



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 29
Two Metro Tech Center
Suite 5100
Brooklyn, NY 11201-3838

Agency Website: www.nlrb.gov
Telephone: (718)330-7713
Fax: (718)330-7579

August 31, 2018

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

Re: 1199 SEIU United Health Workers East
Case 29-CB-219408

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

We have carefully investigated and considered your charge that 1199 SEIU United Health Workers East 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.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlrb.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlrb.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. 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.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **September 14, 2018**. 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 September 13, 2018. **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 September 14, 2018**. 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 September 14, 2018, **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,

/s/

KATHY DREW-KING
Regional Director

Enclosure

cc:

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

1199 SEIU United Health Workers East
310 West 43rd Street, 5th Floor
New York, NY 10036

Gwynne Wilcox, ESQ.
80 Eighth Avenue, 8th Floor,
New York, NY 10011-5126

Joseph Foti, Labor Relations Manager
Wyckoff Heights Medical Center
374 Stockholm Street
Brooklyn, NY 11237-4006



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August 30, 2018

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

Re: 1199SEIU United Healthcare Workers East
(Brooklyn Hospital Center).
Case 29-CB-219956

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

We have carefully investigated and considered your charge that 1199SEIU United Healthcare Workers East has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing 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.

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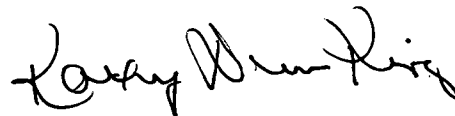
Appeal Due Date: The appeal is due on **September 13, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a

delivery service no later than September 12, 2018. **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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Very truly yours,



KATHY DREW-KING
Regional Director

Enclosure

cc: Manuel Leon, Delegates' VP
1199SEIU United Healthcare Workers
East
310 West 43rd Street
New York, NY 10036-6407

1199SEIU United Healthcare Workers East - 3 - August 30, 2018
(Brooklyn Hospital Center).
Case 29-CB-219956

Gwynne A. Wilcox, ESQ.
Levy Ratner, P.C.,
80 Eighth Avenue, 8th Floor,
New York, NY 10011-7175

Thomas Foley
Brooklyn Hospital Center
121 Dekalb Avenue
Brooklyn, NY 11205



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August 14, 2018

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

Re: Local Union 804, International Brotherhood
of Teamsters (United Parcel Service)
Case 29-CB-220199

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

We have carefully investigated and considered your charge that Local Union 804, International Brotherhood of Teamsters has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because the evidence fails to establish a violation of the National Labor Relations Act.

Your charge alleges that the International Brotherhood of Teamsters, Local 804 (Union) violated its duty of fair representation to you under Section 8(b)(1)(A) of the Act by providing you inadequate assistance in grievance meetings regarding your (b) (6), (b) (7)(C) 2017 discharge from your employer, United Parcel Service.

A labor union owes a duty of fair representation to the employees it represents. *See Vaca v. Sipes*, 386 US 171 (1967). A union breaches this duty when its conduct toward a member of the bargaining unit is arbitrary, discriminatory, or in bad faith. *Id.* When a union takes a grievance to arbitration it becomes obligated to act as a grievant's advocate. *Teamsters Local 705*, 209 NLRB 292, 293 (1974). However, once at arbitration, a union's duty to a grievant it represents is not analogous to the duty owed by an attorney to a client. *Service Employees International Union*, 229 NLRB 692, fn. 2 (1977). At arbitration the union, rather than the grievant, has the right to determine what evidence is to be presented in support of the claim that the employer violated the contract. *Teamsters Local 54*, 223 NLRB 533 (1976). A grievant cannot equate lack of success at arbitration with bad faith. *Acuff, et al. v. United Paperworkers, AFL-CIO*, 404 F.2d 169 (5 Cir. 1968), cert. denied 394 U.S. 987 (1969).

