



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 7  
Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 300  
Detroit, MI 48226

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (313)226-3200  
Fax: (313)226-2090

September 25, 2018

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

Re: Local 480-481, American Postal Workers  
Union (APWU), AFL-CIO  
(United States Postal Service)  
Case 07-CB-221874

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

We have carefully investigated and considered your charge that Local 480-481, American Postal Workers Union (APWU), 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 [www.nlr.gov](http://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](http://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 **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 [www.nlr.gov](http://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 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.

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Very truly yours,



Terry Morgan  
Regional Director

BJ/ld

Enclosure

cc: Steven Wood, Executive Vice President  
Local 480-481, American Postal Workers  
Union (APWU), AFL-CIO  
810 Livernois Avenue  
Ferndale, MI 48220

Local 480-481, American Postal Workers  
Union (APWU), AFL-CIO (United States  
Postal Service)  
Case 07-CB-221874

- 3 - September 25, 2018

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

United States Postal Service  
711 North Glenwood  
Pontiac, MI 48340

Roderick D. Eves, Deputy Managing  
Counsel  
United States Postal Service  
1720 Market Street, Room 2400  
St. Louis, MO 63155-9948



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September 19, 2018

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

Re: Region 1 C, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW),  
AFL-CIO  
(General Motors LLC)  
Case 07-CB-221945

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

We have carefully investigated and considered your charge that Region 1 C, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO 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.

On March 28, 2014, you filed the charge in Case 07-CB-125484 alleging that the Union breached its duty of fair representation to you in violation of Section 8(b)(1)(A) of the Act by refusing to process your 2012 discharge grievance. On May 24, 2014, your charge was dismissed because of insufficient evidence to establish a violation of the Act. On May 27, 2014, you appealed the Regional Director's decision to dismiss to the Office of Appeals. On July 17, 2014, the Office of Appeals denied your appeal. In this case, you assert that you have newly-discovered evidence sufficient to warrant a reversal of the decision in Case 07-CB-125484. You assert that you obtained the first piece of newly-discovered evidence on about May 18, 2018, when a former co-worker advised you that shortly after the event that triggered your termination, the Employer encouraged the co-worker to withhold a statement that supported your version of events that ultimately led to your termination. Assuming this is true, you produced no evidence showing that the Union was aware of or played any part in such conduct, hence it cannot be said that the Union failed to act upon or consider such evidence. You also assert that in about May 2018, you learned that a former coworker was reinstated by the Employer after being terminated for the same alleged offense that the Employer relied upon in terminating you.

Finally, you assert that a former International UAW official recently implicated in a corruption scandal involving former officials of the International UAW and FCA, LLC may have falsified or concealed information pertinent to your case. The investigation did not adduce evidence that the former International UAW official falsified or concealed information related to your discharge grievance.

Section 10(b) of the Act provides that no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the Board and the service of a copy thereof upon the person against whom such charge is made. In the instant matter, the additional evidence to which you cite does not provide a basis to overcome the Section 10(b) statute of limitations. In addition, your Section 8(b)(1)(A) allegation was decided in Case 07-CB-125484, and the newly discovered evidence does not present a basis to reverse such decision. Finally, you allege in the instant matter that the Union violated Section 8(b)(2) and 8(b)(3) of the Act. No evidence was presented in support of these allegations.

Based on the above, further proceedings are unwarranted.

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Region 1 C, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW),  
AFL-CIO  
(General Motors LLC)  
Case 07-CB-221945

- 3 - September 19, 2018

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Very truly yours,

A handwritten signature in black ink, appearing to read "Terry Morgan". The signature is fluid and cursive, with the first name "Terry" and last name "Morgan" clearly distinguishable.

Terry Morgan  
Regional Director

KT:kar

Enclosure

cc: Scott Henry, International Representative  
International Union, United Automobile,  
Aerospace and Agricultural Implement  
Workers of America (UAW), AFL-CIO  
1940 West Atherton Road  
Flint, MI 48507

Region 1 C, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW),  
AFL-CIO  
(General Motors LLC)  
Case 07-CB-221945

- 4 - September 19, 2018

Holly Georgell, Counsel  
General Motors LLC  
Legal Staff, 300 Renaissance Center  
Mail Code: 482-C25-A36  
Detroit, MI 48265

General Motors LLC  
4134 Davison Road  
Burton, MI 48509-1455





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September 24, 2018

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

Re: Local 7, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW),  
AFL-CIO  
(FCA US LLC)  
Case 07-CB-221994

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

We have carefully investigated and considered your charge that Local 7, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO 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.

You allege that in about (b) (6), (b) (7)(C) 2018, the Union refused to file a grievance on your behalf for asserted loss of overtime for reasons that were arbitrary, capricious and in bad faith.

