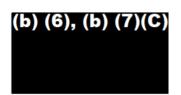


REGION 02 26 Federal Plz Ste 3614 New York, NY 10278-3699 Agency Website: www.nlrb.gov Telephone: (212)264-0300 Fax: (212)264-2450

September 28, 2018



Re: Collins Building Services Inc. Case 02-CA-217062

> Local 32BJ, SEIU (Collins Building Services) Case 02-CB-222786

Dear<sup>(b) (6), (b) (7)(C)</sup>:

We have carefully investigated and considered the charges that you filed against Collins Building Services and Local 32BJ, SEIU, alleging violations of 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 charges for the following reasons.

With respect to the charge against the Employer, the investigation established that on or around  $\binom{(b)}{(6)}$ ,  $\binom{(b)}{(7)}$ , 2018, you were terminated from your employment for failing to report damage to company property. The investigation also disclosed that the discipline the Employer issued to you followed progressive discipline for performance issues and misconduct. Although you contend that the Employer's decision to terminate you was in retaliation for your prior Union activity, the evidence fails to establish that the Employer's decision was based on any unlawful considerations.

Regarding the charge against the Union, the investigation disclosed that the Union processed grievances on your behalf, including your termination grievance. The investigation established that the Union investigated your grievances and tried to resolve your clam of harassment. As for your termination grievance, although the Union requested reinstatement and a lesser disciplinary action, the Employer refused to settle the matter. The Union determined that in view of your prior discharge in 2016, and the progressive disciplinary warnings that proceeded your discharge, the Union concluded that it would not prevail at arbitration.

In this case the evidence did not establish that the Union discriminated against you or processed your grievance in an arbitrary or perfunctory manner. Rather, it appears that the Union chose not to proceed with your grievance in this matter based upon its good faith evaluation of the merits of your case. In these circumstances, I do not find that the Employer or the Union breached the Act as alleged or in any other manner.

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

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

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

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at <u>www.nlrb.gov</u>. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

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

Appeal Due Date: The appeal is due on October 12, 2018. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than October 11, 2018. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 12, 2018.** The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 12, 2018, even if it is **postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at

a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

l.f. Mall f.

John J. Walsh, Jr. Regional Director

٢

Enclosure

cc: Collins Building Services Inc. Attn: Leion Kukac, Supervisor 24-01 44th Road Long Island City, NY 11101

> Lyle D. Rowen, Esq. Local 32BJ, SEIU 25 West 18th Street New York, NY 10011

Daniel D. Schudroff, Esq. Jackson Lewis P.C. 666 Third Avenue 29<sup>th</sup> Floor New York, NY 10017

Nicole G. Berner, General Counsel Service Employees International Union 1800 Massachusetts Avenue, N.W. Washington, DC 20036-1806



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

## UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 02 26 Federal Plz Ste 3614 New York, NY 10278-3699 Agency Website: www.nlrb.gov Telephone: (212)264-0300 Fax: (212)264-2450

September 27, 2018

Re: Grand Hyatt New York Case 02-CA-219896

> Grand Hyatt New York Case 02-CA-221052

New York Hotel and Motel Trades Council, AFL-CIO (Grand Hyatt) Case 02-CB-225635

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

We have carefully investigated and considered the two charges that you filed against the Grand Hyatt New York, as well as, the charge filed against New York Hotel and Motel Trades Council, AFL-CIO, alleging violations of 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 charges for the following reasons.

With respect to the charges against the Employer, the investigation established that in October 2017, the Employer notified the Union that it intended to increase the number of banquet servers on the B-List. Pursuant to Article 47 of the Industry-Wide Agreement, which applies to banquet servers employed at the Grand Hyatt Hotel, the Employer has a contractual right to hire up to 60% of the A-List. The investigation also disclosed that the Employer has discretion regarding scheduling. Although you contend that the Employer's decision to increase the number of banquet servers on the B-List and its scheduling decisions were in retaliation for your filing of grievances, the filing of a lawsuit against the Employer and the filing of charges with the National Labor Relations Board, the evidence is insufficient to establish that the Employer's decision was based on any unlawful considerations. Rather, the Employer exerted its rights under the parties' collective-bargaining agreement.

Regarding the charge against the Union, the investigation disclosed that the Employer hired to be a set of the end of the

11

In these circumstances, I do not find that the Employer or the Union breached the Act as alleged or in any other manner.

