



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

Agency Website: www.nlrb.gov
Telephone: (913)967-3000
Fax: (913)967-3010

August 28, 2018

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

Re: CWA Local 6402 (AT&T)
Case 14-CB-219739

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

We have carefully investigated and considered your charge that CWA Local 6402 (Union) has violated the National Labor Relations Act (Act).

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below. You allege that within the past six months, the Union refused to arbitrate your termination grievance in violation of Section 8(b)(1)(A) of the Act. The investigation revealed that on about (b) (6), (b) (7)(C) 2015, the Union filed and processed a grievance over your termination. The Union subsequently requested information from AT&T (Employer) relevant to your discharge and made arguments to the Employer on your behalf throughout the grievance process, all the way through the Union's District level (District), one step short of arbitration. The investigation established that by letter dated (b) (6), (b) (7)(C) 2016, the District tried to inform you that it was declining to proceed to arbitration on the merits of your grievance and the letter set forth your appeal rights. Even though the District mailed the letter to the wrong address, there is no showing that this action was intentional, and as such, was merely a mistake amounting to no more than mere negligence. The investigation revealed that the District dropped your grievance because it determined that it could not prevail at arbitration. This decision by the Union was well within the wide range of reasonableness unions are afforded in processing grievances.

With regard to your continued communications with the Union's (b) (6), (b) (7)(C) the investigation revealed that at best there were miscommunications and misunderstandings between the two of you. Clearly, the Union was aware that your grievance was no longer being pursued by the District. However, the evidence supports that the Union's (b) (6), (b) (7)(C) continued (b) (6), (b) (7)(C) efforts to convince the Employer to mark you as eligible for rehire even though (b) (6), (b) (7)(C) was under no obligation to do so. The fact that you did not receive the District's misaddressed letter advising that it was no longer pursuing your grievance undoubtedly attributed to your confusion about the Union's continued efforts on your behalf. Regardless, I find that the Union's continued attempts to make arguments on your behalf, after the District decided not to pursue your grievance, does not violate the Act, and instead, supports its good faith.

Lastly, although not alleged in your charge, the investigation revealed that the Union has now provided you with all grievance documents you requested during the 10(b) period. As all

documents have been provided and there is no evidence of harm from the delay, I do not find that further action is necessary.

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 **September 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 September 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 September 11, 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 September 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.

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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,

LEONARD J. PEREZ
Regional Director

By: /s/ **MARY G. TAVES**

MARY G. TAVES
Officer in Charge

LJP:kec
Enclosure

cc: Shawn Ruff, Manager
AT&T
1401 E 47th St S
Wichita, KS 67216

Carol Russell, President
CWA Local 6402
609 N Broadway St
Wichita, KS 67214



UNITED STATES GOVERNMENT
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8600 Farley St Ste 100
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Agency Website: www.nlr.gov
Telephone: (913)967-3000
Fax: (913)967-3010

August 20, 2018

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

Re: International Brotherhood of Boilermakers
Local 83 (APComPower, Inc.)
Case 14-CB-219825

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

We have carefully investigated and considered your charge that International Brotherhood of Boilermakers Local 83 has violated the National Labor Relations Act.

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

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

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

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Very truly yours,

LEONARD J. PEREZ
Regional Director

By: /s/ **MARY G. TAVES**

MARY G. TAVES
Officer in Charge

LJP:kec
Enclosure

cc: APComPower, Inc.
20250 State Route 45 N.
Weston, MO 64098

Scot Albertson, Business Manager
International Brotherhood of
Boilermakers Local 83
5910 E 86th St
Kansas City, MO 64138-2791

Jason R. McClitis, ESQ.
Blake & Uhlig, P.A.
753 State Avenue, Ste. 475
Kansas City, KS 66101-2510



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlrb.gov
Telephone: (314)539-7770
Fax: (314)539-7794

August 16, 2018

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

Re: American Postal Workers Union Local
4088 (United States Postal Service)
Case 14-CB-220046

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

We have carefully investigated and considered your charge that American Postal Workers Union Local 4088 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.nlrb.gov and:

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Appeal Due Date: The appeal is due on **August 30, 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 **August 29, 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

August 16, 2018

must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

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 August 30, 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 **August 30, 2018, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

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Very truly yours,

/S/

LEONARD J. PEREZ
Regional Director

Enclosure

cc: Greg Davidson, President
American Postal Workers Union Local 4088
PO Box 1
Cape Girardeau, MO 63701

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

Chad Wostcuk, Postmaster
120 East North Street
Sikeston, MO 63801



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August 21, 2018

Alyssa Hazelwood, Staff Attorney
c/o National Right to Work Legal Defense Foundation, Inc.
8001 Braddock Rd. Ste 600
Springfield, VA 22160

Re: NNOC- Missouri & Kansas/NNU
(Research Medical Center)
Case 14-CB-220525

Dear Ms. Hazelwood:

We have carefully investigated and considered your charge that NNOC-MO & KS/National Nurses United (Union) has violated the National Labor Relations Act (Act).