The investigation disclosed that you attempted to file a grievance on about (b) (6), (b) (7)(C) 2018, with (b) (6), (b) (7)(C) because you were not offered the opportunity to work overtime on (b) (6), (b) (7)(C) 2018. In that regard, you contend that your Union (b) (6), (b) (7)(C) refused to file a grievance on your behalf. Thereafter you spoke to a second Union official about (b) (6), (b) (7)(C) refusal to accept your grievance. The second Union official gave you (b) (6), (b) (7)(C) personal phone number and asked you to call (b) (6), (b) (7)(C) to discuss the matter further. You did not do so. Nor did you ask this second Union official to file a grievance on your behalf.

While the Union (b) (6), (b) (7)(C) initial comments to you and refusal to file a grievance may constitute unlawful arbitrary conduct, the evidence establishes that the second Union official offered to discuss your concerns with you, and you did not pursue that offer. Under these circumstances, it would not effectuate the purposes and policies of the Act to further pursue this matter. Accordingly, your charge is dismissed.

**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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Local 7, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW),  
AFL-CIO  
(FCA US LLC)  
Case 07-CB-221994

- 3 - September 24, 2018

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,

A handwritten signature in black ink, reading "Terry Morgan". The signature is fluid and cursive, with the first name "Terry" and last name "Morgan" clearly distinguishable.

Terry Morgan  
Regional Director

RD:kar

Enclosure

cc:

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

Local 7, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW),  
AFL-CIO  
2600 Conner Avenue  
Detroit, MI 48202

Darlene Haas Awada, Esq.  
FCA US LLC  
1000 Chrysler Drive  
CIMS: 485-07-92  
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2101 Conner  
Detroit, MI 48215



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September 26, 2018

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

Re: International Union, United Automobile,  
Aerospace and Agricultural Implement  
Workers of America (UAW), AFL-CIO and  
Local 22 (General Motors LLC)  
Case 07-CB-222344

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

We have carefully investigated and considered your charge that International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO and Local 22, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO have 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.

You allege that the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO and its Local 22 (Unions) failed in their duty of fair representation in processing the (b) (6), (b) (7)(C), 2015 termination grievances for, respectively, (b) (6), (b) (7)(C) and yourself. Specifically, with regard to the International Union's handling of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2015 termination grievance, you allege that the Unions are hostile to (b) (6), (b) (7)(C) and not processing (b) (6), (b) (7)(C) grievance fairly because of (b) (6), (b) (7)(C) opposition to the 2015 Local agreement and because of (b) (6), (b) (7)(C) Facebook activities criticizing the International Union and unions generally in the wake of the FCA/UAW scandal. You also allege that the International UAW's sergeants-at-arms surveilled and harassed (b) (6), (b) (7)(C) during the 2018 Constitutional Convention and that the Local Union failed to provide (b) (6), (b) (7)(C) with a copy of the 2015 Local Agreement for three years.

With regard to the allegation that (b) (6), (b) (7)(C) opposition to the 2015 Local Agreement motivated the Local Union's hostility towards (b) (6), (b) (7)(C), the investigation established that although (b) (6), (b) (7)(C) and the (b) (6), (b) (7)(C) were antagonistic towards one another, the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) worked to settle the (b) (6), (b) (7)(C) 2015 termination grievance by meeting with the Employer multiple times, made arguments on (b) (6), (b) (7)(C) behalf, presented the settlement resolutions requested by (b) (6), (b) (7)(C), and advanced the grievance to the next step when (b) (6), (b) (7)(C) requested that the (b) (6), (b) (7)(C) do so. The investigation did establish that an (b) (6), (b) (7)(C) discussed (b) (6), (b) (7)(C) Facebook activities with (b) (6), (b) (7)(C). However, the investigation failed to establish that Union animus toward (b) (6), (b) (7)(C) Facebook activities affected the handling of (b) (6), (b) (7)(C) grievance.

Rather, the investigation disclosed that the Unions' representatives assigned to represent (b) (6), (b) (7)(C) continually met with the Employer's representatives, made arguments akin to those (b) (6), (b) (7)(C) advanced as to why (b) (6), (b) (7)(C) punishment was too harsh for (b) (6), (b) (7)(C) asserted offense, made proposals for (b) (6), (b) (7)(C) reinstatement, and have communicated with (b) (6), (b) (7)(C) consistently to keep (b) (6), (b) (7)(C) updated on the status of (b) (6), (b) (7)(C) grievance. The investigation established that the Union continues to process (b) (6), (b) (7)(C) termination grievance. It is simply not a marker of animus that the Union has been unsuccessful in doing resolving the grievance.

