



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

September 24, 2018

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

Re: Teamsters Local 525
(KS Energy)
Case 14-CB-223166

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

We have carefully investigated and considered your charge that TEAMSTERS LOCAL 525 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 respond to requests for information you made orally and in writing between June 25 and June 28, 2018. The investigation disclosed that the Union responded in writing on July 3, 2018, by answering all of the questions you posed and providing all of the requested information. There was insufficient evidence that the Union provided false information in any portions of the response. In these circumstances, where the Union's response was complete, accurate, and sufficiently prompt, the evidence is insufficient to establish a violation of the Act. Therefore, I am refusing to issue complaint.

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 **October 8, 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 6, 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 8, 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 **October 8, 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/

LEONARD J. PEREZ
Regional Director

Enclosure

cc: BRETT WESSEL
TEAMSTER LOCAL 525
830 E Broadway
Alton, IL 62002-6497

DENNIS KLUMB
KS ENERGY SERVICES, LLC
19705 W Lincoln Ave
New Berlin, WI 53146-1799

hly



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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

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

September 5, 2018

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

Re: International Association of Machinists and
Aerospace Workers Local Lodge 176
Case 14-CB-224084

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

We have carefully investigated and considered your charge that International Association of Machinists and Aerospace Workers Local Lodge 176 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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- 3) Follow the detailed instructions.

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Appeal Due Date: The appeal is due on **September 19, 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 18, 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 19, 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 19, 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,

LEONARD J. PEREZ
Regional Director

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

MARY G. TAVES
Officer in Charge

LJP:kec
Enclosure

cc: Harley-Davidson Vehicle & Powertrain
Operations
11401 N Congress Ave
Kansas City, MO 64153-1473

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

International Association of Machinists and
Aerospace Workers Local Lodge 176
PO Box 901865
Kansas City, MO 64190-1865

Tim Hough, Grand Lodge Representative
District Lodge 9, International Association of
Machinists and Aerospace Workers AFL-CIO
113 Republic Ave Ste 100
Joliet, IL 60435-3279



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September 5, 2018

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

Re: International Union of Operating Engineers
Local 399
(Phillips 66 Wood River Refinery)
Case 14-CB-224607

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

We have carefully investigated and considered your charge that OPERATING ENGINEERS LOCAL 399 (Union) has violated the National Labor Relations Act.

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

Your charge alleges that the Union unlawfully refused to process a grievance over a suspension you received. The investigation disclosed that the Union represented you in meetings with the Employer to discuss the reasons underlying your suspension and your request for leave. However, you did not request that the Union file a grievance over your suspension, nor did you request that the Union file a grievance over the Employer's contention that you had resigned your employment. The investigation also disclosed that you contacted the Union and left two voice mail messages asking the Union to verify that they were not to negotiate with the Employer on your behalf. The Union reasonably interpreted your voice mail messages to mean that you did not want the Union's assistance because you did not want any interference with your Department of Labor complaint. In these circumstances, there is insufficient evidence that the Union failed to represent you. I, therefore, am declining to issue complaint.

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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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**

September 5, 2018

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 19, 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 18, 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 19, 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 **September 19, 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:

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

Operating Engineers Local 399
24 E Ferguson Ave.
Wood River, IL 62095-1904

Martin P. Barr, ESQ.
Carmell, Charone, Widmer, Moss & Barr, Ltd.
1 E Wacker Dr., Ste. 3300
Chicago, IL 60601-1900

Sherry Parker, Human Resource Business Partner
Phillips 66 Wood River Refinery
P.O. Box 76
900 South Central Ave.
Roxana, IL 62084

Micah S. Heilbrun, Attorney
2331 Citywest Blvd., Suite N-1390
Houston, TX 77042-2862



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8600 Farley St Ste 100
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Fax: (913)967-3010

September 18, 2018

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

Re: National Association of Government Employees--
R 14-139 (EDP Enterprises)
Case 14-CB-225720

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

We have carefully considered your charge that the National Association of Government Employees – R 14-139 (Union) has violated the National Labor Relations Act (Act).

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

On August 24, 2018, August 28, 2018, and August 30, 2018, the Board Agent assigned to your charge left you messages at the phone number that you provided on your charge. To date, you have not responded to any of the Board Agent's messages.

On September 4, 2018, the Board Agent sent you a letter via US Mail and the email address you provided on your charge. The letter informed you that if you failed to produce evidence in support of your charge by September 11, 2018, the Board Agent would recommend to the Regional Director that your charge be dismissed for lack of cooperation. To date, you have not responded to the letter and provided evidence regarding your charge.

If you wish to refile this charge later when you can cooperate in the investigation, you may do so. However, your attention is directed to Section 10(b) of the Act which provides that a charge must be filed with the NLRB and served on the charged party within six months of the conduct alleged to be unlawful.

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 **October 2, 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 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:rmc
Enclosure

cc: (b) (6), (b) (7)(C)
EDP Enterprises
PO Box 349
Fort Leonard Wood, MO 65473-0349

(b) (6), (b) (7)(C)
National Association of Government
Employees--R 14-139
157 Kale Ct
Saint Robert, MO 65584-3816



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September 5, 2018

TIMM W. SCHOWALTER, Attorney
SANDBERG PHOENIX & VON GONTARD P.C.
600 Washington Ave Ste 1500
Saint Louis, MO 63101-1313

Re: Bricklayer Local 1 of Missouri, I.U. of
B.A.C., A.F.L.-C.I.O.
(Harambee, LLC)
Case 14-CP-226400

Dear Mr. SCHOWALTER:

We have carefully investigated and considered your charge that BRICKLAYERS LOCAL UNION NO. 1 OF MISSOURI, I.U. of B.A.C., A.F.L.-C.I.O. has violated the National Labor Relations Act.

Decision to Partially Dismiss: Based on that investigation, I have decided to dismiss the portion of the charge that alleges that since August 14, 2018, the Union engaged in unlawful picketing at the Employer's jobsite located at 2800 Chippewa Street, St. Louis, Missouri. At that location, the investigation disclosed that the Union was engaged in lawful informational bannered which does not constitute picketing. In the absence of picketing or a threat to picket, no violation of Section 8(b)(7)(C) can be shown. The remaining allegation that the Union violated Section 8(b)(7)(C) of the Act by picketing for an unlawful recognition object for more than 30 days at the Employer's jobsite located at 4252 Vista Street, St. Louis, Missouri, remains pending 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.

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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Very truly yours,

/S/

LEONARD J. PEREZ
Regional Director

Enclosure

cc:

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

BRICKLAYERS LOCAL UNION NO. 1
OF MISSOURI, I.U. of B.A.C., A.F.L.-
C.I.O.
2000 Market St
Saint Louis, MO 63103-2210

Michael A. Evans, Attorney
Hartnett, Gladney, Hetterman, LLC
4399 Laclede Ave.
Saint Louis, MO 63108-2248

Zachary Hamilton
Harambee, LLC
4254 Vista Ave
Saint Louis, MO 63110-3840

Zachary Hamilton
Harambee, LLC
2800 Chippewa
St. Louis, MO 63118