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 *e* hand-delivered. To file electronically using the Agency's e-filing system, go to our website at <u>www.nlrb.gov</u> and:

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

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at <u>www.nlrb.gov</u>. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

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

Appeal Due Date: The appeal is due on October 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.

ŧ

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 11, 2018.** The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 11, 2018, even if it is **postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**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,

ohn J. Walsh Regional Director

Enclosure

cc: Grand Hyatt New York Attn: John Schafer, General Manager 109 East 42nd Street New York, NY 10017-8500

> Michael C. Lydakis, Esq. Kane Kessler, P.C. 666 3rd Ave. New York, NY 10017-4041

Richard Maroko, General Counsel New York Hotel and Motel Trades Council, AFL-CIO 707 Eighth Avenue New York, NY 10036

Joseph Farelli, Esq. Pitta LLP 120 Broadway, 29th Floor New York, NY 10271



REGION 02 26 Federal Plz Ste 3614 New York, NY 10278-3699 Agency Website: www.nlrb.gov Telephone: (212)264-0300 Fax: (212)264-2450

September 27, 2018

Re: Quality Building Services Case 02-CA-223108

> SEIU Local 32BJ (Quality Building Services) Case 02-CB-223111

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

We have carefully investigated and considered your charges that Quality Building Services and SEIU Local 32BJ have violated the National Labor Relations Act.

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

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

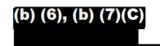
**Means of Filing**: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at <u>www.nlrb.gov</u> and:

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

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at <u>www.nlrb.gov</u>. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

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

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

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before** October 11, 2018. The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 11, 2018, even if it is **postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**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,

John J. Walsh, Jr. Regional Director

3

Enclosure

cc: Quality Building Services Attn: Tomasz Mosczak, Director of Operations 900 3rd Avenue New York, NY 10017 Lyle D. Rowen, General Counsel SEIU Local 32BJ 25 West 18th Street, 5th Floor Legal Department New York, NY 10011-1991

Marie Hahn, Esq. SEIU, Local 32BJ 25 West 18th St. New York, NY 10011

Robert A. Sparer, Esq. Clifton Budd & DeMaria, LLP The Empire State Building 350 Fifth Avenue, Suite 6110 New York, NY 10118-6190

Nicole G. Berner, General Counsel Service Employees International Union 1800 Massachusetts Avenue, N.W. Washington, DC 20036-1806

/

•

1

.



REGION 02 26 Federal Plz Ste 3614 New York, NY 10278-3699 Agency Website: www.nlrb.gov Telephone: (212)264-0300 Fax: (212)264-2450

September 28, 2018



Re: ABM Case 02-CA-223585

> Local 32BJ, SEIU (ABM) Case 02-CB-222017

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

We have carefully investigated and considered your charges that ABM and Local 32BJ, SEIU have violated the National Labor Relations Act.

**Decision to Approve Withdrawal**: This is to advise you that I have approved the withdrawal of the charge in Case 02-CB-222017.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge in Case 02-CA-223585 because there is insufficient evidence to establish a violation of the Act.

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

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

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

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at <u>www.nlrb.gov</u>. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me. ABM Case 02-CA-223585

Local 32BJ, SEIU (ABM) Case 02-CB-222017

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 <u>www.nlrb.gov</u>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 12, 2018, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

flf. Mallf.

John J. Walsh, Jr. Regional Director

Enclosure

ABM Case 02-CA-223585

Local 32BJ, SEIU (ABM) Case 02-CB-222017

cc:

ABM Attn: Peter Latampa, General Manager 7 Liberty Plaza New York, NY 10006-1401

Elana Gilaad, Assistant General Counsel ABM Janitorial Inc 1 Liberty Plaza, 7th Floor New York, NY 10006-1417

Jeanine Scalero, Esq. ABM Industries, Inc. 14141 Southwest Freeway Sugarland, TX 77478

Lyle D. Rowen, General Counsel Local 32BJ, SEIU 25 West 18th Street New York, NY 10011-4677

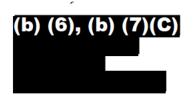
Local 32BJ, SEIU 25 West 18th Street New York, NY 10011

Nicole G. Berner, General Counsel Service Employees International Union 1800 Massachusetts Avenue, NW 6th Floor Washington, DC 20036-1806



REGION 02 26 Federal Plz Ste 3614 New York, NY 10278-3699 Agency Website: www.nlrb.gov Telephone: (212)264-0300 Fax: (212)264-2450

September 27, 2018



Re: AFSCME District Council 1707, AFL-CIO (The Jewish Board) Case 02-CB-202106

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

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

**Decision to Dismiss**: On February 28, 2018, I informed you I would dismiss this charge unless I decided that the Charged Party had committed additional violations of the Act that would make dismissal of your charge inappropriate. Since that has not happened, I am dismissing your charge.