While you allege that UAW (b) (6), (b) (7)(C) surveilled (b) (6), (b) (7)(C) and a friend and prevented them from photographing the private parties occurring at the UAW Constitutional Convention that occurred June 11 – 14, 2018, the investigation did not disclose any directive from the Unions to the (b) (6), (b) (7)(C) to do so. Moreover, it is the duty of the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) to prevent those without proper credentials from entering private meetings and gatherings during the convention. (b) (6), (b) (7)(C) pass for the Mass Caucus did not convey the privileges necessary to enter non-public areas.

Finally, the investigation established that about (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) 2017, at a Local Union meeting, (b) (6), (b) (7)(C) requested a copy of the 2015 collective-bargaining agreement from the current (b) (6), (b) (7)(C). The (b) (6), (b) (7)(C) indicated that (b) (6), (b) (7)(C) did not have copies on (b) (6), (b) (7)(C), but would check (b) (6), (b) (7)(C) office and bring a copy for (b) (6), (b) (7)(C) to the next union meeting if (b) (6), (b) (7)(C) had extra copies. Although the (b) (6), (b) (7)(C) brought the copy of the Local Agreement to subsequent meetings for (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) did not attend any more union meetings. The investigation also established that you were in possession of a copy of the Local Agreement and that, during the investigation, the Union provided another copy of the Local Agreement to you for (b) (6), (b) (7)(C) use and at (b) (6), (b) (7)(C) request.

With regard to the Unions handling of your (b) (6), (b) (7)(C) 2015 termination grievance, you allege that you were not properly represented because of the Unions' hostility toward (b) (6), (b) (7)(C). You allege that the Unions breached their duty of fair representation because the International Union settled your Grievance Appeal Case CC02 grievance for an arbitrary amount of money, did not take steps to protect your seniority in settlement, and did not properly reinstate you to the correct department.

The investigation established that the money settlement was not arbitrary. Although the Local Union consistently demanded that you be made whole, the Employer never expressed a willingness to pay you full backpay. To settle your grievance, the Unions negotiated settlements for ever increasing amounts of money since 2016, each of which you rejected. That the International Union was unable to secure full backpay for you does not establish that the settlement was arbitrary.

Although you credit your own efforts with the restoration of your seniority, the investigation established that the International Union negotiated the return of your seniority date to (b) (6), (b) (7)(C). However, the Employer-drafted (b) (6), (b) (7)(C) 2018 grievance settlement left out this material term, which the International Union orally confirmed with the Employer was to be corrected—and which was corrected.

With regard to your job assignment upon reinstatement, the Union's interpretation of the impact of Document 52 on the status quo is reasonable. Because your (b) (6), (b) (7)(C) 2016 appeal to the International Executive Board took the grievance back to the step at which the grievance was when it originally settled, it is reasonable to conclude that the reinstatement would be effective at that same step. Further, the investigation failed to establish that there were any open manpower requests in the Body Shop at that time of your (b) (6), (b) (7)(C) 2018 reinstatement.

You also allege that the Local Union failed in its duty of fair representation by failing to advance your (b) (6), (b) (7)(C) 2016 termination and bad-faith bargaining grievances. Your theory is that the pendency of the additional grievances would have brought more pressure to bear on the Employer for a faster and more favorable settlement of your (b) (6), (b) (7)(C) 2015 termination grievance.

The investigation established that the Local Union filed the (b) (6), (b) (7)(C) 2016 grievances at your request. Given that your (b) (6), (b) (7)(C) 2016 separation was simply the effect of your rejection of the (b) (6), (b) (7)(C) 2016 settlement agreement of your (b) (6), (b) (7)(C) 2015 termination grievance, there is no reason to conclude that these additional grievances would have had any effect on the Employer's position as to grievance resolution. Further, the Union's (b) (6), (b) (7)(C), 2018 decision to withdraw the (b) (6), (b) (7)(C) 2016 termination grievance and bad-faith bargaining grievance was reasonable given that you were back to work, the (b) (6), (b) (7)(C) 2015 grievance had settled, and there is no evidence that the Employer had ever refused to bargain or engaged in other conduct indicative of bad-faith bargaining with regard to the settlement of your grievance.

Accordingly, further proceedings are unwarranted.

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International Union, United Automobile,  
Aerospace and Agricultural Implement  
Workers of America (UAW), AFL-CIO and  
Local 22 (General Motors LLC)  
Case 07-CB-222344

- 5 - September 26, 2018

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.

