



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 36  
Green-Wyatt Federal Building  
1220 SW 3rd Avenue, Suite 605  
Portland, OR 97204-2170

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (503)326-3085  
Fax: (503)326-5387

September 28, 2018

Charles W. Pautsch  
Pautsch, Spognardi & Baiocchi  
Legal Group LLP  
233 South Wacker Dr., Ste. 2200  
Chicago, IL 60606

Re: National Association of Broadcast  
Employees & Technicians -  
Communication Workers of America,  
Local 51 (Nexstar Broadcasting, Inc.  
d/b/a KOIN-TV)  
Case 19-CB-223109

Dear Mr. Pautsch:

We have carefully investigated and considered your charge that National Association of Broadcast Employees & Technicians - Communication Workers of America, Local 51 has violated the National Labor Relations Act.

**Decision to Partially Dismiss:** Based on that investigation, I have decided to dismiss one refusal to provide information allegation contained in the charge, specifically the allegation involving the Employer's May 3, 2018 information request, because there is insufficient evidence to establish a violation of the Act. The investigation revealed that the Employer requested information about employee communications to and from Charged Party Union officials related to a motor vehicle background check policy. On May 9, 2018, the Charged Party Union responded to the information request in writing and refused to provide responsive information, citing relevance. The same day, the Charged Party Union filed a charge in Case 19-CA-219987 alleging that the Employer unilaterally implemented the motor vehicle background check policy, and the Region subsequently found merit to that allegation. Union officials and bargaining unit employees must be able to communicate about workplace issues without fear of disclosure and the requested information was not relevant to bargaining or contract administration. Accordingly, further proceedings are not warranted and I am dismissing this allegation.

**Conditional Decision to Partially Dismiss:** It appears that the second refusal to provide information allegation contained in the charge, specifically the allegation involving the Employer's June 7, 2018 information request, may have merit. However, I have decided to conditionally dismiss that allegation 6 months from today because it would not effectuate the purpose and policies of the Act to issue complaint at this time, as the Region has had no previous merit charges involving the Charged Party Union within the past several years, the Charged Party Union's failure to respond was in part based on technical problems with receiving the

request through its e-mail system, the Employer did not renew its request either by e-mail or orally during subsequent bargaining sessions, and the Charged Party Union has given the Region assurances that it will promptly respond to the Employer regarding this pending information request.

If a meritorious charge involving other unfair labor practices is filed against the Charged Party during that period, 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.nlr.gov](http://www.nlr.gov) and:

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

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

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


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

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

**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,

RONALD K. HOOKS  
Regional Director

By: 

JESSICA DIETZ  
Officer in Charge

Enclosure

cc: Anne I. Yen, Attorney  
Weinberg Roger & Rosenfeld  
1001 Marina Village Pkwy., Ste. 200  
Alameda, CA 94501-6430

Carrie Biggs-Adams, Business Rep.  
NABET-CWA Local 51  
240 2nd St., Ste. 220  
San Francisco, CA 94105-3188



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 19  
915 2nd Ave Ste 2948  
Seattle, WA 98174-1006

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (206)220-6300  
Fax: (206)220-6305

September 13, 2018

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

Re: Bricklayers Local #2  
(Columbia Stone)  
Case 19-CB-221821

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

We have carefully investigated and considered your charge that Bricklayers & Allied Craftworkers Local #2 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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Very truly yours,



RONALD K. HOOKS  
Regional Director

Enclosure

cc: JESSE SANDEN, BUSINESS  
REPRESENTATIVE  
BRICKLAYERS & ALLIED  
CRAFTWORKERS LOCAL #2  
15208 52ND AVE S STE 120  
TUKWILA, WA 98188-2318

COLUMBIA STONE, INC.  
18880 SW TETON AVE  
TUALATIN, OR 97062-8806

BRADLEY MEDLIN, ATTORNEY  
ROBBLEE DETWILER & BLACK  
2101 4TH AVE STE 1000  
SEATTLE, WA 98121-2346

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September 25, 2018

Daniel A Adlong, Attorney  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
11824 N Creek Pkwy N Ste 105  
Bothell, WA 98011-8204

Re: International Brotherhood of Electrical  
Workers, Local 46 & 76  
(ADT, LLC)  
Case 19-CB-222487

Dear Mr. Adlong:

We have carefully investigated and considered your charge that International Brotherhood of Electrical Workers Local 46 & Local 76 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 International Brotherhood of Electrical Workers, Local 46 and 76 ("Union") failed and refused to bargain in good faith with ADT, LLC, in violation of § 8(b)(3) of the Act. Specifically, you allege the Union withdrew from an agreement to bargain specific issues separately from the overall successor collective bargaining agreement currently being bargained by the parties, and made regressive proposals regarding pay frequency and sick leave.

Regressive proposals by either party can violate the Act when they are made in bad faith or are intended to frustrate agreement. *Quality House of Graphics*, 336 NLRB 497, 515 (2001); *Genstar Stone Products Co.*, 317 NLRB 1293, 1293 (1995). There is a dispute over the exact circumstances under which the Union considered your standalone proposals at the April 18, 2018, bargaining session, but then returned to comprehensive proposals. However, even viewing the facts as you allege them to have occurred, there is insufficient evidence to support finding that this return to a comprehensive proposal was done to frustrate agreement or that, under the totality of the circumstances, this brief return was in bad faith. Accordingly, further proceedings are not warranted and 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 [www.nlrb.gov](http://www.nlrb.gov) and:

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International Brotherhood of Electrical  
Workers, Local 46 & 76 (ADT, LLC)  
Case 19-CB-222487

- 3 - September 25, 2018

Very truly yours,

/s/ *Ronald K. Hooks*

RONALD K. HOOKS  
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)  
International Brotherhood of Electrical  
Workers Local 46 & Local 76  
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Clint Bryson, Business Representative  
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ADT, LLC  
11824 N Creek Pkwy N Ste 105  
Bothell, WA 98011-8204

ds



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September 13, 2018

James G. Tessier, Labor Consultant  
2265 74th Ave SE  
Mercer Island, WA 98040-2328

Re: ILWU Local 19  
(Pacific Maritime Association (PMA))  
Case 19-CB-224117

Dear Mr. Tessier:

The Region has carefully investigated and considered your amended charge against ILWU Local 19 (Local 19) alleging violations under Section 8 of the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have concluded that further proceedings are not warranted on your charge alleging that Local 19 provided heavily redacted (b) (6), (b) (7)(C) 2018, JPLRC minutes to member (b) (6), (b) (7)(C) which referenced (b) (6), (b) (7)(C) not securing a replacement in (b) (6), (b) (7)(C) 2017. The investigation revealed that (b) (6), (b) (7)(C) requested the minutes in order to ascertain whether (b) (6), (b) (7)(C) was being treated fairly compared to other members, and if the discipline imposed against (b) (6), (b) (7)(C) by the related Employer for failing to secure a replacement was upheld. The unredacted portion of the (b) (6), (b) (7)(C) 2018, minutes revealed that (b) (6), (b) (7)(C) discipline was withdrawn by the Employer. As such, any need for the redacted portion of the minutes have been rendered moot. Accordingly, further proceedings are not warranted and it would not effectuate the purposes of the Act to issue a complaint.

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Very truly yours,



RONALD K. HOOKS  
Regional Director

Enclosure

cc: Richard Austin, Local President  
International Longshore and  
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(b) (6), (b) (7)(C)

Pacific Maritime Association  
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Pacific Maritime Association  
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