



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
888 S Figueroa St Fl 9
Los Angeles, CA 90017-5449

Agency Website: www.nlr.gov
Telephone: (213)894-5200
Fax: (213)894-2778

September 24, 2018

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

Re: American Postal Workers Union
(United States Postal Service)
Case 21-CB-221142

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

We have carefully investigated and considered your charge that AMERICAN POSTAL WORKERS 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 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 **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**

September 24, 2018

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, 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 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,



William B. Cowen
Regional Director

Enclosure

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

United States Postal Service
7001 South Central Avenue
Los Angeles, CA 90052-4200

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

American Postal Workers Union, AFL-CIO
6317 South Figueroa Street
Los Angeles, CA 90003



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NATIONAL LABOR RELATIONS BOARD

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Telephone: (213)894-5200
Fax: (213)894-2778

September 7, 2018

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

Re: UNITE HERE LOCAL 11
(Sodexo Magic)
Case 21-CB-221220

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

We have carefully investigated and considered your charge that UNITE HERE LOCAL 11 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 the Union violated Section 8(b)(1)(A) of the Act by failing to process your grievance. The investigation revealed that the Union accepted your termination grievance, processed your grievance, and obtained reinstatement to your former position in exchange for you apologizing to the Employer. However, you rejected the conditional offer of reinstatement obtained by the Union. As a result, the Union informed you that it would not process your grievance any further. There was no evidence to suggest that the Union harbored any hostility or animus towards you or processed your grievance in an arbitrary, discriminatory, or bad faith manner. In these circumstances it could not be established that the Union violated Section 8(b)(1)(A) as alleged in your charge.

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

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Appeal Due Date: The appeal is due on **September 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.

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Very truly yours,

/s/NATHAN M. SEIDMAN
Acting Regional Director

Enclosure

cc (See next page)

cc: AARON J. SCHINDEL, GENERAL COUNSEL
SODEXO, INC.
9801 WASHINGTONIAN BOULEVARD,
SUITE 1258
GAITHERSBURG, MD 20878

SODEXO MAGIC
700 W BALL RD
ANAHEIM, CA 92802-1843

KIRILL PENTESHIN, GENERAL COUNSEL
UNITE HERE LOCAL 11
464 S. LUCAS AVE STE 201
LOS ANGELES, CA 90017-2074

UNITE HERE LOCAL 11
13252 GARDEN GROVE BLVD.
GARDEN GROVE, CA 92843

NS/fb



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September 21, 2018

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

Re: United Steelworkers Local 7600
(Kaiser Permanente)
Case 21-CB-221452

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

We have carefully investigated and considered your charge that UNITED STEELWORKERS LOCAL 7600 has violated the National Labor Relations Act.

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

Your charge alleges that the Union violated the Act by failing to represent you during the grievance process for arbitrary or discriminatory reasons or in bad faith. The investigation revealed that the Union filed a grievance over your termination and processed your grievance through step three, just short of arbitration. The Union met several times with representatives of Kaiser Permanente (Employer) to discuss your grievance and advocated on your behalf in an attempt to have the Employer return you to work. Ultimately after processing your grievance to step three, the Union, after considering all the facts, made a reasoned judgment not to take your grievance to arbitration because there was insufficient evidence that your termination violated the collective bargaining agreement. Further, there was no evidence that the Union's actions were discriminatory.

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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September 21, 2018

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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Appeal Due Date: The appeal is due on **October 5, 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 4, 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/William B. Cowen
Regional Director

Enclosure

(cc's next page)

UNITED STEELWORKERS LOCAL 7600 - 3 -
(Kaiser Permanente)
Case 21-CB-221452

September 21, 2018

cc: Kaiser Permanente
10740 4th Street, Second Floor
Rancho Cucamonga, CA 91730-0973

Mariana Padias, Attorney at Law
United Steel Workers
60 Boulevard of the Allies
Five Gateway Center, Room 807
Pittsburgh, PA 15222-1209

United Steelworkers Local 7600
861 S. Village Oaks Dr., Suite 206
Covina, CA 91724-3645