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Terry Morgan  
Regional Director

RM:kar

Enclosure

cc: Barry Campbell  
International Union, United Automobile,  
Aerospace and Agricultural Implement  
Workers of America (UAW), AFL-CIO  
8000 East Jefferson  
Solidarity House  
Detroit, MI 48214

Shira Roza, Esq.  
International Union, United Automobile,  
Aerospace and Agricultural Implement  
Workers of America (UAW), AFL-CIO  
Law Department  
8000 East Jefferson Avenue  
Detroit, MI 48214

Rhonda Mauer, President  
Local 22, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW),  
AFL-CIO  
4300 Michigan Avenue  
Detroit, MI 48210



International Union, United Automobile,  
Aerospace and Agricultural Implement  
Workers of America (UAW), AFL-CIO and  
Local 22 (General Motors LLC)  
Case 07-CB-222344

- 6 - September 26, 2018

Denise Monier, Human Resources  
Director  
General Motors LLC  
2500 East Grand Boulevard  
Detroit, MI 48211

Holly Georgell, Counsel  
General Motors LLC  
Legal Staff, 300 Renaissance Center  
Mail Code: 482-C25-A36  
Detroit, MI 48265



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Detroit, MI 48226

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September 19, 2018

Robert E. Day, Esq.  
Law Offices of Robert E. Day, P.C.  
300 River Place Drive, Suite 5600  
Detroit, MI 48207

Re: International Union of Operating Engineers  
(IUOE), AFL-CIO  
(RAM Construction Services)  
Case 07-CB-222350

Local 324, International Union of  
Operating Engineers (IUOE), AFL-CIO  
(RAM Constructions Services)  
Case 07-CB-222367

Plan for Settlement of Jurisdictional  
Disputes in the Construction Industry, as  
agent for International Union of Operating  
Engineers (IUOE), AFL-CIO  
(RAM Construction Services, Inc.)  
Case 07-CB-222387

Dear Mr. Day:

We have carefully investigated and considered your charges that International Union of Operating Engineers (IUOE), AFL-CIO, Local 324, International Union of Operating Engineers (IUOE), AFL-CIO and Plan for Settlement of Jurisdictional Disputes in the Construction Industry have violated the National Labor Relations Act.

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

Your client alleges that beginning in or around May 2018, the Plan for Settlement of Jurisdictional Disputes In The Construction Industry (the Plan) in Case 07-CB-222387, the International Union of Operating Engineers (IUOE) in Case 07-CB-222350, and Local 324, IUOE in Case 07-CB-222367, violated sections 8(b)(1)(B) and 8(b)(3) of the Act by attempting to bind the Charging Party to the Plan, a jurisdictional dispute mechanism it had not agreed to be bound by.

The investigation established that in 2006, the Employer signed a short form contract with Local 324, IUOE that contained language that bound the Employer to resolve jurisdictional disputes through the "Impartial Jurisdictional Disputes Board" (IJDB). The IJDB did not exist at that time, having been replaced in 1984 by the Plan, which remains in existence to this day.

When, in May 2018, a jurisdictional dispute arose between Local 324, IUOE and the Laborers' International Union of North America, AFL-CIO, the Charging Party was informed that it was required to settle the dispute through the Plan.

There is insufficient evidence that the Charged Parties violated the Act. In this regard, the Plan is not a labor organization for 8(b)(1)(B) and 8(b)(3) purposes. With respect to the IUOE and Local 324, IUOE, their insistence that the Employer utilize the Plan to settle the jurisdictional dispute at issue does not appear to have been made in bad faith, but was instead based upon their reasonable interpretation of the facts surrounding the issues in this case.

Accordingly, further proceedings in these cases are unwarranted.

**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](http://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](http://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 **October 3, 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 2, 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.

September 19, 2018

**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 3, 2018**. The request may be filed electronically through the **E-File Documents** link on our website [www.nlr.gov](http://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 October 3, 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,



Terry Morgan  
Regional Director

Enclosure

cc: Terry George, Director of Jurisdiction  
International Union of Operating  
Engineers (IUOE), AFL-CIO  
1125 Seventeenth Street, NW  
Washington, DC 20036-4707

Mike McNab, Director of  
Operations/Superintendents  
RAM Construction Services, Inc.  
13800 Eckles Road  
Livonia, MI 48150

Douglas Stockwell, Business Manager  
Local 324, International Union of  
Operating Engineers (IUOE), AFL-CIO  
500 Hulet Drive, Suite 110  
Bloomfield Township, MI 48302

Richard M. Resnick, Plan Administrator  
Plan for Settlement of Jurisdictional  
Disputes in the Construction Industry  
900 7th Street, NW, Suite 1000  
Washington, DC 20001

Lucas R. Aubrey, Esq.  
Sherman, Dunn, P.C.  
900 7th Street, N.W., Suite 1000  
Washington, DC 20001

International Union of Operating  
Engineers (IUOE), AFL-CIO  
1125 17th Street, NW  
Washington, DC 20036-4707

Robert Mazur, CEO  
RAM Construction Services, Inc.  
13800 Eckles Road  
Livonia, MI 48150



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September 28, 2018

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

Re: Local 876, United Food and Commercial  
Workers International Union (UFCW),  
AFL-CIO, CLC (Kroger Company of  
Michigan)  
Case 07-CB-222898

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

We have carefully investigated and considered your charge that Local 876, United Food and Commercial Workers International Union (UFCW), AFL-CIO, CLC 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.

