



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Agency Website: www.nlrb.gov
Telephone: (415)356-5130
Fax: (415)356-5156

October 23, 2018

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

Re: Service Employees International Union,
United HealthCare Workers West, [SEIU-
UHW] (Kaiser Permanente Medical Group)
Case 20-CB-224213

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

We have carefully investigated and considered your charge that Service Employees International Union, United HealthCare Workers West [SEIU-UHW] has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss the portion of your charge that alleges the Union violated the Act by refusing to process a grievance regarding Kaiser's failure to complete a competitive wage review and equity adjustment for the (b) (6), (b) (7)(C). The investigation revealed that the Union attempted to encourage Kaiser to conduct a wage review and pay equity adjustment but was unsuccessful. While the Kaiser/SEIU-UHW collective-bargaining agreement provides for a wage equity review, Kaiser is neither obligated to agree to a wage adjustment, nor can the Union file a grievance over this issue. The Union informed you of this about September 5, 2018, after the charge was filed. In these circumstances, the Union did not violate the Act by refusing to process your grievance.

Conditional Decision to Dismiss: Regarding the portion of your charge alleging that the Union failed to inform you of its decision not to file a grievance over the wage review and equity adjustment issue, I have concluded that further proceedings on this arguably meritorious allegation are not warranted at this time. I have conditionally decided to dismiss your charge 6 months from today because there have not been any similar prior meritorious charges against Service Employees International Union, United HealthCare Workers West [SEIU-UHW] within the past few years.

If a meritorious charge involving other unfair labor practices is filed against the Charged Party during the next six months, I will reconsider whether further proceedings on this charge are 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:

- 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 **November 6, 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 November 5, 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 November 6, 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 November 6, 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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Service Employees International Union,
United HealthCare Workers West, [SEIU-
UHW] (Kaiser Permanente Medical Group)
Case 20-CB-224213

- 3 -

October 23, 2018

Very truly yours,

/s/

JILL H. COFFMAN
Regional Director

Enclosure

cc: Jonathan Everhart, Union Representative
Service Employees International Union, United
Healthcare Workers West [SEIU-UHW]
1911 F Street
Sacramento, CA 95811

Bruce A. Harland, Attorney
Weinberg Roger & Rosenfeld
1001 Marina Village Pkwy Suite 200
Alameda, CA 94501

Thomas Beardsley, Employer Representative
Kaiser Permanente Medical Group
1950 Franklin Street 18th Floor
Oakland, CA 94612



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October 31, 2018

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

Re: YRC Freight
Case 20-CA-224172

Teamsters Local 2785 (YRC Freight)
Case 20-CB-224177

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

We have carefully investigated and considered your charges that YRC Freight and Teamsters Local 2785 have violated the National Labor Relations Act.

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

Your charge in Case 20-CA-224172 alleges that the Employer discriminated against you by failing to pay you backpay in order to discourage your activities or membership in the Union. The investigation disclosed that the Employer placed you on an approximate 2-month leave of absence due to a (b) (6), (b) (7)(C) and subsequently returned you to work once you obtained a (b) (6), (b) (7)(C). Although you contend that the Employer refused to pay you backpay for the time that you were off work because of your protected concerted activities, the investigation disclosed insufficient evidence to support this allegation. In particular, there was no evidence of Employer animosity towards the Union or towards you because you requested the Union's assistance in this matter. In these circumstances, the evidence is insufficient to show that the Employer discriminated against you based on your protected activities.

Your charge in Case 20-CB-224177 alleges that the Union has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process a grievance on your behalf regarding the Employer's failure to pay you backpay for arbitrary or discriminatory reasons or in bad faith. The investigation revealed that the Union filed a grievance regarding the Employer's failure to pay you backpay for the approximate 2-month period that it placed you on a leave of absence. The evidence established that the Union processed the grievance through the parties' grievance arbitration procedure and notified you on or around (b) (6), (b) (7)(C) 2018 that the Joint Council had upheld the Employer's denial of the grievance and that the Union would no longer pursue the grievance. A union breaches the duty of fair representation when it treats a bargaining unit member arbitrarily, discriminatorily, or in bad faith. *Vaca v. Sipes*, 386 U.S. 171, 190 (1967). A union's actions are considered arbitrary under the duty of fair representation "only if, in light of the factual and legal landscape at the time of the union's behavior is so far outside a 'wide range of reasonableness' as to be irrational." *IAM Local Lodge*