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Fax: (213)894-2778

September 27, 2018

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

Re: UNAC/UHCP
(Kaiser Permanente Euclid Medical Offices)
Case 21-CB-221869

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

We have carefully investigated and considered your charge that UNAC/UHCP 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 the Union failed and refused to file and process grievances related to discipline issued to you by Kaiser Permanente Euclid Medical Offices (Employer), for arbitrary or discriminatory reasons or in bad faith. However, the investigation disclosed that the Union filed a grievance regarding your termination, corresponded and met with you regarding your grievance, conducted Step II and Step III meetings with the Employer, and filed for arbitration, before ultimately determining that it would not to advance the grievance to arbitration because it did not stand a reasonable chance of winning. The investigation also established that the Union fully evaluated and considered the appeal you submitted in response to its decision to withdraw your grievance. The investigation failed to establish that your grievance was handled in a manner that was arbitrary, discriminatory, or in bad faith. Your allegations regarding other grievance situations are outside the period set forth in Section 10(b) of the Act. Accordingly, further proceedings in this matter are not warranted.

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:

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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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Appeal Due Date: The appeal is due on **October 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 October 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.

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Very truly yours,

/s/WILLIAM B. COWEN
Regional Director

Enclosure

cc: (See next page)

cc: JAY SMITH, ATTORNEY AT LAW
GILBERT & SACKMAN
3699 WILSHIRE BLVD., STE. 1200
LOS ANGELES, CA 90010-2732

PAMELA CHANDRAN, IN-HOUSE COUNSEL
UNITED NURSES ASSOCIATION OF
CALIFORNIA/UNION OF HEALTHCARE
PROFESSIONALS, NUHHCE, AFSCME, AFL-CIO
955 OVERLAND CT STE 150
SAN DIMAS, CA 91773-1740

KAISER PERMANENTE EUCLID
MEDICAL OFFICES
1188 N EUCLID ST
ANAHEIM, CA 92801-1900

WBC/fb



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
888 S Figueroa St Fl 9
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Agency Website: www.nlr.gov
Telephone: (213)894-5200
Fax: (213)894-2778

September 25, 2018

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

Re: NATIONAL ASSOCIATION OF LETTER
CARRIERS (United States Postal Service)
Case 21-CB-222141

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

We have carefully investigated and considered your charge that NATIONAL ASSOCIATION OF LETTER CARRIERS has violated the National Labor Relations Act.

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

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

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

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September 25, 2018

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/WILLIAM B. COWEN
Regional Director

Enclosure

cc: RODERICK D. EVES, DEPUTY MANAGING COUNSEL
UNITED STATES POSTAL SERVICE (LAW DEPT. - NLRB UNIT)
1720 MARKET STREET, ROOM 2400
SAINT LOUIS, MO 63155-9948

UNITED STATES POSTAL SERVICE
10441 STANFORD AVENUE
GARDEN GROVE, CA 92841

MELISSA S. WOODS, ATTORNEY AT LAW
COHEN WEISS & SIMON LLP
900 THIRD AVENUE, SUITE 2100
NEW YORK, NY 10022-4869

NATIONAL ASSOCIATION OF LETTER CARRIERS
13252 GARDEN GROVE BLVD.
GARDEN GROVE, CA 92843-2204

WBC/mr



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
888 S Figueroa St Fl 9
Los Angeles, CA 90017-5449

Agency Website: www.nlrb.gov
Telephone: (213)894-5200
Fax: (213)894-2778

September 26, 2018

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

Re: SEIU, UNITED SERVICE WORKERS WEST
(Able Building Services)
Case 21-CB-222324

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

We have carefully investigated and considered your charge that SEIU, UNITED SERVICE WORKERS - WEST 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 the Union failed and refused to represent you properly and in a timely manner for arbitrary or discriminatory reasons. Specifically, you allege that the Union handled your dispute over your return to permanent employment status in a perfunctory manner. While the Union has been unsuccessful, to date, to negotiate your transfer to a permanent employee position with Able Services (Employer), the evidence presented demonstrates that the Union has attempted to do so in good faith by communicating with the Employer. Further, the evidence indicates that the Employer has not yet been able to identify a suitable permanent position for you. Last, there is no evidence that the Union's actions are arbitrary, discriminatory, or perfunctory.