You allege that the Union breached its duty of fair representation to you and refused to bargain with the Employer by refusing to process your grievance alleging that the Employer stripped you of your seniority upon your return to work about (b) (6), (b) (7)(C) 2018 after you resigned to take another job in (b) (6), (b) (7)(C) 2018. You also allege that the Union refused to process a relief pay grievance for you regarding work performed during the week ending (b) (6), (b) (7)(C) 2018.

The investigation established that the Employer allowed you to remain on its books as an employee and take five accrued weeks of vacation starting about (b) (6), (b) (7)(C). Then, you worked one day, (b) (6), (b) (7)(C) 2018—your last until (b) (6), (b) (7)(C) 2018. The Employer failed to process your termination at that time. As such, you argue that your employment was never severed and allege that the Employer's representatives informed you that you could return to employment with your original seniority date of (b) (6), (b) (7)(C) 1997 with the Union's acquiescence.

However, the investigation failed to establish that the Union ever agreed to allow you to return to work with your original seniority date intact. Rather, the investigation established that both the Employer and the Union took the position that, pursuant to Article 23 of the collective-bargaining agreement, you severed your seniority by resigning. Further, the investigation established that the Union clearly, consistently and repeatedly communicated this position to you and explained that it would not file a grievance over your seniority for this reason.

Finally, the investigation established that on (b) (6), (b) (7)(C), 2018, you requested that the Union file a grievance regarding relief pay for the week of (b) (6), (b) (7)(C), 2018. The Union stated that it would investigate the matter and timely filed grievance (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2018. The Union

settled that grievance on (b) (6), (b) (7)(C) 2018 with a make-whole remedy, which you refused to sign. On (b) (6), (b) (7)(C) 2018, the Union accepted the settlement on your behalf.

Accordingly, further proceedings are unwarranted.

**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](http://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](http://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 **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 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 [www.nlrb.gov](http://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 October 12, 2018, **even if it is**



Local 876, United Food and Commercial  
Workers International Union (UFCW),  
AFL-CIO, CLC (Kroger Company of  
Michigan)  
Case 07-CB-222898

- 3 - September 28, 2018

**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,

A handwritten signature in black ink, appearing to read "Terry Morgan". The signature is fluid and cursive, with the first name "Terry" and last name "Morgan" clearly distinguishable.

Terry Morgan  
Regional Director

RM/ld

Enclosure

cc: Bill Phipps, Executive Assistant to the  
President  
Local 876, United Food and Commercial  
Workers International Union (UFCW),  
AFL-CIO, CLC  
876 Horace Brown Drive  
Madison Heights, MI 48071

J. Douglas Korney, Esq.  
Law Office of J. Douglas Korney  
32300 Northwestern Highway, Suite 200  
Farmington, MI 48334

Local 876, United Food and Commercial  
Workers International Union (UFCW),  
AFL-CIO, CLC (Kroger Company of  
Michigan)  
Case 07-CB-222898

- 4 - September 28, 2018

Michael P. Majba, Esq.  
The Kroger Company  
Law Department  
1014 Vine Street  
Cincinnati, OH 45202-1141

Kroger Company of Michigan  
40399 Grand River Avenue, #110  
Novi, MI 48375



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Fax: (313)226-2090

September 7, 2018

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

Re: Western Michigan Area Local 281,  
American Postal Workers Union (APWU),  
AFL-CIO (United States Postal Service)  
Case 07-CB-223727

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

We have carefully considered your charge that Western Michigan Area Local 281, American Postal Workers Union (APWU), AFL-CIO has violated the National Labor Relations Act and the Postal Reorganization Act.

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

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

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

**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](http://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](http://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 21, 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 20, 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 21, 2018**. The request may be filed electronically through the **E-File Documents** link on our website [www.nlr.gov](http://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 21, 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,

A handwritten signature in black ink, appearing to read "Terry Morgan". The signature is fluid and cursive, with a large initial "T" and "M".

Terry Morgan  
Regional Director

Enclosure

Western Michigan Area Local 281,  
American Postal Workers Union (APWU),  
AFL-CIO (United States Postal Service)  
Case 07-CB-223727

- 3 - September 7, 2018

cc: Amy Puhalski, President  
Western Michigan Area Local 281,  
American Postal Workers Union  
(APWU), AFL-CIO  
PO Box 2706  
Grand Rapids, MI 49501-2706

Roderick D. Eves, Deputy Managing  
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United States Postal Service (Law Dept. -  
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St. Louis, MO 63155-9948

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September 19, 2018

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

Re: Local 174, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW),  
AFL-CIO  
(General Motors Battery Assembly Plant)  
Case 07-CB-223917

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

We have carefully investigated and considered your charge that Local 174, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL CIO 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.

