case 31-CB-186660

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that SEIU Local 1877 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **February 13, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than February 12, 2017. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before February 13, 2017**. The request may be filed electronically through the **E-File Documents** link on our website www.nlrb.gov, by fax to

(202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after February 13, 2017, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

TENGA PRESENTE: Esta carta explica que el NLRB está desestimando las alegaciones en el cargo que usted presentó y donde determinó no seguir adelante con la conducta alegada en el cargo. Usted puede apelar esta decisión, pero debe hacerlo dentro de un periodo de tiempo específico. Si el Inglés no es su primer idioma y quisiera que esta carta se le explicara en su primer idioma, usted puede contactar a la Oficina Regional por carta o llamar al (310)235-7351. La Junta Nacional de Relaciones del Trabajo (NLRB) se asegurará, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procesamiento de sus cargos y las decisiones que se hagan en ellos. *(PLEASE NOTE: This letter explains that the NLRB is dismissing the allegations in the charge you filed and does not plan to proceed further on the conduct alleged in the charge. You may appeal that decision, but you must do so within a specific time period. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter, or call (310)235-7351. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their charges and the decisions made in them.)*

Very truly yours,



Mori Rubin
Regional Director

Enclosure

cc: Ron Cote, Cote-Ron@aramark.com
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3405 S Vermont Ave
Los Angeles, CA 90007-3450

Jasmine Castillo, Union Representative
SEIU Local 1877
828 W Washington Blvd.
Los Angeles, CA 90015-3310