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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September 26, 2018

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Very truly yours,

/s/NATHAN M. SIEDMAN
Acting Regional Director

Enclosure

cc: MONICA T. GUIZAR, ATTORNEY AT LAW
WEINBERG, ROGER & ROSENFELD
800 WILSHIRE BLVD., STE. 1320
LOS ANGELES, CA 90017-2623

cc: (Cont'd see next page)

SEIU, UNITED SERVICE WORKERS WEST - 3 -
(Able Building Services)
Case 21-CB-222324

September 26, 2018

SEIU, UNITED SERVICE WORKERS - WEST
828 WEST WASHINGTON BLVD
LOS ANGELES, CA 90015-3310

ABLE BUILDING SERVICES
2601 S FIGUEROA ST
LOS ANGELES, CA 90007-3254

NS/fb



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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Telephone: (213)894-5200
Fax: (213)894-2778

September 28, 2018

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

Re: TEAMSTERS LOCAL 848
(Shippers Transport Express)
Case 21-CB-222498

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

We have carefully investigated and considered your charge that Teamsters Local 848 has violated the National Labor Relations Act.

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

Your charge alleges that the Union failed and refused to file and/or process grievances on your behalf regarding your suspension and your subsequent termination for arbitrary or discriminatory reasons or in bad faith. However, the investigation revealed that the Union investigated your grievances, corresponded with you, and sought to remedy your grievances with the Employer, before ultimately determining not to advance the matter any further because arbitration would not likely be successful. The investigation failed to establish that your grievances were handled in a manner that was arbitrary, discriminatory, or in bad faith. Accordingly, further proceedings in this matter are not warranted.

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:

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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.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,

/s/WILLIAM B. COWEN
Regional Director

Enclosure

cc: (See next page)

TEAMSTERS LOCAL 848
(Shippers Transport Express)
Case 21-CB-222498

- 3 -

September 28, 2018

cc: SHIPPERS TRANSPORT EXPRESS
1150 SOUTH SEPULVEDA BLVD.
CARSON, CA 90745

RENEE SANCHEZ, ATTORNEY AT LAW
HAYES, ORTEGA & SANCHEZ
513 SOUTH MYRTLE AVENUE, SUITE B
MONROVIA, CA 91016

TEAMSTERS LOCAL 848
3888 CHERRY AVENUE
LONG BEACH, CA 90807

WBC/fb



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
888 S Figueroa St Fl 9
Los Angeles, CA 90017-5449

Agency Website: www.nlrb.gov
Telephone: (213)894-5200
Fax: (213)894-2778

September 26, 2018

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

Re: UFCW LOCAL 135
(Vons)
Case 21-CB-223586

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

We have carefully investigated and considered your charge that UFCW Local 135 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 the Union unlawfully restrained and coerced employees by threatening to retaliate against them if they did not join or support the Union. More specifically, you contend that in about July 2018, a Union (b) (6), (b) (7)(C) told the Employer that employees had complained about you not working your posted schedule and that that same Union (b) (6), (b) (7)(C) posted a message on Facebook advising you to focus on working your posted schedule, in an effort to threaten you in retaliation for your opposition to a proposed merger between the Union and another local union. However, these statements, in which the Union (b) (6), (b) (7)(C) passed along concerns raised by other bargaining unit employees members and for which no other action was taken, do not appear to be unlawfully coercive or to otherwise constitute unlawful threats to retaliate.

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,
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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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Very truly yours,

/s/NATHAN M. SEIDMAN
Acting Regional Director

Enclosure

cc: (See next page)

cc: MIKE BRACAMONTES, UNION REPRESENTATIVE
UFCW LOCAL 135
2001 CAMINO DEL RIO S
SAN DIEGO, CA 92108-3687

MICHAEL D. FOUR, ATTORNEY AT LAW
MICHAEL E PLANK, ATTORNEY AT LAW
SCHWARTZ, STEINSAPIR, DOHRMANN & SOMMERS
LLP
6300 WILSHIRE BOULEVARD, SUITE 2000
LOS ANGELES, CA 90048-5268

