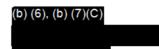


UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD REGION 29 Two Metro Tech Center Age

Two Metro Tech Center Suite 5100 Brooklyn, NY 11201-3838 Agency Website: www.nlrb.gov Telephone: (718)330-7713 Fax: (718)330-7579

September 28, 2018



Re: Local 1181-1061, Amalgamated Transit Union, AFL CIO (Reliant Bus Transportation) Case 29-CB-222041

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

We have carefully investigated and considered your charge that Local 1181-1061, Amalgamated Transit Union, AFL-CIO 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 <u>www.nlrb.gov</u> 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 <u>www.nlrb.gov</u>. 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 October 12, 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 October 11, 2018. If an appeal is postmarked or given to a

- 2 - September 28, 2018

Local 1181-1061, Amalgamated Transit Union, AFL CIO (Reliant Bus Transportation) Case 29-CB-222041

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 October 12, 2018.** The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, 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 October 12, 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: John Deloatch, Organizer Local 1181-1061, Amalgamated Transit Union, AFL-CIO 20 N. Central Avenue Valley Stream, NY 11580

- 3 - September 28, 2018

Local 1181-1061, Amalgamated Transit Union, AFL CIO (Reliant Bus Transportation) Case 29-CB-222041

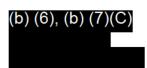
> Human Resources Representative Caroline Reliant Bus Transportation 297 Norman Avenue Brooklyn, NY 11222



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

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

September 13, 2018



Re: United Federation of College Teachers, Local 1460, American Federation of Teachers, AFL-CIO (Pratt Institute) Case 29-CB-222316

Dear^{(b) (6), (b) (7)(C)}:

We have carefully investigated and considered your charge that United Federation of College Teachers, Local 1460, American Federation of Teachers, AFL-CIO 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 <u>www.nlrb.gov</u> and:

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Appeal Due Date: The appeal is due on September 27, 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

- 2 - September 13, 2018

United Federation of College Teachers, Local 1460, American Federation of Teachers, AFL-CIO (Pratt Institute) Case 29-CB-222316

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 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.

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Very truly yours,

/s/

KATHY DREW-KING Regional Director

Enclosure

 cc: Kye Carbone United Federation of College Teachers, Local 1460, American Federation of Teachers, AFL-CIO 123 North Hall, 200 Willoughby Avenue, Brooklyn, NY 11205

- 3 - September 13, 2018

United Federation of College Teachers, Local 1460, American Federation of Teachers, AFL-CIO (Pratt Institute) Case 29-CB-222316

> John Decker, Chair of Art History Department 200 Willoughby Avenue, Brooklyn, NY 11205

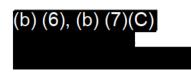


UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD REGION 29

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

September 24, 2018



Re: New York Rural Letter Carriers Association (United States Postal Service/Long Island District) Case 29-CB-223982

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

We have carefully investigated and considered your charge that New York Rural Letter Carriers Association 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 within the previous six months, New York Rural Letter Carriers Association (the Union) has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process your grievance for arbitrary or discriminatory reasons or in bad faith, in violation of Section 8(b)(1)(A) of the Act.

The evidence in the investigation established that in a (b, 6), 2018 phone call, and again in a (b, 6), 2018 letter, you requested that the Union assist you in declining the route you were awarded oy United States Postal Service because the number of hours allotted for the route went from 45 to 42 hours after you were granted the position. On (b, 6), 2018, the Union responded to you in writing. It informed you that (1) it looked into your claim that the vacancy was posted in violation of the collective bargaining agreement and determined that the route was posted before the results of the mail-count became official; (2) the position was awarded in accordance with the contract; and (3) it would not be pursuing your grievance even though the route hours were reduced.

It is well established that a union, as the exclusive representative of the bargaining unit employees, has a statutory duty to fairly represent their interests in the processing of grievances. See Vaca v. Sipes, 386 U.S. 171 (1967); Miranda Fuel Co., 140 NLRB 81 (1962). At the same time, however, a union is afforded a wide range of discretion in the performance of its representation functions, including deciding which grievances to pursue. Thus a union does not breach its duty of fair representation unless the union's conduct is based upon arbitrary, invidious or discriminatory considerations.

Here, the investigation did not establish that the Union acted arbitrarily, discriminatorily or in bad faith by failing to pursue your grievance. Rather, the evidence establishes that the Union investigated the change in the route's hours and determined that the hours were changed in accordance with the terms of the collective bargaining agreement. I am, therefore, refusing to issue a 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.

