



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 06  
1000 Liberty Ave Rm 904  
Pittsburgh, PA 15222-4111

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (412)395-4400  
Fax: (412)395-5986

September 24, 2018

Vincent Candiello, Esq.  
Cozen O'Connor  
17 North Second Street  
Suite 1410  
Harrisburg, PA 17101

Re: Teamsters, Chauffeurs, Warehousemen and  
Helpers, Local Union No. 110 (New  
Enterprise Stone & Lime Co., Inc.)  
Case 06-CB-223675

Dear Mr. Candiello:

We have carefully investigated and considered your charge that Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union No. 110 has violated the National Labor Relations Act.

**Decision to Dismiss:**

As a result of the investigation, it does not appear that further proceedings on the charge are warranted at this time. Although the investigation revealed that the Union unreasonably delayed in providing the Employer with requested relevant information, the information was ultimately provided. Accordingly, I am refusing to issue complaint at this time; however, a recurrence of such delays in providing relevant information in the future will necessitate formal proceedings.

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

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

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Very Truly Yours,

/s/ Nancy Wilson

Nancy Wilson  
Regional Director

Teamsters, Chauffeurs, Warehousemen and      - 3 -      September 24, 2018  
Helpers, Local Union No. 110 (New  
Enterprise Stone & Lime Co., Inc.)  
Case 06-CB-223675

cc:      Thomas N. Heider, President  
         Teamsters, Chauffeurs, Warehousemen  
         and Helpers, Local Union No. 110  
         P.O. Box 180  
         153 Ebony Road  
         Ebensburg, PA 15931-3813

         Robert A. Eberle, Esq.  
         Eberle & Bundick, LLC  
         PO Box 44290  
         Pittsburgh, PA 15205-0690

         Desiree Lardieri  
         Human Resources Manager  
         New Enterprise Stone & Lime Co., Inc.  
         P.O. Box 77 Corporate Office  
         3912 Brumbaugh Road  
         New Enterprise, PA 16664-0077

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September 28, 2018

Re: Norwin School Bus Drivers Association  
(First Student)  
Case 06-CB-221325

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

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

We have carefully investigated and considered your charge that Norwin School Bus Drivers Association has violated the National Labor Relations Act.

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

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

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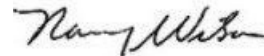
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Very truly yours,



Nancy Wilson  
Regional Director

Enclosure

cc: **(b) (6), (b) (7)(C)**  
Norwin School Bus Drivers Association  
PO Box 184  
Irwin, PA 15642

John M. O'Connell, Esquire  
O'Connell & Silvis LLP  
131 W Pgh Street  
Greensburg, Pa 15601

Shawn Albright, Area General Manager  
First Student, Inc.  
3740 State Route 136  
Greensburg, PA 15601-6230

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September 28, 2018

Re: United Food and Commercial Workers  
Union, Local 400, CLC  
(Kroger Store No. 755)  
Case 06-CB-222829

Alyssa Hazelwood, Staff Attorney  
Aaron Solem, Staff Attorney  
c/o National Right to Work Legal Defense Foundation, Inc.  
8001 Braddock Rd, Suite 600  
Arlington, VA 22160

Dear Ms. Hazelwood and Mr. Solem:

We have carefully investigated and considered your charge that United Food and Commercial Workers Union, Local 400, CLC ("the Union") has violated the National Labor Relations Act ("the 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 refusing to grant the Charging Party's request to revoke (b) (6), (b) (7)(C) voluntary written authorization for the deduction of union dues from (b) (6), (b) (7)(C) pay after (b) (6), (b) (7)(C) resigned (b) (6), (b) (7)(C) membership from the Union in about March 2018. Under current Board law, a union may continue to deduct dues after an individual resigns membership if there is "explicit language within the checkoff authorization clearly setting forth an obligation to pay dues even in the absence of union membership." *United Steelworkers, Local 4671 (National Oil Well, Inc.)*, 302 NLRB 367, 368 (1991); *see also IBEW, Local No. 2088 (Lockheed Space Operations Company, Inc.)*, 302 NLRB 322, 329 (1991).