You allege that within the past six months, UAW Local 174 unlawfully and improperly deducted dues from you and other, unidentified bargaining unit members while failing to deduct dues from other bargaining unit members. You also allege that the Union refused to pay back those dues that it improperly deducted.

The investigation established that you signed an authorization for dues checkoff card on (b) (6), (b) (7)(C). The language in the card lawfully allowed the Employer to deduct and remit dues to the Union on your behalf. While the Union did waive the dues of employees for whom the Employer failed to deduct and remit those dues, the investigation failed to establish evidence that the Union's decision was based on any discriminatory or invidious considerations.

The investigation established that the Union immediately honored your (b) (6), (b) (7)(C) 2018 resignation and has not accepted any dues from you since that time. Therefore, the Union's refusal to refund your lawfully deducted and remitted dues was not a violation of the Act.

Accordingly, further proceedings are unwarranted.

**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](http://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](http://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 **October 3, 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 2, 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 3, 2018**. The request may be filed electronically through the **E-File Documents** link on our website [www.nlr.gov](http://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 October 3, 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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Local 174, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW),  
AFL-CIO  
(General Motors Battery Assembly Plant)  
Case 07-CB-223917

- 3 - September 19, 2018

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,

A handwritten signature in black ink, appearing to read "Terry Morgan". The signature is fluid and cursive, with the first name "Terry" and last name "Morgan" clearly distinguishable.

Terry Morgan  
Regional Director

RM:kar

Enclosure

cc: John Zimmick, President  
Local 174, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW),  
AFL CIO  
15140 Livernois  
Detroit, MI 48238

Marcus McCaleb  
General Motors Battery Assembly Plant  
20001 Brownstown Center Drive  
Brownstown Charter Township, MI 48183

Holly Georgell, Counsel  
General Motors LLC  
Legal Staff, 300 Renaissance Center  
Mail Code: 482-C25-A36  
Detroit, MI 48265



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Fax: (212)264-2450

September 26, 2018

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

Re: Local 5960, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW),  
AFL-CIO  
(General Motors LLC)  
Case 07-CB-224311

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

We have carefully investigated and considered your charge that Local 5960, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO 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 for the following reasons.

The evidence shows that you were suspended for one week and the balance of the day on (b) (6), (b) (7)(C), 2015. Shortly thereafter, on (b) (6), (b) (7)(C) 2016, the Union filed a grievance on your behalf. After the Employer denied the grievance at Step 1, the evidence shows that the Union proceeded to process your grievance. Although the grievance processing took two and a half years, it appears that the Union's decision to keep the grievance at the local level for this length of time was reasonable.

While you maintain that the delay in processing your grievance was a breach of the Union's duty to fairly represent you, it appears that the Union's processing of your grievance was not arbitrary or perfunctory. Based on past experience, the Union determined that it would have a better chance of obtaining a full remedy for you if they continued to process your grievance at the local level rather than advancing the grievance to higher steps, including arbitration. At no time during this process did the Union lose or forget about processing your grievance. Rather, the Union continued to meet with Employer representatives on a monthly basis and in a persistent and determined manner tried to persuade the Employer that a full remedy including back pay was warranted. This strategy appears to have succeeded since in (b) (6), (b) (7) 2018, the Union obtained a full remedy for you.

In addition, the evidence fails to show that the extended period it took to process your grievance in full prejudiced you. Rather, the remedy obtained by the Union processing your grievance cleared your record and provided you with full back pay. Further, during the processing of your grievance, the Union did not lose any opportunity to move your grievance to

another step since the collective-bargaining agreement does not have strict time limitations for processing grievances.

Finally, the evidence fails to show that the Union's handling of your grievance was driven by animus or hostility toward you. Although there was a delay in processing your grievance, it appears that the Union's strategy of keeping your grievance at the local level for this time period was reasonable and prudent. Under these circumstances, it appears that the Union's conduct was not motivated by any unlawful considerations. Inasmuch as the investigation fails to establish that the Union violated the Act as alleged or in any other manner encompassed by your charge, I am 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 [www.nlr.gov](http://www.nlr.gov) and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
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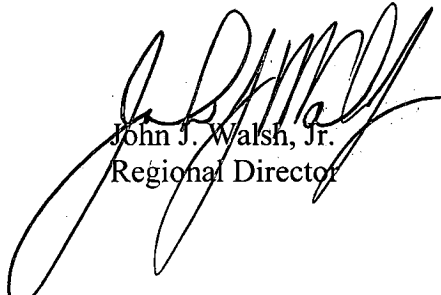
Local 5960, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW),  
AFL-CIO (General Motors LLC)  
Case 07-CB-224311