VONS
10016 SCRIPPS RANCH BLVD
SAN DIEGO, CA 92131-1222

NS/fb



UNITED STATES GOVERNMENT
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REGION 21
888 S Figueroa St Fl 9
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Agency Website: www.nlrb.gov
Telephone: (213)894-5200
Fax: (213)894-2778

September 11, 2018

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

Re: OPEIU LOCAL 30
(Kaiser Permanente)
Case 21-CB-224116

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

We have carefully investigated and considered your charge that OPEIU Local 30 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 OPEIU Local 30 violated Section 8(b)(3) of the Act by failing or refusing to bargain in good faith with Kaiser Permanente. You admit that you are not a representative of Kaiser Permanente, thus you do not have standing to allege a violation of Section 8(b)(3) of the Act. Accordingly, I am refusing to issue complaint.

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.

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Appeal Due Date: The appeal is due on **September 25, 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 24, 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/NATHAN M. SEIDMAN
Acting Regional Director

Enclosure

cc: WALTER ALLEN, EXECUTIVE DIRECTOR/CFO
OPEIU LOCAL 30
6136 MISSION GORGE RD, STE 214
SAN DIEGO, CA 92120-3413

cc: (Cont'd see next page)

JEFFREY S. WOHLNER, ATTORNEY AT LAW
WOHLNER KAPLON PCUTLER HALFORD & ROSENFELD
16501 VENTURA BOULEVARD, SUITE 304
ENCINO, CA 91436-2067

JASON LEE NIENBERG,
PRIVACY AND COMPLIANCE
KAISER PERMANENTE
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SAN DIEGO, CA 92120-2600

ANTHONY S. BRILL, ATTORNEY AT LAW
KAISER FOUNDATION HOSPITALS
393 E. WALNUT ST., FL. 2
KAISER LEGAL DEPARTMENT
PASADENA, CA 91188-0001

NS/fb



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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888 S Figueroa St Fl 9
Los Angeles, CA 90017-5449

Agency Website: www.nlr.gov
Telephone: (213)894-5200
Fax: (213)894-2778

September 19, 2018

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

Re: SEI UNITED SERVICE WORKERS WEST
(San Diego Padres)
Case 21-CB-224581

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

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

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

Your charge alleges that the Union violated Section 8(b)(1)(A) of the Act by failing and/or refusing to file a grievance on your behalf regarding the Employer's alleged refusal to refund your uniform deposit. Your charge alleges that the Union has further violated the Act by not updating you about the status of your request.

The investigation revealed that the Union's decision not to file a grievance over the issue is based on the Union's belief that it is beyond the contractual time limits to do so. The Region concluded that the Union's decision appears entirely reasonable, notably since you made the request in (b) (6), (b) (7)(C) 2018, even though you were terminated in or about (b) (6), (b) (7)(C) 2016.

Although you separately allege that the Union has violated the Act by not updating you about the status of your grievance request, it appears that any alleged delay in responding is because the Union was first attempting to informally resolve the issue with the Employer. When the Union learned that informal resolution has not yet or may not occur, it notified you by letter of the timeliness issue.

Even assuming arguendo that the Union had not responded to you on your recent request, the Region concluded that based on your previous circumstances and interactions with the Union, you are or reasonably should have been aware that the Union is not going to be able to file grievances if they are beyond the contractual time limits.

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:

September 19, 2018

- 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.

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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.

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cc: (See next page)

September 19, 2018

Very truly yours,

/s/WILLIAM B. COWEN
Regional Director

Enclosure

cc: SAN DIEGO PADRES
100 PARK BLVD
SAN DIEGO, CA 92101-7405

BRUCE A. HARLAND, ATTORNEY AT LAW
WEINBERG ROGER & ROSENFELD
1001 MARINA VILLAGE PARKWAY, SUITE 200
ALAMEDA, CA 94501-6430