Decision to Partially Dismiss: Based on that investigation, I have decided to dismiss your allegation that the Union unlawfully required bargaining unit employees to execute dues checkoff authorization forms in violation of Section 8(b)(1)(A) of the Act. The investigation revealed that on about May 14, 2018, a Union Representative approached (b)(6) employees during an informational event concerning a decertification effort. The Union presented the employees with member and non-member forms containing dues checkoff information. The evidence did not establish that the Union required employees to sign either form or that the Union made any threats or to any action in connection with the employees' refusal to execute either of the forms. Under these circumstances, I do not find that the evidence is sufficient to support that the Union communicated to employees that having Union dues automatically checked off by the Employer was mandatory in violation of Section 8(b)(1)(A) of the Act.

The remaining allegations that the Union violated Section 8(b)(1)(A) of the Act by failing to provide employees adequate *General Motors* and *Beck* rights remain subject to further processing.

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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August 21, 2018

facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

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August 21, 2018

Very truly yours,

LEONARD J. PEREZ
Regional Director

By: /s/ **MARY G. TAVES**

MARY G. TAVES
Officer in Charge

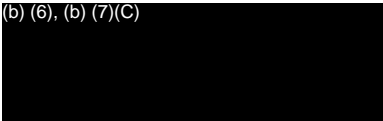
LJP:kec
Enclosure

cc: Leslie Rogers
NNOC-MO & KS/National Nurses United
222 W Gregory Blvd Ste 241
Kansas City, MO 64114-1127

Kyrsten Skogstad, Attorney
California Nurses Association (CNA)
155 Grand Avenue
Oakland, CA 94612-3758

Research Medical Center
2316 E Meyer Blvd
Kansas City, MO 64132-1136

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

A large black rectangular redaction box covers the bottom portion of the document, obscuring any text that might have been present below the redaction code.



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8600 Farley St Ste 100
Overland Park, KS 66212-4677

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August 21, 2018

Alyssa Hazelwood, Staff Attorney
c/o National Right to Work Legal Defense Foundation, Inc.
8001 Braddock Rd. Ste 600
Springfield, VA 22160

Re: NNOC-Missouri & Kansas/NNU (Research
Medical Center
Case 14-CB-221057

Dear Ms. Hazelwood:

We have carefully investigated and considered your charge that NNOC-MO & KS/National Nurses United (Union) has violated the National Labor Relations Act (Act).

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

You allege that on about May 10, 2018, a Union nurse representative removed and destroyed decertification flyers posted by employees at the Employer's facility. Consistent with Board law, I do not find the Union's removal or destruction of these decertification postings to be a violation of Section 8(b)(1)(A). The Union nurse representative's actions in question were unaccompanied by any implication of retribution toward employees supporting the decertification effort and no such evidence of retribution was revealed during the investigation. As such, there was no violation of the Act.

You also allege that on about (b) (6), (b) (7)(C) 2018, the Union threatened, harassed and otherwise interfered with employees' Section 7 activities by its conduct at an informational event held by employees supporting decertification of the Union, in violation of Section 8(b)(1)(A) of the Act. The investigation revealed that about (b) (6), (b) (7)(C) 2018, a group of employees reserved a meeting room at the hospital for the purpose of providing information to other employees regarding decertification. The evidence further established that during the meeting, nurse Union representatives were present inside the meeting room and in the cafeteria area immediately outside of the room. The nurse Union representatives, as agents of the Union, engaged the employees who were leading the event, as well as other employees who entered or attempted to enter the room. Although the nurse Union representatives expressed their objections to the nurses who scheduled the decertification meeting and others attending the meeting, I do not find that their conduct rose to the level of a violation of the Act. The nurse Union representatives made no threats and no violence accompanied what otherwise constituted the nurse Union representatives' Section 7 activity. Instead, the investigation revealed a decertification effort countered by a pro-Union effort. I find the Union's conduct overall to be permissible Section 7 activity.