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

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

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

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at <u>www.nlrb.gov</u>. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

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

Appeal Due Date: The appeal is due on October 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.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 11, 2018.** The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 11, 2018, even if it is **postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**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,

Regional Direct

Enclosure

cc: The Jewish Board Attn: Chistina Mango, Director Mount Eden Bronx PROS 1526 Grand Concourse Bronx, NY 10457-8400 AFSCME District Council 1707, AFL-CIO - 3 -(The Jewish Board) Case 02-CB-202106

> Henry S. Shapiro, Esq. Jackson Lewis LLP 58 South Service Road, Suite 250 Melville, NY 11747

District Council 1707, AFSCME, AFL-CIO Attn: Linda MCPherson, President 420 West 45th Street New York, NY 10036-3501

John C. Dempsey, Esq., General Counsel American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO 1101 17th Street NW Suite 900 Washington, DC 20036-4712

Larry P. Weinburg, Esq. American Federation of State, County and Municipal Employees (AFSCME) AFL-CIO 1101 17th Street, NW Suite 900 Washington, DC 20036

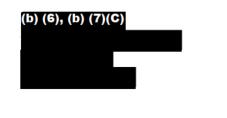
Hiram M. Arnaud, Esq Cohen Weiss & Simon LLP 900 Third Avenue, 21st Floor New York, NY 10022-4869

The Jewish Board Attn: Rand Palmer, Human Resources 135 W 50th Street New York, NY 10020



REGION 02 26 Federal Plz Ste 3614 New York, NY 10278-3699 Agency Website: www.nlrb.gov Telephone: (212)264-0300 Fax: (212)264-2450

September 27, 2018



Re: SEIU Local 32BJ (Allied Universal Security Services d/b/a FJC) Case 02-CB-221621

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

We have carefully investigated and considered your charge that SEIU Local 32BJ has violated the National Labor Relations Act.

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

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

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

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

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at <u>www.nlrb.gov</u>. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

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

Appeal Due Date: The appeal is due on October 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

SEIU Local 32BJ (Allied Universal Security - 2 -Services d/b/a FJC) Case 02-CB-221621

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.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 11, 2018.** The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 11, 2018, even if it is **postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**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,

Regional Director

Enclosure

- cc: Lyle D. Rowen, General Counsel SEIU Local 32BJ Legal Department 25 West 18th Street, 5th Floor New York, NY 10011-1991
- SEIU Local 32BJ 25 West 18th Street New York, NY 10011

SEIU Local 32BJ (Allied Universal Security - 3 -Services d/b/a FJC) Case 02-CB-221621

Allied Universal Security Services Attn: Lisa Zapatelli 229 West 36th Street, 11th Floor New York, NY 10038-3580

ì

۴,

÷.

нэ Л

ł

ŗ\*

Nicole G. Berner, General Counsel Service Employees International Union 1800 Massachusetts Avenue, N.W. Washington, DC 20036-1806

ţ

Ň



REGION 02 26 Federal Plz Ste 3614 New York, NY 10278-3699 Agency Website: www.nlrb.gov Telephone: (212)264-0300 Fax: (212)264-2450

September 27, 2018



Re: Local 32BJ SEIU (Harvard Maintenance) Case 02-CB-221627

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

We have carefully investigated and considered your charge that Local 32BJ SEIU 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 investigation revealed that the Union did not violate the Act as alleged. Regarding your grievance concerning being assigned an excessive workload, the parties' collective bargaining agreement specifies the formula used to determine the square footage required to qualify an employee's routine as an unduly burdensome work assignment. The Union measured your work assignment shortly after you filed your grievance and determined that your workload did not meet the standard to qualify as unduly burdensome workload. With regard to your grievance alleging the Employer failed to pay you for 15 hours vacation time, the Union found through its investigation that you did not receive the 15 hours vacation time because you did not work the amount of hours required to accrue this time. Accordingly, the investigation demonstrated that the Union made a good faith determination not to proceed further with those grievances. 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 <u>www.nlrb.gov</u> and:

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

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at <u>www.nlrb.gov</u>. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

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

Appeal Due Date: The appeal is due on October 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.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 11, 2018.** The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **October 11, 2018**, even if it is **postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**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

Local 32BJ SEIU (Harvard Maintenance) Case 02-CB-221627

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.