- 3 -

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Very truly yours, ,



John J. Walsh, Jr.  
Regional Director

Enclosure

cc: Local 5960, International Union, United Automobile,  
Aerospace and Agricultural Implement Workers of  
America (UAW), AFL-CIO  
Attn: Louis Rocha  
180 East Silverbell Road  
Lake Orion, MI 48360

Local 5960, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW),  
AFL-CIO (General Motors LLC)  
Case 07-CB-224311

- 4 -

Shira Roza, Esq.  
International Union, United Automobile, Aerospace  
and Agricultural Implement Workers of America  
(UAW), AFL-CIO  
Law Department  
8000 East Jefferson Avenue  
Detroit, MI 48214

General Motors LLC  
Attn: Darryl Smith  
4555 Giddings Road  
Lake Orion, MI 48359

Holly Georgell, Counsel  
General Motors LLC  
Legal Staff, 300 Renaissance Center  
Mail Code: 482-C25-A36  
Detroit, MI 48265



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Fax: (313)226-2090

September 28, 2018

Donald H. Scharg, Esq.  
Bodman PLC  
201 West Big Beaver Road  
Suite 500  
Troy, MI 48084

Re: Local 324, International Union of  
Operating Engineers (IUOE), AFL-CIO  
(Newkirk Electric Associates, Inc.)  
Case 07-CB-225115

Dear Mr. Scharg:

We have carefully investigated and considered your charge that Local 324, International Union of Operating Engineers (IUOE), 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.

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- 2) Enter the NLRB Case Number; and,
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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 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 [www.nlr.gov](http://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 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.

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Very truly yours,



Terry Morgan  
Regional Director

Enclosure

cc: Jim Anton  
Newkirk Electric Associates, Inc.  
1875 Roberts St  
Muskegon, MI 49442-6094

Douglas Stockwell, Business Manager  
Local 324, International Union of  
Operating Engineers (IUOE), AFL-CIO  
500 Hulet Drive  
Bloomfield Township, MI 48302





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Fax: (313)226-2090

September 27, 2018

Frank Mamat, Esq.  
Foster Swift Collins & Smith, P.C.  
28411 Northwestern Highway  
Suite 500  
Southfield, MI 48034

Re: Local 7, American Federation of Musicians  
(Steve Trudell Entertainment, LLC)  
Case 07-CC-226638

Dear Mr. Mamat:

We have carefully investigated and considered your charge that Local 7, American Federation of Musicians has violated the National Labor Relations Act.

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

Your client alleges that Local 7 of The American Federation of Musicians of the United States and Canada, AFL-CIO (Union) violated Sections 8(b)(4)(i)(A), 8(b)(4)(ii)(A), 8(b)(4)(i)(B), and 8(b)(4)(ii)(B) of the Act, by making unlawful threats and intimidation against musicians and businesses to force them from doing business with and for the Charging Party.

The investigation established that the Charging Party is engaged in the business of contracting musicians, directly or indirectly, through subcontractors/members to play at various venues throughout the United States. Section 10(b) of the Act provides that no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the Board. Within the Section 10(b) period, the Union, by its agents, has communicated with members via email and other means, asserting that the Charging Party has not been paying fair wages or benefits to its employees resulting in the Charging Party being placed on the Union's "Unfair List." The Union's communications further warn members that accepting work from an entity on the Unfair List may subject them to penalty under the Union's bylaws. As a result of the Union's communications regarding potential penalties under its bylaws, a number of members declined to work for the Charging Party and its subcontractors, and certain subcontractors declined to perform subcontracting work for the Charging Party.

With respect to the Section 8(b)(4)(i)(A) and 8(b)(4)(ii)(A) allegations, the evidence is insufficient to establish that at any time during the six month period prior to the filing and service of the charge, the Union coerced or threatened any neutral or secondary employer to cease doing business with the Charging Party. Rather, the Union's communications at issue were with its members or members/subcontractors of the Charging Party, who appear to be allies with the Charging Party, and as such, are primary to the dispute.

September 27, 2018

Regarding the Section 8(b)(4)(ii)(B) allegation, the evidence adduced during the investigation revealed that the Union maintains a primary dispute with the Charging Party and its ally subcontractors. There is insufficient evidence that at any time during the six month period prior to the filing and service of the charge, the Union, by its conduct as described above, threatened, coerced, or restrained any person engaged in commerce or in an industry affecting commerce, where an object thereof was to force or require any person to cease doing business with the Charging Party.