Lastly, you allege that the Union did not approach employees involved with the decertification effort about membership requirements until those employees initiated steps to decertify the Union. Instead, the investigation revealed that the Union had recently identified a group of employees who had not complied with the Union security provisions in the Employer's and Union's collective-bargaining agreement. (b) (6), (b) (7) employees involved with the decertification effort were a part of that group. The Union was placed on notice that these (b) (6), (b) (7)(C) employees would be present in the meeting room on (b) (6), (b) (7)(C) 2018, and took that opportunity to communicate with them. When the nurse Union representatives provided the (b) (6), (b) (7)(C) non-compliant employees with information about paying their union dues, there is no evidence that the nurse Union representatives engaged in any threatening or coercive behavior. Under these circumstances, the evidence failed to establish a violation of the Act.

For these reasons, 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.

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Very truly yours,

LEONARD J. PEREZ
Regional Director

By: */s/MARY G. TAVES*

MARY G. TAVES
Officer in Charge

LJP:kec
Enclosure


cc: Leslie Rogers
NNOC-MO & KS/National Nurses United
222 W Gregory Blvd Ste 241
Kansas City, MO 64114-1127

Micah Berul, In-House Legal Counsel
California
155 Grand Avenue
Oakland, CA 94612-3758

NNOC-Missouri & Kansas/NNU (Research - 4 - August 21, 2018
Medical Center
Case 14-CB-221057

Research Medical Center
2316 E Meyer Blvd
Kansas City, MO 64132-1136

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





UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
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Telephone: (913)967-3000
Fax: (913)967-3010

August 20, 2018

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

Re: International Brotherhood of Teamsters,
Local 554 (Student Transportation of
America)
Case 14-CB-221745

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

We have carefully investigated and considered your charge that International Brotherhood of Teamsters, Local 554 has violated the National Labor Relations Act.

Decision to Dismiss:

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

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

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Very truly yours,

LEONARD J. PEREZ
Regional Director

By: */s/ Mary G. Taves*

MARY G. TAVES
Officer in Charge

LJP:rmc
Enclosure

cc: Dondrell Freeman, Terminal Manager
Student Transportation of America
6220 Abbott Dr
Omaha, NE 68110-2805

Ken Ostronic, Vice President
International Brotherhood of Teamsters,
Local 554
4349 S 90th St
Omaha, NE 68127-1309

David P. Frenzia, Esq.
3349 Highway 138 Bldg A Ste C
Wall Township, NJ 07719-9671



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

Agency Website: www.nlrb.gov
Telephone: (913)967-3000
Fax: (913)967-3010

August 9, 2018

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

Re: Bakery & Confectionery Workers Local No
184-L (Kellogg's)
Case 14-CB-222025

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

We have carefully investigated and considered your charge that Bakery & Confectionery Workers Local No. 184-L (Union) has violated the National Labor Relations Act (Act).

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

Section 10(b) of the National Labor Relations Act provides that no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing and service of the charge with the Board. In addition, "the Board has consistently held that the 10(b) period does not commence until the charging party has clear and unequivocal notice of the violation." *Vallo Floor Coverings*, 335 NLRB 20, 20 (2001) (internal citations omitted).

In the above-captioned charge, you have alleged that in (b) (6), (b) (7)(C) 2011, the Union allowed Kellogg's (Employer) to remove records from your work locker and then refused to request that copies of those missing records be provided by the Employer. Your own evidence demonstrates that you were aware in (b) (6), (b) (7)(C) 2011, that the Union had made arrangements for you to go to the facility to get the records out of your locker. You were also aware in (b) (6), (b) (7)(C) 2011, that despite your request the Union had refused to request copies of the missing records from the Employer. As such, the allegation raised in your charge is procedurally barred by Section 10(b) of the Act, because it occurred more than six months prior to the filing 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.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 **August 23, 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 August 22, 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 August 23, 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 August 23, 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.