2777 (*L-3 Communications*), 355 NLRB 1062, 1064 (2010), quoting *Air Line Pilots Assn. v. O'Neill*, 499 U.S. 65, 67 (1991) and *Ford Motor Co. v. Huffman*, 345 U.S. 330, 337-339 (1953). The evidence in this case is insufficient to show that the Union relied on unlawful considerations when making its determination to no longer pursue your grievance. Accordingly, further proceedings are unwarranted.

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

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Very truly yours,

/s/

JILL H. COFFMAN
Regional Director

Enclosure

cc: Ben Candelaria, Terminal Manager
YRC Freight
499 Valley Dr
Brisbane, CA 94005-1209

Daniel P. Bordoni, Attorney at Law
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004-2541

Ryan T. Sears, Attorney at Law
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Ave, NW
Washington, DC 20004-2578

Bill Cromartie, Business Agent
Teamsters Local 2785
5 Thomas Mellon Cir Ste 130
San Francisco, CA 94134-2506



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October 31, 2018

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

Re: AECOM
Case 20-CA-227862

Teamsters Local 150 (AGC Construction)
Case 20-CB-224093

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

We have carefully investigated and considered your charges alleging that AECOM and Teamsters Local 150 have violated the National Labor Relations Act.

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

Your charge in Case 20-CA-227862 alleges that the Employer violated Section 8(a)(1) of the Act by discharging you because you engaged in protected concerted activities. The investigation disclosed that the Employer discharged you on (b) (6), (b) (7)(C) 2018. Although you contend that you engaged in protected concerted activity by bringing up workplace concerns at safety meetings, the evidence was insufficient to establish that this activity was concerted or that it was a substantial or motivating factor for the Employer's action. Rather, it appears that the Employer discharged you for work related reasons. Finally, to the extent you assert that you were discharged because you filed an OSHA complaint on (b) (6), (b) (7)(C) 2018, such activity, in itself, is not protected under the Act. See *Myth, Inc.*, 326 NLRB 136 (1998). In these circumstances, the evidence is insufficient to show that the Employer violated the Act as alleged.

Your charge in Case 20-CB-224093 alleges that the Union refused to process a grievance over your (b) (6), (b) (7)(C) 2018 discharge for reasons that are arbitrary or discriminatory or in bad faith. The investigation revealed that the Union undertook its own independent investigation into the alleged misconduct that served as the basis for your discharge and ultimately concluded that your grievance lacked merit. There is no evidence that the Union's refusal to process your grievance was discriminatorily motivated. A Union breaches its duty of fair representation when it treats a bargaining unit member arbitrarily, discriminatorily, or in bad faith. A union retains a broad range of discretion in processing grievances. A union's actions are considered arbitrary under the duty of fair representation "only if, in light of the factual and legal landscape at the time of the union's actions, the union's behavior is so far outside a 'wide range of reasonableness' as to be irrational." *IAM Local Lodge 2777 (L-3 Communications)*, 355 NLRB 1062, 1064 (2010), quoting *Air Line Pilots Assn. v. O'Neill*, 499 U.S. 65, 67 (1991) and *Ford Motor Co. v. Huffman*, 345 U.S. 330, 338 (1953). In these circumstances, there is insufficient evidence that the Union violated the Act as you alleged in the charge.