In your case, the investigation revealed no evidence that the Union's conduct was either arbitrary, discriminatory, or in bad faith. Instead, the investigation revealed that the Union filed a timely arbitration demand over your (b) (6), (b) (7)(C) 2017 discharge. The Union raised Article 7 of the Master Agreement in its initial grievance. An arbitration before a Joint Local 804-UPS Panel was scheduled for (b) (6), (b) (7)(C) 2017. The evidence further establishes that the Union met with you prior to your (b) (6), (b) (7)(C) arbitration in order to prepare you for your arbitration. The Union advocated your position to the joint arbitration panel. The evidence shows that the Union presented to the panel your position that you were not dishonest with the Employer during the (b) (6), (b) (7)(C) 2017 meeting with management but rather had a disagreement with them about whether methods and procedures were violated. The Union advocated on your behalf and pled your case to the panel.

C.L.

Nevertheless, the arbitration panel upheld the UPS decision to terminate you despite the Union's arguments on your behalf. There is no evidence that the Union's failure to succeed at arbitration was motivated by, or caused by any arbitrary or discriminatory conduct or by any bad faith.

Additionally, the Region found that your claim is barred by Section 10(b) of the Act. Your arbitration took place on (b) (6), (b) (7)(C) 2017, which is also the date your grievance was denied by the arbitration panel. Section 10(b) of the Act requires that charges alleging misconduct be filed within 6 months of the date that the Charging Party knew or should have known of the alleged violation *Metromedia Inc., v. NLRB*, 586 F.2d 1182 (8th Cir., 1978). Your charge was filed on May 15, 2018, approximately (b) (6) months from the date that your grievance was denied by the panel. You were present at your (b) (6), (b) (7)(C) grievance and observed the proceeding, thus the limitations period in your charge alleging that the Union did not adequately represent you would begin then. The evidence shows that no additional conduct took place between (b) (6), (b) (7)(C) 2017, and (b) (6), (b) (7)(C) 2018, that would toll the statute of limitations.

In addition there is no evidence that section 8(b)(3) of the Act was violated.

Based on these facts, you have failed 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.

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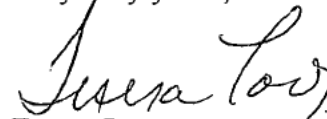
Appeal Due Date: The appeal is due on August 28, 2018. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be

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 August 27, 2018. **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 August 28, 2018**. 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 August 28, 2018, **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,



Teresa Poor
Acting Regional Director

Enclosure


cc: (b) (6), (b) (7)(C)
Local Union 804, International
Brotherhood of Teamsters
34-21 Review Avenue
Long Island City, NY 11101

Christopher S. Baluzy, ESQ.
Cary Kane LLP
1350 Broadway, Suite 501
New York, NY 10018-0026

Peter Conrad, ESQ.
Proskauer Rose LLP
Eleven Times Square
New York, NY 10036-8299

United Parcel Service
10401 Foster Ave
Brooklyn, NY 11236-2207

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

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August 31, 2018

VIA U.S. MAIL

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

Re: Local Union 804, International Brotherhood
of Teamsters (United Parcel Service)
Case No. 29-CB-220453

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

We have carefully investigated and considered your charge that Local Union 804, International Brotherhood of Teamsters (Local Union 804) 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.

The charge alleges that since about (b) (6), (b) (7)(C) 2016, (b) (6), (b) (7)(C) 2016, and (b) (6), (b) (7)(C) 2018, Local Union 804 violated Section 8(b)(1)(A) and 8(b)(2) of the National Labor Relations Act by 1) discriminatorily, maliciously, and with bad intent failing and refusing to process employee (b) (6), (b) (7)(C) 2016 termination grievance, and by 2) failing to invoke (b) (6), (b) (7)(C) rights under Article 7 of the collective bargaining agreement between the Union and the United Parcel Service (the Employer) (collectively the Parties).

The charge further alleges that the Employer discharged (b) (6), (b) (7)(C) in violation of Article 12 Sections 1 & 2 of the Parties' collective bargaining agreement and that the Employer failed to bargain in good faith in violation of Section 8(b)(2) of the Act.