Bakery & Confectionery Workers Local No - 3 -
184-L (Kellogg's)
Case 14-CB-222025

Very truly yours,

LEONARD J. PEREZ
Regional Director

By: */s/MARY G. TAVES*

MARY G. TAVES
Officer in Charge

LJP:kec
Enclosure

cc: Jermaine Fields
Bakery & Confectionery Workers Local
No. 184-L
6906 E 144th St
Grandview, MO 64030-4138

Mark Luafond, HR Director
Kellogg's
801 Sunshine Rd
Kansas City, KS 66115-1121



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlrb.gov
Telephone: (314)539-7770
Fax: (314)539-7794

August 29, 2018

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

Re: Teamsters Local No. 6 (Anheuser Bush
Inbev)
Case 14-CB-222283

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

We have carefully investigated and considered your charge that Teamsters Local No. 6 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.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 **September 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 **September 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 September 12, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **September 12, 2018, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

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Very truly yours,

/S/

LEONARD J. PEREZ
Regional Director

Enclosure

cc: Julie Kramer, Human Resources
Anheuser Busch InBev
1 Busch Pl
Saint Louis, MO 63118-1852

JANINE M. MARTIN, Attorney
HAMMOND AND SHINNERS
13205 Manchester Rd Ste 210
Saint Louis, MO 63131-1733

Harold Walker, President
Teamsters Local No. 6
3650 Wisconsin Ave
Saint Louis, MO 63118-4192



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
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Telephone: (314)539-7770
Fax: (314)539-7794

August 30, 2018

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

Re: United Food and Commercial
Workers, Local 293
(JBS Company)
Case 14-CB-222343

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

We have carefully investigated and considered your charge that United Food and Commercial Workers, Local 293 has violated the National Labor Relations Act.

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

Your charge alleges that the Union failed to adequately represent you regarding your termination grievance because you complained to the International Union about poor representation by the Union. Specifically, you allege that the Union did not timely file your grievance, that the Union attempted to close your grievance because you had filed an EEO charge related to your termination, and that there has been an excessive delay in the processing of your grievance. The investigation disclosed that the grievance was timely filed. Further, the Union has not refused to process your grievance because you filed an EEO charge. The Union investigated the Employer's argument that, by filing an EEO charge, you had waived your right to have a grievance processed due to language in the discrimination clause in the contract. The Union ultimately determined that the clause does not apply to your situation and has decided to proceed to arbitration. Therefore, the Union has not failed to adequately represent you. Accordingly, I am declining to issue 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 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.

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Appeal Due Date: The appeal is due on **September 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 **September 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 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 13, 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 **September 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.

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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/

LEONARD J. PEREZ
Regional Director

Enclosure

cc: JUSTIN BSTANDIG, Human Resources
JBS COMPANY
555 S Stuhr Rd
Grand Island, NE 68801

MICHAEL MARTY, Local President
UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL 293
2308 S Locust St
Grand Island, NE 68801-8222

JAY M. SMITH, Attorney
SMITH & MCELWAIN
505 5th St Ste 530
PO Box 1194
Sioux City, IA 51102-1194

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlrb.gov
Telephone: (314)539-7770
Fax: (314)539-7794

August 28, 2018

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

Re: National Rural Letter Carriers Association
(United States Postal Service)
Case 14-CB-222762

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

We have carefully investigated and considered your charge that National Rural Letter Carriers Association has violated the National Labor Relations Act and the Postal Reorganization Act.

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

Your charge alleges that within the past 6 months the Union failed to represent you by refusing to process your grievances and instead holding them in abeyance for arbitrary or discriminatory reasons, or in bad faith. The investigation disclosed the following:

You filed a grievance in (b) (6), (b) (7) 2017 over receipt of a 7-day suspension which the Union settled by agreeing to reduce your discipline to a written warning which expired on (b) (6), (b) (7)(C) 2017. In (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) 2017, you filed grievances regarding the Employer violating the Privacy Act by discussing your (b) (6), (b) (7)(C) information on the work floor and issuing a reprimand while within hearing of other employees and customers. Those grievances were resolved with the Employer agreeing to cease such conduct. Because these grievances were filed and resolved more than 6 months prior to the filing of your charge, they are barred by Section 10(b) of the Act.

In (b) (6), (b) (7) 2017, you filed a grievance over being denied a bid for Route (b) (6). You also filed a grievance over being denied a bid for Route (b) (6). The Union agreed to hold these grievances in abeyance as the underlying issues were also the subject of an EEO complaint that you filed. The collective-bargaining agreement, at Article 15.4.E.1, provides that grievances will be deferred if the subject matter is also the subject of a pending EEO complaint. Since the Union's holding in abeyance your grievances was pursuant to contractual language, it did not fail to represent you by adhering to the terms of the contract.