Accordingly, the Section 8(b)(4)(i)(A), 8(b)(4)(ii)(A) and 8(b)(4)(ii)(B) allegations are dismissed and further proceedings are unwarranted regarding those allegations.

The 8(b)(4)(i)(B) allegation remains in full force and effect and is subject to further processing.

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September 27, 2018

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Very truly yours,



Terry Morgan  
Regional Director

DN:kar

Enclosure

cc: Bob Sanders, President  
Local 7, American Federation of  
Musicians  
2050 South Main Street  
Santa Ana, CA 92707

Steve Trudell  
Steve Trudell Entertainment, LLC  
328 Four Seasons Drive  
Lake Orion, MI 48360

Jennifer P. Garner, AFM Counsel  
American Federation of Musicians of the  
United States and Canada (AFM), AFL-  
CIO, CLC  
1501 Broadway, Suite 600  
New York, NY 10036



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Fax: (313)226-2090

September 26, 2018

Stuart Buttrick, Counsel  
Ryan J. Funk, Esq.  
Rebekah Ramirez, Esq.  
Faegre Baker Daniels LLP  
300 North Meridian Street  
Suite 2700  
Indianapolis, IN 46204

Re: Local 324, International Union of  
Operating Engineers (IUOE), AFL-CIO  
(Michigan Infrastructure & Transportation  
Association, Inc.)  
Case 07-CC-226994

Dear Mr. Buttrick, Mr. Funk and Ms. Ramirez:

We have carefully investigated and considered your charge that Local 324, International Union of Operating Engineers (IUOE), AFL-CIO 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.

Michigan Infrastructure and Transportation Association, Inc. (MITA) alleges that Local 324, International Union of Operating Engineers (IUOE), AFL-CIO, (Union) threatened, coerced, and restrained MITA with an object to force or require MITA member contractors to cease doing business with MITA and to recognize and bargain with the Union as the representative of their employees in violation of 8(b)(4)(ii)(B) of the Act.

MITA had two 8(f) collective bargaining agreements (CBAs) with the Union that are involved in this case: (1) the Utility Distribution CBA covering approximately six contractors had a term from March 19, 2013 to April 30, 2018; and, (2) the Road Agreement covering over 65 signatories companies which had a term from March 19, 2013 to June 1, 2018.

The investigation disclosed that prior to the expiration of the contracts, MITA, by letters dated February 19, 2018, notified the Union that upon their expiration, MITA was terminating the CBAs, but hoped to bargain new CBAs. The Union in turn, accepted the terminations and notified MITA that it was no longer interested in multi-employer bargaining. Since MITA's termination of the CBAs and their subsequent expiration, the Union's conduct has been consistent and there is no evidence that the Union has pursued any bargaining relationship with MITA. Instead, the Union is attempting to negotiate CBAs with the individual contractor members of MITA. In doing so, the Union has asked individual contractors to rescind the power of attorney granted to MITA to negotiate with the Union on their behalf.

After the expiration of the contracts, Union members, at the request of the Union, ceased work on jobsites of contractors who had given their power of attorney to MITA, and the Union stopped referring its members to these jobsites. On September 4, 2018, MITA, on behalf of its contractor members, laid-off the employees covered by the expired CBAs.

There is insufficient evidence to establish that the Union's actions elevate to a violation of 8(b)(4)(ii)(B) as alleged or in any other manner encompassed by the charge. While the Union is urging the contractors to negotiate CBAs directly with the Union, this action is not secondary conduct. Nor does it violate the Act for the Union to accept the Employer's termination of the CBAs at their expiration and subsequently withdraw from 8(f) bargaining. Finally, the evidence does not establish that the Union's interactions with the contractors, or the individual Union members working for those contractors constitutes unlawful pressure on them to advance the Union's dispute with MITA.

Accordingly, further proceedings are unwarranted.

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Very truly yours,

A handwritten signature in black ink, appearing to read "Terry Morgan". The signature is fluid and cursive, with a large, sweeping "T" and "M".

Terry Morgan  
Regional Director

DN:kar

Enclosure

Local 324, International Union of Operating    - 4 -    September 26, 2018  
Engineers (IUOE), AFL-CIO  
(Michigan Infrastructure & Transportation  
Association, Inc.)  
Case 07-CC-226994

cc:    Doug Stockwell  
      Local 324, International Union of  
      Operating Engineers (IUOE), AFL-CIO  
      500 Hulet Drive  
      Bloomfield Township, MI 48302

Michael Nystrom  
Michigan Infrastructure and  
Transportation Association, Inc.  
2937 Atrium Drive, Suite 100  
Okemos, MI 48864

Amy E. Bachelder Esq  
Sachs Waldman, P.C.  
2211 East Jefferson Avenue  
Suite 200  
Detroit, MI 48207