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Very truly yours,

/s/

JILL H. COFFMAN
Regional Director

Enclosure

cc: Traci Bernard-Marks,
Corporate Counsel, Labor & Employment
AECOM
300 Lakeside Dr Fl 4
Oakland, CA

Stacey Zartler, Esq.
Axiom Law
6669 Tradition Court
San Jose, CA 95120

AECOM
1550 Harbor Blvd Ste 130
West Sacramento, CA 95691-3829

(b) (6), (b) (7)(C)
AGC Construction
1550 Harbor Blvd STE 130
Sacramento, CA 95823

Mario Contreras, Secretary Treasurer
Teamsters Local 150
7120 East Pkwy
Sacramento, CA 95823-2595

Costa Kerestenzis, Esq.
Beeson Tayer & Bodine, APC
520 Capitol Mall Suite 300
Sacramento, CA 95814



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October 31, 2018

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

Re: International Longshore and Warehouse
Union, Local 75 (Metro Cruise Services)
Case 20-CB-219566

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

We have carefully investigated and considered your charge that International Longshore and Warehouse Union, Local 75 has violated the National Labor Relations Act.

Decision to Dismiss: Based on the administrative investigation, I have decided to dismiss this charge for the following reasons: Your charge alleges that the Union violated Section 8(b)(1)(A) of the Act by 1) operating its hiring hall in a manner that was arbitrary, discriminatory, or in bad faith; and by 2) refusing for unlawful reasons to process your grievance over a warning you received from a signatory employer.

Although not alleged in the charge, you also alleged during the investigation that the Union discriminated against you because the parties' joint Labor Relations Committee (LRC) issued you a warning on about (b) (6), (b) (7)(C) 2018 for not meeting the minimum availability standards for dispatch. Finally, you alleged that the Union was discriminating against you and other casuals/unidentified casuals by not offering you and the others the option of a 24-hour LRC meeting because they were not members of the Union and/or did not pay a sufficient amount of monthly dues/fees.

With regard to the charge allegation concerning the Union's hiring hall operations, there was insufficient evidence to establish that the Union did not place you on the dispatch list, that it removed you from the list, or that it impermissibly bypassed you on the list for dispatch.

Concerning the charge allegation that the Union refused to process your grievance, the investigation disclosed that the Union brought your grievance before the LRC, which ultimately decided to uphold the discipline and issue you a 7-day suspension. In sum, the parties' representatives on the LRC considered your "no-call/no-show" on March 12, 2018 to constitute a "Failure to Report" pursuant to the parties' agreement, which calls for a 7-14 day suspension. Although you contend that the Union did not advocate strongly on your behalf and that another employee received leniency from the LRC for a similar offense, the investigation revealed that your case differed substantially from the other case, and the evidence is insufficient to show that unlawful considerations played any part in the Union's advocacy on your behalf or the LRC's decision-making process.

With regard to the third allegation concerning the warning that the LRC issued you for not meeting minimum availability standards, the evidence is insufficient to show that the Union played any role in issuing the warning. Rather, the investigation revealed that LRC issued you the warning consistent with the signatory employers' systematic audit of unidentified casuals' availability percentages and your failure to meet the minimum requirement. Accordingly, there is no basis on which to conclude that the Union violated the Act, as alleged.

Finally, regarding your allegation that the Union discriminated against you and other casuals/unidentified casuals by not offering you the option of a 24-hour LRC meeting to dispute disciplinary actions, the investigation revealed that you never requested such a meeting, and the evidence is insufficient to show that the Union unlawfully withheld this option from you or any other employee.

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Very truly yours,

/s/

JILL H. COFFMAN
Regional Director

Enclosure

cc: Metro Cruise Services
3806 Worsham Avenue
Long Beach CA 90808-1896

Lindsay R. Nicholas, Attorney
Leonard Carder, LLP
1188 Franklin Street Suite 201
San Francisco CA 94109-6852

Ryan Murphy, Secretary-Treasurer/Business Agent
ILWU Local 75
14 Embarcadero Cove
Oakland CA 94606-5211



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October 29, 2018

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

Re: Turlock Emergency and Medical Services
Association, United Steelworkers Local
12911 (Protransport-1)
Case 20-CB-222756

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

We have carefully investigated and considered your charge that Turlock Emergency and Medical Services Association, United Steelworkers Local 12911 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 restrained and coerced you in the exercise of your Section 7 rights by initiating sexual harassment proceedings against you for arbitrary or discriminatory reasons or in bad faith. You further allege that the Union prevented you from serving on its Negotiation Committee for reasons that were arbitrary or in bad faith. The investigation disclosed that the sexual harassment proceedings constitute an internal union matter which did not affect your terms and conditions of employment. Accordingly, such conduct does not rise to the level of a violation of the Act.