MONICA T. GUIZAR, ATTORNEY AT LAW
WEINBERG, ROGER & ROSENFELD
800 WILSHIRE BLVD., STE. 1320
LOS ANGELES, CA 90017-2623

SEIU UNITED SERVICE WORKERS WEST
828 W WASHINGTON BLVD
LOS ANGELES, CA 90015

SEIU UNITED SERVICE WORKERS WEST
4001 EL CAJON BLVD STE 211
SAN DIEGO, CA 92105-1111

WBC/fb



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
888 S Figueroa St Fl 9
Los Angeles, CA 90017-5449

Agency Website: www.nlrb.gov
Telephone: (213)894-5200
Fax: (213)894-2778

September 12, 2018

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

Re: COMMUNICATION WORKERS OF
AMERICA, LOCAL 9505 (AT&T)
Case 21-CB-224583

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

We have carefully investigated and considered your charge that Communication Workers of America, Local 9505 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 the Union violated the Act by refusing to process your termination grievance and by failing to ensure that the Employer adhere to the contractual grievance process as it relates to your termination grievance, for arbitrary or discriminatory reasons or in bad faith. The investigation failed to establish that the Union failed to process your termination grievance. Rather, the investigation showed that the Union continues to process your termination grievance. With regard to your allegation that the Union is failing to ensure that the Employer is honoring the collective-bargaining agreement (CBA), the investigation failed to disclose sufficient evidence to support that allegation. Instead, the investigation showed that the Union continues to pursue through the grievance procedure your termination grievance as well a separate grievance over claims that the Employer is not abiding by the CBA terms as it relates to your termination grievance.

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:

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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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Appeal Due Date: The appeal is due on **September 26, 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 25, 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/NATHAN M. SEIDMAN
Acting Regional Director

Enclosure

cc: (See Next page)

cc: (b) (6), (b) (7)(C)
AT&T
5041 REPETTO AVE
LOS ANGELES, CA 90022-1960

COMMUNICATION WORKERS OF
AMERICA, LOCAL 9505
724 EAST HUNTINGTON DRIVE
MONROVIA, CA 91016

NS/fb



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
888 S Figueroa St Fl 9
Los Angeles, CA 90017-5449

Agency Website: www.nlr.gov
Telephone: (213)894-5200
Fax: (213)894-2778

September 26, 2018

H. SANFORD RUDNICK, ATTORNEY AT LAW
H. SANFORD RUDNICK & ASSOCIATES
1200 MT. DIABLO ROAD, STE. 105
WALNUT CREEK, CA 94596-4823

Re: TEAMSTERS LOCAL 396
(Madison Materials, Inc.)
Case 21-CB-225350

Dear Mr. Rudnick:

We have carefully investigated and considered your charge that TEAMSTERS LOCAL 396, INTERNATIONAL BROTHERHOOD OF TEAMSTERS has violated the National Labor Relations Act.

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

The charge alleges the Union has bargained in bad faith by not giving Madison Materials, Inc. (Employer) relevant information for bargaining, specifically the Union's collective-bargaining agreements and bargaining proposals covering waste sorter employees. The investigation disclosed that while such agreements and proposals may be relevant to the Employer's bargaining positions, this alone is insufficient to require the production of the information.

The charge also alleges the Union has bargained in bad faith by stating it will not bargain with the Employer and that interest arbitration will force the Employer to accept a master agreement. Even assuming Union representatives made the statements alleged, the totality of the Union's conduct does not establish it has acted in bad faith. Specifically, the Union has met with the Employer for several bargaining sessions, has engaged in bargaining during those sessions, and has entered into several tentative agreements with the Employer as a result of that bargaining.

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

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Very truly yours,

/s/NATHAN M. SEIDMAN
Acting Regional Director

Enclosure

cc: (See next page)

cc: MADISON MATERIALS, INC.
1451 MANHATTAN AVE
FULLERTON, CA 92831-5221

JIM SMITH, ORGANIZER
TEAMSTERS LOCAL 396
880 S OAK PARK RD, STE 200
COVINA, CA 91724-0604

KIM WEBER, ATTORNEY AT LAW
PAUL L. MORE, ATTORNEY AT LAW
MCCRACKEN, STEMERMAN &
HOLSBERY, LLP
595 MARKET STREET, SUITE 800
SAN FRANCISCO, CA 94105-2821

NS/fb