- 3 -

Very truly yours, 7hn J. Regional/Director

Enclosure

ţ

cc: Lyle D. Rowen, Associate General Counsel Local 32BJ, SEIU 25 West 18th Street New York, NY 10011

> Marie Hahn, Esq. SEIU, Local 32BJ 25 West 18th St. New York, NY 10011

> Local 32BJ SEIU 25 West 18th Street New York, NY 10011

Harvard Maintenance 59 Maiden Lane New York, NY 10038

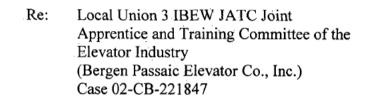
Nicole G. Berner, General Counsel Service Employees International Union 1800 Massachusetts Avenue, NW 6th Floor Washington, DC 20036-1806



REGION 02 26 Federal Plaza, Suite 3614 New York, NY 10278-3699

Agency Website: www.nlrb.gov Telephone: (212) 264-0300 Fax: (212) 264-2450

September 12, 2018



Dear<sup>(b) (6), (b) (7)(C)</sup>

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

We have carefully investigated and considered your charge that Local Union 3 IBEW JATC Joint Apprentice and Training Committee of the Elevator Industry has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because the Joint Apprentice and Training Committee of the Elevator is not a "labor organization" within the definition of the Act.

Your charge alleges that Local Union No. 3 IBEW JATC Joint Apprentice and Training Committee of the Elevator Industry, hereinafter the Committee, has violated the Act by terminating your apprenticeship and refusing to process your termination grievance. The investigation has established that the Joint Apprentice and Training Committee of the Elevator Industry is a Joint Labor/Management Trust Agreement that oversees a New York State registered apprenticeship, continuing educational & training programs. Its purpose is to train apprentices who are hired by employers that have a collective bargaining relationship with Local 3 IBEW. Section 2(5) of the Act defines a labor organization as any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. On these undisputed facts, I have concluded that the Committee is not a "labor organization" within the meaning of the Act, and thus this Agency does not have jurisdiction to review the conduct of the Committee. Accordingly, I am dismissing your charge. Local Union 3 IBEW JATC Joint Apprentice and Training Committee of the Elevator Industry (Bergen Passaic Elevator Co., Inc.) Case 02-CB-221847

.(

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

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

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

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at <u>www.nlrb.gov</u>. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

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

Appeal Due Date: The appeal is due on 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.

**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 26, 2018**. The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, by fax to (202) 273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **September 26, 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

- 2 -

Local Union 3 IBEW JATC Joint Apprentice and Training Committee of the Elevator Industry (Bergen Passaic Elevator Co., Inc.) Case 02-CB-221847

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,

ohn J. Walsh, Jr. Regional Director

Enclosure

cc: Local Union 3 IBEW JATC Joint Apprentice and Training Committee of the Elevator Industry Attn: Robert Olynyk, Chief Business Representative 35-40 36th Street Long Island City, NY 11106

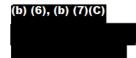
> Marty Glennon, Esq. Archer, Byington, Glennon & Levine LLP 1 Huntington Quadrangle, Suite 4C10 PO Box 9064 Melville, NY 11747-9064

Bergen Passaic Elevator Co., Inc. Attn: Kenny Breglio 1400 Parker St. Bronx, NY 10462-4999



REGION 02 26 Federal Plz Ste 3614 New York, NY 10278-3699 Agency Website: www.nlrb.gov Telephone: (212)264-0300 Fax: (212)264-2450

September 28, 2018



Re: National Association of Letter Carriers, Branch 36 (United States Postal Service) Case 02-CB-222620

## Dear<sup>(b) (6), (b) (7)(C)</sup>:

We have carefully investigated and considered your charge that National Association of Letter Carriers, Branch 36 has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on the investigation, I have concluded that further proceedings are not warranted, and I am dismissing the charge for the foregoing reasons.

You alleged that the Union failed and refused to process a grievance regarding your termination. The evidence disclosed that on [9:(5), (9)(7)(2)], 2018, you were discharged for operating your vehicle in an unsafe manner resulting in a vehicle accident. The Union filed a grievance on your behalf, advocated for you and represented you in Step A and Step B of the grievance procedure set forth in the collective bargaining agreement. At Step B, your grievance was heard by a two-person Dispute Resolution Team consisting of one Union representative and one Employer representative. The Dispute Resolution Team upheld the Employer's decision to terminate your employment. The Dispute Resolution Team's decision was final. There is no indication that the Union's decision to not proceed further on your grievance was made in an arbitrary or perfunctory manner or was motivated by other unlawful reasons, as alleged. Accordingly, inasmuch as the evidence failed to establish that the Union violated the Act as alleged or in any other manner encompassed by your charge, I am dismissing this charge.