On (b) (6), (b) (7)(C) 2017, you filed a grievance over the USPS refusal to pay you for 27 hours of official time used when completing your EEO paperwork. The Union was unable to support your assertions that you were granted pre-approval to accrue this official time or that you specifically requested time while on duty to complete the paperwork, and resolved the grievance by agreeing to a payment of \$300. While you disagree with this resolution, the Union attempted

August 28, 2018

to support your assertions and when it was unable to do so, settled it. Accordingly, the Union's conduct does not indicate that they failed to represent you.

You filed a grievance over the Employer's failure to award you the bid for Route (b) (6). The investigation disclosed that the Union dropped your grievance when it was shown that a more senior (b) (6), (b) (7)(C) had also bid on Route (b) (6) and had completed the necessary documentation to support (b) (6), performance of the bid within 6 months, accordingly, the evidence failed to disclose that the Union dropped your grievance for any reason other than it was without merit.

In (b) (6), (b) (7)(C) 2017, you filed a grievance over not receiving the correct mileage for your work on Route (b) (6). The investigation disclosed that the Union processed your grievance and resolved it by getting the mileage changed and back pay awarded to employees impacted by the incorrect mileage. In addition, the settlement provides that if the results of your pending EEO complaint are favorable, the Union and the Employer, would review whether you were entitled to additional compensation. In that the Union resolved the grievance with the condition for supplemental review of your back pay at the conclusion of your EEO complaint, the Union did not fail to represent you.

In (b) (6), (b) (7)(C) 2018, you filed a grievance over the Employer's failure to provide you with the appropriate documentation when you were injured on the job. The Union and the Employer resolved the grievance with the Employer's commitment to supply the necessary paperwork in the future in a timely fashion. Where the grievance was resolved with the Employer, there is no evidence that the Union did not fairly represent you.

You also filed a grievance over the Employer's calculation of your weekly hours for computing your Continuation of Pay (COP). The Union processed your grievance resulting in their holding it in abeyance pending the outcome of your EEO complaints as that result may impact the calculation of your COP. The investigation disclosed that the Union did not drop your grievance rather it is holding it in abeyance. Accordingly, the Union is not failing to represent you.

Lastly, you filed a grievance on (b) (6), (b) (7)(C) 2018, regarding the Employer's failure to pay you 45 days COP. The investigation disclosed that the grievance was resolved resulting in your receipt of 32 hours of COP in addition to the 30 days already awarded. The investigation further disclosed that the amount of COP you received was determined not by the Union or the Employer, rather by the Department of Labor. The evidence failed to disclose that the Union failed to represent you.

In view of the foregoing, I am refusing to issue complaint on any of the allegations.

August 28, 2018

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,
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Appeal Due Date: The appeal is due on **September 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 **September 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 September 11, 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 **September 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.

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August 28, 2018

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/

LEONARD J. PEREZ
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)
UNITED STATES POSTAL SERVICE
404 W South St
Nixa, MO 65714-9998

RODERICK D. EVES
Deputy Managing Counsel
UNITED STATES POSTAL SERVICE
(LAW DEPARTMENT - NLRB UNIT)
1720 Market Street, Rm 2400
St. Louis, MO 63155-9948

WALT WEBB, District Representative
NATIONAL RURAL LETTER
CARRIERS ASSOCIATION
PO Box 435
Fair Grove, MO 65648-0435

JEAN MARC FAVREAU, Attorney
PEER GAN & GISLER LLP
1730 Rhode Island Ave NW, Ste 715
Washington, DC 20036-3115

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

Agency Website: www.nlrb.gov
Telephone: (913)967-3000
Fax: (913)967-3010

August 21, 2018

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

Re: UAW 249 (Ford Motor Company)
Case 14-CB-223386

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

We have carefully investigated and considered your charge that UAW 249 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.nlrb.gov and:

- 1) Click on E-File Documents;
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Appeal Due Date: The appeal is due on **September 4, 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 1, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the

appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

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Very truly yours,

LEONARD J. PEREZ
Regional Director

By: /s/ **MARY G. TAVES**

MARY G. TAVES
Officer in Charge

LJP:kec
Enclosure

cc: (b) (6), (b) (7)(C)
Ford Motor Company
8121 US 69
Claycomo, MO 64119

Todd Hilliard, Chairman
UAW 249
8040 NE 69 Hwy
Pleasant Valley, MO 64068

C. Carl Kimbrell, Attorney at Law
1828 Swift Ave Ste 403
Kansas City, MO 64116-3629