



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 03
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlrb.gov
Telephone: (716)551-4931
Fax: (716)551-4972

November 23, 2018

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

Re: United Steel Workers, Local 1034 (Corelle
Brands, LLC)
Case 03-CB-226072

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

We have carefully investigated and considered your charge that UNITED STEELWORKERS, LOCAL 1034 has violated the National Labor Relations Act.

Decision to Dismiss: As a result of the investigation, I have concluded that further proceedings are not warranted on this charge. Accordingly, I am dismissing these allegations for the following reasons:

Your charge alleges that United Steelworkers of America, Local 1034 violated Section 8(b)(1)(A) of the National Labor Relations Act by failing to fairly represent you in the grievance and arbitration procedure for arbitrary and discriminatory reasons, specifically by failing to secure your placement back into the (b) (6), (b) (7)(C) Program. I have concluded that further proceedings on your charge are unwarranted, inasmuch as you failed to cooperate in the investigation. In this regard, by letter dated August 29, 2018, the Board agent confirmed a September 5, 2018 appointment to take your telephone affidavit. You failed to keep this appointment. On September 7, 2018, you contacted the Board agent to reschedule your appointment to September 11, 2018. You failed to keep that appointment. On September 12, 2018 you telephoned the Board agent and provided your affidavit and were asked to return your affidavit as soon as possible.

On September 26, October 9, and October 18, 2018, the Board agent telephoned you and left a voice mail message requesting that you return your signed affidavit. On October 29, 2018, the Board agent left a voice mail message requesting you return your signed affidavit by November 7, 2018. On November 13, 2018, the Board agent sent another letter to you by e-mail with a November 20, 2018 deadline for return of your signed affidavit. To date, the Region has not received a copy of your signed affidavit. In light of the above, you have failed to cooperate in the investigation as required. Accordingly, 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.

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 **December 7, 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 December 6, 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 December 7, 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 December 7, 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

November 23, 2018

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/Paul J. Murphy

PAUL J. MURPHY
Regional Director

Enclosure

cc: Wesley Setzer, President
United Steelworkers of America, Local
1034
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November 27, 2018

Joseph J. Steflik Jr., Esq.
Coughlin & Gerhart LLP
99 Corporate Dr.
Binghamton, NY 13904-3212

Re: International Association of EMTs and
Paramedics, Local 152 (Union Volunteer
Emergency Squad, Inc.)
Case 03-CB-228210

Dear Mr. Steflik:

This is to advise you that I have approved the Charging Party's request to withdraw the allegation of the charge that the Union violated Section 8(b)(1) of the Act. The remaining allegations of the charge have not been withdrawn.

We have carefully investigated and considered the balance of your charge alleging that International Association of EMTs and Paramedics Local 152, herein the Union, violated the National Labor Relations Act.

Decision to Dismiss: Your charge alleges that the Union violated Section 8(b)(3) of the Act by refusing to bargain in good faith with the Employer when it refused to support and vote in favor of a proposal submitted to the Union which it agreed to submit for membership ratification; (a). by advocating against ratification; (b). by voting against ratification; and (c). by failing to present and/or provide copies of the final agreement to the union membership. However, the investigation revealed insufficient evidence that the Union violated the statute. There is insufficient evidence that the parties reached agreement on the terms of a successor contract as you claim, and the best evidence is that the Union at most agreed to submit your last offer to the membership for ratification and did not commit to recommending that the employees accept it. Thus, the Union did not act in bad faith or act contrary to what it represented at the table when it provided your last offer to the membership, and held a ratification vote after employee members of its bargaining committee recommended against ratification. Therefore its conduct did not violate the Act. Accordingly, I have decided to dismiss this allegation.

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.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 **December 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 December 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 December 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 December 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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International Association of EMTs and
Paramedics, Local 152 (Union Volunteer
Emergency Squad, Inc.)
Case 03-CB-228210

- 3 - November 27, 2018

Very truly yours,

/s/ Paul J. Murphy

PAUL J. MURPHY
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)
International Association of EMTs and
Paramedics Local 152
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