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 <u>www.nlrb.gov</u> 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 <u>www.nlrb.gov</u>. 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 October 9, 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 October 8, 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 October 9, 2018.** The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, 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 October 9, 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

New York Rural Letter Carriers Association (United - 3 -States Postal Service/Long Island District) Case 29-CB-223982

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,

Lesera Too

TERESA POOR Acting Regional Director

Enclosure

cc: Phil Tremper, Assistant Area Steward New York Rural Letter Carriers Association PO Box 515 Pine Bush, NY 12566-0515

> Jean Marc Favreau, Esq. Peer Gan & Gisler LLP 1730 Rhode Island Ave NW, Ste 715 Washington, DC 20036-3115

David H. Rudy, Manager United States Postal Service/ Long Island District PO Box 8400 Melville, NY 11760-9994

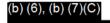
Roderick D. Eves, Esq. United States Postal Service 1720 Market Street, Rm 2400 St. Louis, MO 63155-9948 ٩



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

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

September 27, 2018



Re: 1199SEIU (Brooklyn Hospital Center) Case 29-CB-224838

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

We have carefully investigated and considered your charge that 1199 SEIU 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 <u>www.nlrb.gov</u> and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
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appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

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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 October 11, 2018.** The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, 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 October 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.

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Very truly yours,

KATHY DREW-KING Regional Director

Enclosure

cc: Manue Leon, Delegates' VP 1199 SEIU 310 West 43rd Street New York, NY 10036

> Micah Wissinger, ESQ. Levy Ratner, P.C., 80 Eighth Avenue, 8th Floor, New York, NY 10011-7175

John P.J. Mattiace Esq. Kelly Drye & Warren LLP 101 Park Ave, 27th Fl New York, NY 10178-0001

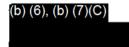
Tom Foley, HR Director Brooklyn Hospital Center 121 Dekalb Avenue Brooklyn, NY 11205



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

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

September 13, 2018



Re: New York State Nurses Association (Fresenius Medical Care) Case 29-CB-225323

Dear^{(b) (6), (b) (7)(C)}

We have carefully considered your charge that New York State Nurses Association has violated the National Labor Relations Act.

Decision to Dismiss: I have decided to dismiss your charge based on your lack of cooperation with the National Labor Relations Board investigation.

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 <u>www.nlrb.gov</u> and:

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Appeal Due Date: The appeal is due on September 27, 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 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

- 2 - September 13, 2018

New York State Nurses Association (Fresenius Medical Care) Case 29-CB-225323

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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 27, 2018.** The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, 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 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.

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Very truly yours,

Regional Director

Enclosure

cc:

Claire Tuck, Esq. New York State Nurses Association 131 West 33rd St 4th Floor New York, NY 10001

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- 3 - September 13, 2018

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New York State Nurses Association (Fresenius Medical Care) Case 29-CB-225323

> Rory Barthel, Esq. New York State Nurses Association 131 West 33rd Street, 4th Floor New York, NY 10011

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Grace Armada Fresenius Medical Care 362 4th Ave Brooklyn, NY 11215-2718 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

September 28, 2018

Mark E. Belland, Esq. O' Brien, Belland & Bushinsky, LLC 1526 Berlin Road Cherry Hill, NJ 08003

Re:

: District Council 1707, AFSCME (Allen Health Services and MZL Home Care Agency) Case 29-CB-226351

Dear Mr. Belland:

We have carefully investigated and considered your charge that District Council 1707, AFSCME, Local 389 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge alleging that District Council 1707, AFSCME, Local 389 (AFSCME) unlawfully accepted recognition and bargained on behalf of former employees of MZL Home Care Agency (MZL) for the reasons discussed below.

The investigation revealed that Allen Health Services (Allen) lawfully recognized AFSCME as the collective-bargaining representative of its home health aides and the home health aides who were formerly employed by MZL Home Care Agency (MZL). Allen was a party to a collective-bargaining agreement with AFSCME which at all relevant times covered the positions of MZL employees hired by Allen. Allen entered into a prospective agreement with AFSCME regarding the accretion of MZL employees to its pre-existing unit of home health aides. This agreement did not constitute unlawful acceptance of recognition and bargaining by AFSCME because Allen was not a successor to MZL (*Fall River Dyeing & Finishing Corp. v. NLRB*, 482 U.S. 27 (1987), and because the former MZL home health aides constituted a proper accretion to the pre-existing AFSCME unit at Allen.

As the evidence fails to establish that AFSCME violated the Act as alleged or in any other manner encompassed by your charge, I am dismissing the 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 <u>www.nlrb.gov</u> and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,

- 2 - September 28, 2018

District Council 1707, AFSCME (Allen Health Services MZL Home Care Agency) Case 29-CB-226351

3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at <u>www.nlrb.gov</u>. 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.

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- 3 - September 28, 2018

District Council 1707, AFSCME (Allen Health Services MZL Home Care Agency) Case 29-CB-226351

Very truly yours,

KATHY DREW-KING

Regional Director

Enclosure

cc: Kim Median, Executive Director District Council 1707, AFSCME 420 West 45th Street New York, NY 10036

> Thomas Murray, ESQ. 900 Third Avenue 21st Floor New Yord, NY 10022

Marie Adreacchio, President Allen Health Services 201 70-00 Austin Street Forest Hills, NY 11375

Scott A. Faust, ESQ. Proskauer Rose LLP One International Place Boston, MA 02110

United Food & Commercial Workers Union Local 2013 9235 4th Avenue Brooklyn, NY 11209