In addition, although you disagree with the Union's decision to disqualify you from serving on the Negotiation Committee, unions are entitled to designate agents of their own choosing in dealing with employers about bargaining unit employees' terms and conditions of employment. See *Service Employees International Union, Local 254, AFL-CIO*, 332 NLRB 1118 (2000).

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Turlock Emergency and Medical Services
Association, United Steelworkers Local
12911 (Protransport-1)
Case 20-CB-222756

- 3 -

October 29, 2018

Very truly yours,

/s/

JILL H. COFFMAN
Regional Director

Enclosure

cc: Jeremy Lyon, Union Relations
Protransport-1
720 Portal St
Cotati, CA 94931-3060

Lee Alameida, President
Turlock Emergency and Medical Services Association, United
Steelworkers Local 12911
2224 N. Thor Street Suite 7
Turlock, CA 95380

Manuel A. Boigues, Attorney at Law
Weinberg Roger & Rosenfeld
1001 Marina Village Parkway Suite 200
Alameda, CA 94501



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October 31, 2018

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

Re: United Transportation Union Local 1741,
[UTU] (First Student)
Case 20-CB-224299

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

We have carefully considered your charge that United Transportation Union [UTU] Local 1741 has violated the National Labor Relations Act.

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

Your charge alleges that the Union has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to file and process a grievance on your behalf regarding workplace bullying for arbitrary or discriminatory reasons or in bad faith. To date, you have not returned your signed affidavit to the Region despite repeated requests to do so. Therefore, I am dismissing your charge due to lack of cooperation. Moreover, based on the information that you did provide during the investigation, it does not appear that there is sufficient evidence to establish that the Union's actions amounted to a breach of its statutory duty of fair representation in violation of the National Labor Relations 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 **November 14, 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 November 13, 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** November 14, 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 November 14, 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,

/s/

JILL H. COFFMAN
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)
First Student
991 East Poplar Avenue
San Mateo, CA 94401-1479

(b) (6), (b) (7)(C)
United Transportation Union [UTU] Local 1741
35 Dorman Avenue
San Francisco, CA 94124



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Agency Website: www.nlr.gov
Telephone: (415)356-5130
Fax: (415)356-5156

October 30, 2018

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

Re: Teamsters Local 150 (CEMEX
Construction Materials Pacific, LLC)
Case 20-CB-224545

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

We have carefully investigated and considered your charge that Teamsters Local 150 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 **November 13, 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 November 12, 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

October 30, 2018

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 November 13, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 13, 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,

/s/

JILL H. COFFMAN
Regional Director

Enclosure

cc: Richard DeFazio, Human Resources Manager
Cemex Construction Materials Pacific, LLC
2365 Iron Point Rd Ste 120
Folsom, CA 95630-8714

Ed Rogers, Union Representative
Teamsters Local 150
7120 East Pkwy
Sacramento, CA 95823-2595

Costa Kerestenzis Esq.
Beeson Tayer & Bodine, APC
520 Capitol Mall Suite 300
Sacramento, CA 95814



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Agency Website: www.nlrb.gov
Telephone: (415)356-5130
Fax: (415)356-5156

October 22, 2018

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

Re: Laborers International Union of North
America, Local 261 (TPA)
Case 20-CB-227807

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

We have carefully considered your charge that Laborers International Union of North America, Local 261 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because you have failed to cooperate in the investigation. If at some future date you are available to cooperate in the investigation of a charge, you may file a charge at that time, but you should be aware that, pursuant to Section 10(b) of the Act, no complaint may be issued based upon any unfair practice occurring more than 6 months prior to the filing and service of 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 www.nlrb.gov and:

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

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlrb.gov. 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 **November 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 November 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.

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 November 5, 2018.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 5, 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,

/s/

JILL H. COFFMAN
Regional Director

Enclosure

cc: TPA
2406 Clubhouse Dr
Rocklin, CA 95765-5710

Kristina Hillman, Attorney
Laborers International Union of North America, Local 261
1001 Marina Village Pkwy Ste 200
Alameda, CA 94501-6430