The charge also alleges that the Parties conspired to violate (b) (6), (b) (7)(C)'s rights under the Parties' collective bargaining agreement, in violation of the Federal Arbitration Act, 9 U.S.C. 10(a)(1), Hybrid Section 301 claim under the Labor Management Relations Act, 29 U.S.C. Section 185 by committing perjury, tampering with a witness, tampering with physical evidence, forgery, and conspiracy.

The Region finds that the allegations you raise in the instant investigation were fully considered and decided in Case No. 29-CB-191862, and that the instant charge is barred by Section 10(b) of the Act.

First, employee (b) (6), (b) (7)(C) filed the charge in Case No. 29-CB-191862, which alleged that Local Union 804 violated Section 8(b)(1)(A) of the Act by failing and refusing to process

(b) (6), (b) (7)(C) 2016 termination grievance. The Region dismissed the charge because the evidence adduced during the investigation did not establish that Local Union 804 failed and refused to process (b) (6), (b) (7)(C) grievance in violation of the Act. Rather, the evidence showed that (b) (6), (b) (7)(C) was terminated on (b) (6), (b) (7)(C) 2016. On (b) (6), (b) (7)(C) 2016, (b) (6), (b) (7)(C) filed a grievance with Local Union 804. Local Union 804 subsequently processed (b) (6), (b) (7)(C) grievance up to and including arbitration. The evidence did not show that Local Union 804 acted in an arbitrary or perfunctory manner during its processing of (b) (6), (b) (7)(C) grievance. While Local Union 804 did not present all possible arguments and evidence in support of (b) (6), (b) (7)(C) grievance during its presentation of (b) (6), (b) (7)(C) case before the arbitration panel, the Region found that such conduct did not rise to the level of gross negligence.

The evidence also did not establish that Local Union 804 acted in a malicious or discriminatory manner, or in bad faith. Instead, the evidence showed that Local Union 804 spent many hours preparing for the arbitration with (b) (6), (b) (7)(C). Finally, at the arbitration, it provided an argument in favor of (b) (6), (b) (7)(C) reinstatement and receipt of backpay.

After (b) (6), (b) (7)(C) appealed the Region's determination in Case No. 29-CB-191862, the Office of Appeals reviewed the investigation and ultimately upheld the Region's determination. Further, the Office of Appeals denied (b) (6), (b) (7)(C) motion for reconsideration of its decision.

Second, Section 10(b) of the Act requires that charges be filed within 6 months of the date that the Charging Party knew or should have known of the alleged violation. *Metromedia Inc., v. NLRB*, 586 F.2d 1182 (8th Cir., 1978).

The evidence in the instant investigation showed that (b) (6), (b) (7)(C) arbitration took place and (b) (6), (b) (7)(C) termination was upheld on (b) (6), (b) (7)(C) 2016. On (b) (6), (b) (7)(C) 2016, or shortly thereafter, (b) (6), (b) (7)(C) received a copy of the opening statement, grievance form, and grievance panel decision Local Union 804 introduced at arbitration, and a sample of an arbitrator's opinion and award that the Employer introduced at arbitration. You argue that the documents introduced by Local Union 804 at arbitration were forged documents that the Union tampered with, and, that Local Union 804 willfully concealed its involvement in deciding (b) (6), (b) (7)(C) termination grievance at arbitration. You further assert that you learned on (b) (6), (b) (7)(C) 2018 that the Local Union 804 panel and the Employer's panel reached agreement to deny (b) (6), (b) (7)(C) termination grievance after hearing the case and before the arbitrator issued a ruling when you realized that the grievance panel decision was not an arbitrator's opinion and award. Your assertion is not supported by the evidence obtained in this investigation.