The investigation disclosed that the dues checkoff authorization card that the Charging Party signed contains such explicit language. You claim that the Charging Party's signature on the form was mandatory, not voluntary, based on the inclusion of the words "must sign" on the card, and because during (b) (6), (b) (7)(C) orientation, a manager told the Charging Party that (b) (6), (b) (7)(C) was required to join the Union in order to be employed at the store location where (b) (6), (b) (7)(C) works. A review of the subject dues authorization card reveals, however, that the title "Voluntary Check-Off Authorization to Any Employer under Contract with United Food & Commercial Workers Union Local 400" appears prominently at the center of the card, thus indicating that authorization of the dues check off was not mandatory, but was instead a voluntary choice. To the extent that the form contains the phrase "Must be Signed," this language was necessary in order for the dues deduction to be compliant with State and Federal regulations that require wage deductions to be in writing and signed. Nor can it be established that the instructions that the Charging Party received from the Employer during (b) (6), (b) (7)(C) orientation rendered the dues authorization check off agreement mandatory, rather than voluntary. Finally, I note that the

Union did, in fact, process the Charging Party's revocation request, notwithstanding the request was submitted during the period of irrevocability, and that the Union fully reimbursed (b) (6), (b) (7)(C) for dues deducted after (b) (6), (b) (7)(C) submitted (b) (6), (b) (7)(C) request to the Union.

In these circumstances, I find that further processing of the charge is unwarranted. I am, therefore, dismissing your charge in its entirety.

**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,



Nancy Wilson  
Regional Director

Enclosure

cc: Alan Hanson, Director of Mobilization  
United Food and Commercial Workers  
Union, Local 400, CLC  
8400 Corporate Drive, Suite 200  
Landover, MD 20785

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

Kroger Store No. 755  
1851 Earl L Core Rd  
Morgantown, WV 26505-0315

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

Blaine Taylor, Esquire  
Butsavage & Durkalski, P.C.  
1920 L Street, NW Suite 301  
Washington, DC 20036-5037

bb





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September 24, 2018

Re: Laborers International Union of North  
America, Local 833  
(Great Arrow Builders, LLC)  
Case 06-CB-224790

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

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

We have carefully investigated and considered your charge that Laborers International Union of North America, Local 833, AFL-CIO has violated the National Labor Relations Act ("the Act.")

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

In your charge you allege that the Union violated Section 8(b)(1)(A) of the Act when it refused to file or otherwise process a grievance on your behalf. You specifically allege that when you contacted the Union in (b) (6), (b) (7)(C) 2017 concerning an allegedly (b) (6), (b) (7)(C) statement made by another employee, the Union should have surmised that you wanted a grievance to be filed, despite the fact that you did not specifically ask them to do so. The National Labor Relations Act provides that unfair labor practice charges must be filed within six months of the alleged violation of the Act. Inasmuch as this report to the Union was made in (b) (6), (b) (7)(C) of 2017 and the instant charge was filed on July 31, 2018, this particular allegation is untimely.

Moreover, the investigation revealed no evidence that the Union harbored animus against you or failed to represent you for any arbitrary or discriminatory reason. Rather, the evidence reflected that the Union was willing to represent you at a disciplinary meeting, but you declined their participation, and that the Union successfully assisted you in obtaining alternative employment during your suspension.

Under these circumstances, it has not been shown that the Union violated the Act as alleged and I am dismissing your charge.

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Laborers International Union of North  
America, Local 833 (Great Arrow Builders,  
LLC)  
Case 06-CB-224790

- 3 -

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Very truly yours,



Nancy Wilson  
Regional Director

Enclosure

cc: Mike McDonald, Business Agent  
Laborers International Union of North  
America, Local 833, AFL-CIO  
1017 3rd Ave  
New Brighton, PA 15066-2011

Domenic A. Bellisario, Esquire  
Law Office of Domenic A. Bellisario  
310 Grant St Fl 3  
Pittsburgh, PA 15219-2229

Andrew Lederman, Project Manager  
Great Arrow Builders, LLC  
1413 9th Ave  
Beaver Falls, PA 15010-4106

Craig M. Brooks, Esquire  
Houston Harbaugh, PC  
401 Liberty Ave. 22nd Floor  
Three Gateway Center  
Pittsburgh, PA 15222-1005

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