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

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

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

National Association of Letter Carriers, Branch 36 (United States Postal Service) Case 02-CB-222620

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at <u>www.nlrb.gov</u>. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

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

Appeal Due Date: The appeal is due on October 12, 2018. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than October 11, 2018. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 12, 2018.** The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 12, 2018, even if it is **postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that

National Association of Letter Carriers, Branch 36 (United States Postal Service) Case 02-CB-222620

protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

I.f. Mall f.

John J. Walsh, Jr. Regional Director

Enclosure

cc: National Association of Letter Carriers, Branch 36
Attn: Charles Heege, President
347 West 41st Street
New York, NY 10036

> Peter D. DeChiara, Esq. Cohen, Weiss and Simon, LLP 900 Third Avenue, 21st Floor New York, NY 10022

Joshua J. Ellison, Esq. Cohen, Weiss and Simon, LLP 900 Third Ave 21st Flr New York, NY 10022-4869

United States Postal Service Attn: Stephanie Santos, Manager (Williams Bridge Station) 711 East Gunhill Road Bronx, NY 10467

ï,

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

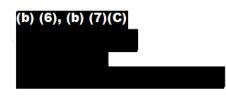
1

- 3 -



REGION 02 26 Federal Plz Ste 3614 New York, NY 10278-3699 Agency Website: www.nlrb.gov Telephone: (212)264-0300 Fax: (212)264-2450

September 28, 2018



Re: Transit Workers Union, Local 100 (Liberty Transit Lines) Case 02-CB-222634

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

We have carefully investigated and considered your charge that Transit Workers Union, Local 100 (the Union) 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 refused to process your termination grievance in violation of Sec. 8(b)(1)(A) of the Act. The evidence gathered during the investigation indicates that you were informed in about (b)(6), (b)(7)(C) 2018 during a first level grievance hearing that you were being terminated for incidents that occurred on (b)(6), (b)(7)(C) 2018 and (b)(6), (b)(7)(C) 2018. The evidence further establishes that the facts of those incidents are not substantially disputed. It is likewise undisputed that the Union appeared on your behalf and represented you at both the first level grievance hearing and at a subsequent second level grievance hearing in (b)(6)(7)(C) 2018, which resulted in the reduction of your termination to a suspension. The evidence supports finding that the Union declined to process your grievance further based on the uncontested evidence surrounding the circumstances leading to your discharge. Thus, it does not appear that the Union's handling of your grievance was arbitrary or discriminatory. Inasmuch as the evidence fails to establish that the Union violated the Act as alleged or in any other manner encompassed by the charge, I am dismissing the charge.

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

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

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

Transit Workers Union, Local 100 (Liberty - 2 -Transit Lines) Case 02-CB-222634

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at <u>www.nlrb.gov</u>. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

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

Appeal Due Date: The appeal is due on October 12, 2018. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than October 11, 2018. If an appeal is postmarked or given to a 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.

٠.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 12, 2018.** The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **October 12, 2018**, even if it is **postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that

Transit Workers Union, Local 100 (Liberty - 3 -Transit Lines) Case 02-CB-222634

 $C_{\bullet}$ 

protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

.

i I. Walsh, J **Regional Director** 

Enclosure

16

÷

ġ

Ş

-9

cc: Damien Maree, Esq. Colleran, O'Hara & Mills L.L.P. 100 Crossways Park Drive West, Suite 200 Woodbury, NY 11797

> Transit Workers Union, Local 100 Attn: Carlos Bonneville, Division Chairman 195 Montague Street, 3rd Floor Brooklyn, NY 11201-3631

Transport Workers Union of Greater New York, Local 100, AFL-CIO Attn: Ursula Levelt, Managing Director, Legal Department 195 Montague Street, Floor 9 Brooklyn, NY 11201

Donald Krueger, Esq. Epstein, Becker & Green, P.C. 250 Park Avenue New York, NY 10177

Liberty Lines Transit, Inc. Attn: Neil Erickson, VP of Human Resources 475 Saw Mill River Road Yonkers, NY 10701-4993