The evidence shows that on (b) (6), (b) (7)(C) 2016 or shortly thereafter, (b) (6), (b) (7)(C) knew or should have known of Local Union 804's alleged violations of the Act, and the statute of limitations period began to run at that time. (b) (6), (b) (7)(C) was present at the arbitration to see how the Union represented (b) (6), (b) (7)(C) termination grievance at arbitration and shortly thereafter, (b) (6), (b) (7)(C) received all of the documents that you now question as forgeries. Moreover, (b) (6), (b) (7)(C) immediately received a copy of the grievance panel decision in (b) (6), (b) (7)(C) case as well as a sample of an arbitrator's opinion and award. Thus (b) (6), (b) (7)(C) knew or should have known to question the grievance panel's decision to deny (b) (6), (b) (7)(C) termination grievance at that time.

The instant charge was filed on May 16, 2018, approximately (b) (6), (b) (7)(C) months from the date that (b) (6), (b) (7)(C) termination grievance was denied at arbitration. (b) (6), (b) (7)(C) possessed all of the documentation necessary to question the Union's role in deciding (b) (6), (b) (7)(C) termination grievance. Thus, this allegation is clearly time barred.

Moreover your allegation that the Local Union 804 fraudulently concealed its involvement in determining (b) (6), (b) (7)(C) termination grievance, warranting a tolling of the statute of limitations to after the fraud was uncovered is unsupported by the evidence. The evidence shows that an arbitrator decided (b) (6), (b) (7)(C) termination grievance after the Local Union 804 panel and Employer's panel hearing (b) (6), (b) (7)(C) termination grievance deadlocked on whether to reinstate (b) (6), (b) (7)(C). The evidence also showed that the grievance panel's decision was completed consistent with the Panel's rules. Accordingly, I find no merit to your argument that Local Union 804 fraudulently concealed its involvement in (b) (6), (b) (7)(C) termination grievance.

In addition there is no evidence that Section 8(b)(2) of the Act was violated.

The Region also lacks jurisdiction to enforce the Federal Arbitration Act or decide Labor Management Relations Act hybrid Section 301 claims.

Accordingly, in light of the above, and in the absence of any evidence that the Union violated the Act in any other manner encompassed by this charge, I am refusing to issue complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

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Very truly yours,


KATHY DREW-KING
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)
Local Union 804, International
Brotherhood of Teamsters
34-21 Review Avenue
Long Island City, NY 11101

Joe Forcelli, Business Agent
Local Union 804, International
Brotherhood of Teamsters
34-21 Review Avenue
Long Island City, NY 11101

Christopher S. Baluzy, ESQ.
Cary Kane LLP,
1350 Broadway, Suite 1400
NY, NY 10018

Darren Jones, ESQ.
UNITED PARCEL SERVICE, INC.
Corporate Legal Department
55 Glenlake Parkway East, Building 3,
4th Floor
Atlanta, GA 30328-3474

Shannon Baisden, Paralegal
United Parcel Service
Legal Department B3/F4
55 Glenlake Parkway, NE
Atlanta, GA 30328

United Parcel Service
10401 Foster Ave
Brooklyn, NY 11236-2207



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Fax: (718)330-7579

August 14, 2018

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

Re: 1199 United Healthcare Workers East
(Forest Hills Hospital)
Case 29-CB-220459

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

We have carefully investigated and considered your charge that 1199 SEIU United Healthcare Workers East 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.

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Appeal Due Date: The appeal is due on **August 28, 2018**. 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 August 26, 2018. **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 August 28, 2018.** 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 August 27, 2018, **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,

/s/

KATHY DREW-KING
Regional Director

Enclosure

cc: Madeleine Preau, Vice President
1199 SEIU United Healthcare Workers
East
310 W 43rd St
New York, NY 10036-3981

Kimberly A. Lehmann, ESQ.
Levy Ratner, P.C.,
80 Eight Avenue Floor 8,
New York, NY 10011-7175

Forest Hills Hospital
102-01 66th Road
Forest Hills, NY 11375



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
Two Metro Tech Center
Suite 5100
Brooklyn, NY 11201-3838

Agency Website: www.nlr.gov
Telephone: (718)330-7713
Fax: (718)330-7579

August 28, 2018

Mike Crawford, Attorney
244-16 Jericho Turnpike
Floral Park, NY 11001

Re: APWU (United States Postal Service)
Case 29-CB-221449

Dear Mr. Crawford:

We have carefully investigated and considered your charge that APWU 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.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. 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.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **September 11, 2018**. 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 September 10, 2018. **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 September 11, 2018**. 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 September 11, 2018, **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,

/s/

KATHY DREW-KING
Regional Director

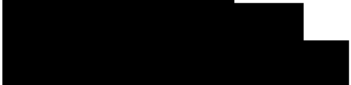
Enclosure

cc: (b) (6), (b) (7)(C) APWU NY
250 Merrick Rd,
Rockville Centre, NY 11570

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

United States Postal Service
250 Merrick Rd
Rockville Centre, NY 11570

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

A large black rectangular redaction box covering several lines of text.



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Suite 5100
Brooklyn, NY 11201-3838

Agency Website: www.nlr.gov
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Fax: (718)330-7579

August 21, 2018

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

Re: United Automobile Sales and Service
Employees Local 1A(Bay Ridge Volvo)
Case 29-CB-222358

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

We have carefully investigated and considered your charge that United Automobile Sales and Service Employees Local 1A has violated the National Labor Relations Act.

Decision to Dismiss:

I have decided to dismiss your charge because there is insufficient evidence to show a violation of the National Labor Relations 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.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. 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.

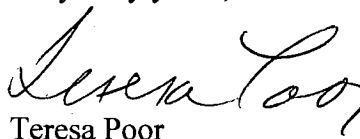
The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **September 4, 2018**. 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 September 3, 2018. **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 September 4, 2018**. 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 , **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,



Teresa Poor

Acting Regional Director

Enclosure

United Automobile Sales and Service
Employees Local 1A(Bay Ridge Volvo)
Case 29-CB-222358

- 3 -

cc: Jeffrey L. Kreisberg, ESQ.
Kreisberg & Maitland, LLP
75 Maiden Lane, #603
New York, NY 10038

United Automobile Sales and Service
Employees Local 1A
148-06 Hillside Avenue,
Jamaica, NY 11435

Bay Ridge Volvo
8919 4th Ave,
Brooklyn, NY 11209-5801



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Brooklyn, NY 11201-3838

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Fax: (718)330-7579

August 8, 2018

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

Re: Laborers Union Local No. 731
Case 29-CB-222893

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

We have carefully investigated and considered your charge that Laborers' Local 731 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.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlrb.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlrb.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. 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.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **August 22, 2018**. 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 August 21, 2018. **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 August 22, 2018**. 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 August 22, 2018, **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,

/s/

KATHY DREW-KING
Regional Director

Enclosure

cc: Joseph D'Amato
Laborers' Local 731
34-11/19 35th Ave.
Astoria, NY 11106

EVAN D. LERNER, Esq.
LERNER LAW FIRM & ASSOCIATE
400 Post Avenue
Suite 303
Westbury, NY 11590-2226

Dominic Cippilone, Employer
Representative
ADC Construction, LLC
58-08 48th Street
Maspeth, NY 11378



UNITED STATES GOVERNMENT
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Two Metro Tech Center
Suite 5100
Brooklyn, NY 11201-3838

Agency Website: www.nlr.gov
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Fax: (718)330-7579

August 10, 2018

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

Re: American Postal Workers Union, Local
2577 (United States Postal Service)
Case 29-CB-223060

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

We have carefully investigated and considered your charge that American Postal Workers Union, Local 2577 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.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. 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.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **August 24, 2018**. 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 August 23, 2018. **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 August 24, 2018**. 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 August 24, 2018, **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,

KATHY DREW-KING
Regional Director

Enclosure

cc: Bob Tierny, Vice President
128 Gazza Blvd
Farmingdale, NY 11735-1420

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

UNITED STATES POSTAL SERVICE
160 Duryea Rd
Melville, NY 11747-3825

American Postal Workers Union, Local
2577 (United States Postal Service)
Case 29-CB-223060

- 3 - August 10, 2018

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

Shannon Baisden, Paralegal
United Parcel Service
Legal Department B3/F4
55 Glenlake Parkway, NE
Atlanta, GA 30328



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
Two Metro Tech Center
Suite 5100
Brooklyn, NY 11201-3838

Agency Website: www.nlrb.gov
Telephone: (718)330-7713
Fax: (718)330-7579

August 2, 2018

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

Re: Local 1 New York of the International
Union of Bricklayers and Allied Crafts
(Multi-Employer Association)
Case 29-CB-223137

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

We have carefully investigated and considered your charge that Local 1 New York of the International Union of Bricklayers and Allied Crafts 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.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlrb.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlrb.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. 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.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.


Appeal Due Date: The appeal is due on **August 16, 2018**. 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 August 15, 2018. **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 August 16, 2018**. 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 August 16, 2018, **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,


KATHY DREW-KING
Regional Director

Enclosure

cc: Jerry Sullivan
Local 1 New York of the International
Union of Bricklayers and Allied Crafts
4 Court Sq.
Long island City, NY 11101

James I. Wasserman, ESQ.
Doar Rieck Kaley & Mack
217 Broadway, Suite 707
New York, NY 10007-2909



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
Two Metro Tech Center
Suite 5100
Brooklyn, NY 11201-3838

Agency Website: www.nlr.gov
Telephone: (718)330-7713
Fax: (718)330-7579

August 15, 2018

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

Re: Local 808, International Brotherhood of
Teamsters (ABM)
Case 29-CB-223232

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

We have carefully investigated and considered your charge that Local 808, International Brotherhood of Teamsters 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.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. 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.

The appeal **MAY NOT** be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **August 29, 2018**. 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 August 28, 2018. **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 August 29, 2018**. 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 August 29, 2018, **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.

(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 (718)330-7713. 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,



TERESA POOR
Acting Regional Director

Enclosure

Local 808, International Brotherhood of Teamsters (ABM) - 3 - August 15, 2018
Case 29-CB-223232

cc: ABM
One Liberty Plaza
7th Floor
New York, NY 10006-1401

Chris Silvera, Secretary Treasurer
Local 808, International Brotherhood of Teamsters
5-28 51st Avenue
Long Island City, NY 11101

James F. Wallington
Baptiste & Wilder, P.C.
1150 Connecticut Avenue, N.W., Suite 315,
Washington, DC 20036



UNITED STATES GOVERNMENT
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Two Metro Tech Center
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Brooklyn, NY 11201-3838

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Fax: (718)330-7579

August 14, 2018

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

Re: Local 670, RWDSU (VIP Healthcare)
Case 29-CB-223380

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

We have carefully investigated and considered your charge that Local 670, RWDSU 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 alleged that the Union violated section 8(b)(1)(A) of the Act by failing to assist you with regard to your (b) (6), (b) (7)(C) claim related to your employment at VIP Healthcare. After investigating your allegation, we have determined that the Union does not provide assistance to employees with (b) (6), (b) (7)(C) claims. Therefore, there is no evidence that the Union is treating you in a way that is arbitrary, discriminatory or in bad faith.

Additionally, because you have not been assigned any work by the Employer since 2015, there has not been any incident that has arisen under the collective bargaining agreement that would require union intervention on your behalf within the 10(b) period.

For these 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.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlrb.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlrb.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations**

PZ.

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.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on August 28, 2018. 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 August 27, 2018. **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** August 28, 2018. 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 August 28, 2018, **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,



Teresa Poor
Regional Director

Enclosure

cc: Robert Appel
VIP Healthcare
115-08 Myrtle Avenue
Richmond Hill, NY 11418

Jason Zoldessy, ESQ.
Jackson Lewis P.C.
666 3rd Ave Fl 20
New York, NY 10017-4132

Dennis J. Romano
Local 670, RWDSU
299 Broadway
Suite 1018
New York, NY 10007

Eric J. LaRuffa, ESQ.
Rothman Rocco LaRuffa, LLP
3 West Main Street, Suite 200
Elmsford, NY 10523