



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Agency Website:
www.nlrb.gov
Telephone: (813)228-2641
Fax: (813)228-2874

September 26, 2018

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

Re: International Alliance of Theatrical Stage
Employees, Motion Picture Technicians,
Artists and Allied Crafts of the United States
and Canada, Local No. 835, AFL-CIO, CLC
(Global Experience Specialists, Inc.)
Case 12-CB-222401

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

We have carefully investigated and considered your charge that IATSE 835 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 **October 10, 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 9, 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

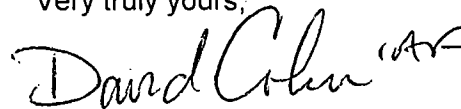
September 26, 2018

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 10, 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 October 10, 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,

A handwritten signature in black ink that reads "David Cohen" with a stylized flourish to the right.

David Cohen
Regional Director

Enclosure

cc: GES Warehouse
4805 W Sand Lake Rd
Orlando, FL 32819-9546

Herman Dagner, Union President
IATSE 835
7131 Grand National Dr., Ste 102
Orlando, FL 32819-8908

Nicholas Wolfmeyer, Esq.
Egan, Lev, Lindstrom & Siwica, P.A.
231 E Colonial Dr.
Orlando, FL 32801-1228

International Alliance of Theatrical Stage Employees,
Motion Picture Technicians, Artists and Allied Crafts
of the United States and Canada, Local No. 835, AFL-
CIO, CLC (Global Experience Specialists, Inc.)
Case 12-CB-222401

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September 26, 2018

Richard Siwica, Esq.
Egan, Lev, Lindstrom & Siwica, P.A.
231 E Colonial Dr
Orlando, FL 32801-1228



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 24
525 F D ROOSEVELT AVE STE 1002
SAN JUAN, PR 00918-1002

Agency Website: www.nlr.gov
Telephone: (787)766-5347
Fax: (787)766-5478

September 28, 2018

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

Re: Unidad Laboral de Enfermeras (os) y
Empleados de la Salud (ULEES)
Hospital Español Auxilio Mutuo de Puerto
Rico, Inc. y Sociedad Española de Auxilio
Mutuo y Beneficio
Case 12-CB-222592

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

We have carefully investigated and considered your charge that Unidad Laboral de Enfermeras (os) y Empleados de la Salud (ULEES) 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 violated its duty of fair representation in violation of Section 8(b)(1)(A) of the Act by failing and refusing to provide you with information regarding the agreement reached with the Employer, Hospital Auxilio Mutuo, concerning your reinstatement; by telling you to find someone else to represent you; and by reaching agreement with the Employer regarding your work schedule in violation of your seniority rights.

With regard to the allegation that the Union failed to provide you with information concerning the agreement reached with the Employer, admittedly, you asked to see the agreement reached with the Employer concerning your reinstatement and the Union explained that the agreement was verbal. The investigation also revealed that the Union kept you informed about the agreement reached on your behalf and the details concerning your work schedule. Moreover, you were directly involved in certain aspects of the negotiations when the Union authorized you to speak directly with the Employer about accommodating your work schedule to avoid night shift assignments.

Concerning the allegation that the Union told you to find someone else to represent you, the investigation revealed that the remark was made in the context of a follow-up conversation with the Union president concerning your desire not to work the night shift. In this exchange, the Union (b) (6), (b) (7)(C) conveyed to you that it appeared you were refusing to work the night shift notwithstanding the fact that you were reinstated. In essence, the overall investigation revealed that the alleged violative remark was isolated in nature and did not rise to the level of a threat. Moreover, the investigation failed to reveal evidence of animus. Rather, the investigation

showed that the Union represented you with regard to your discharge and continued representing you well after your reinstatement concerning assignments of work. The Union further met with the Employer and provided you with recommendations on the matter.

Concerning the allegation that the Union violated your seniority rights by virtue of the agreement reached, the evidence was insufficient to find a violation. It appears that when you were reinstated in (b) (6), (b) (7) 2018 to your former position, your seniority remained the same as before the discharge. There is no evidence to indicate that you would be excluded from working night shifts as a result of the reinstatement agreement. In any event, it appears you were advised by the Employer and the Union to present evidence of your class schedule in order for the Employer to accommodate your work schedule and/or work hours accordingly. Moreover, the evidence shows that since your reinstatement in (b) (6), (b) (7) 2018, you have only been assigned the night shift on (b) (6), (b) (7) occasions. Accordingly, I am refusing 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.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 **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, 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.

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Very truly yours,

David Cohen
Regional Director

By:

Vanessa García
Officer in Charge

Enclosure

cc: Maria Vega, Human Resources Director
Hospital Español Auxilio Mutuo de
Puerto Rico, Inc. y Sociedad Española de
Auxilio Mutuo y Beneficie
PO Box 1227
San Juan, PR 00919-1227

(b) (6), (b) (7)(C)
Unidad Laboral de Enfermeras (os) y
Empleados de la Salud (ULEES)
Urb. La Merced
354 Calle Héctor Salamán
San Juan, PR 00918-2125



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Agency Website: www.nlr.gov
Telephone: (813)228-2641
Fax: (813)228-2874

September 4, 2018

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

Re: National Association of Letter Carriers
(United States Postal Service)
Case 12-CB-225577

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

The Region has carefully considered the charge you filed against the National Association of Letter Carriers (the Union) on August 13, 2018, alleging violations under Section 8 of the National Labor Relations Act.

Decision to Dismiss: I have concluded that further proceedings are not warranted inasmuch as you have failed to cooperate in the investigation of the above-captioned charge. The charge alleges that within the previous six months, the Union has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by threatening to retaliate against employees if they did not join or support the Union, by refusing to process your grievance for arbitrary or discriminatory reasons or in bad faith, and by issuing unlawful fines and/or internal charges, in violation of Section 8(b)(1)(A). The charge also alleges that within the previous six months, the Union has failed and refused to bargain in good faith with the United States Postal Service, in violation of Section 8(b)(3).

On August 16, 2018, the Board agent assigned to investigate your charge called you at the phone number listed on the charge and left you a voice message requesting you to call back to make arrangements for the presentation of your evidence, including your sworn affidavit. On August 20, 2018, the Board agent sent you an email following up on the August 16th voice message regarding the presentation of your evidence. On August 21, 2018, the Board agent sent you a letter, by email and regular mail, requesting you provide all of your evidence, including all documents and completed sworn affidavit, by no later than August 28, 2018. To date, you have not called the Board agent nor presented any evidence in support of your charges.

As a charging party, you have a responsibility to cooperate in the investigation of your charges (NLRB Casehandling Manual, Part 1, ULP Proceedings, Section 10054.1 - Responsibility of the Charging Party). I find that you had ample time and opportunity to provide evidence in support of your charges, but have failed to do so. For these reasons, I am refusing to issue a complaint in these matters.

Should you have a renewed interest in this matter you may re-file the charges. However, please note that Section 10(b) of the Act precludes the issuance of complaint with respect to unfair labor practices occurring more than six months prior to the filing and service of a charge. Further, Section 102.14 of the Board's Rules and Regulations states that it is the charging party's responsibility to timely and properly serve a copy of the charge on the person against whom such charge is made.

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 18, 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 17, 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 18, 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 18, 2018, **even if it is**

September 4, 2018

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,

A handwritten signature in black ink that reads "David Cohen" followed by the initials "JTF" in a smaller, slightly slanted script.

David Cohen
Regional Director

lg

Enclosure

cc: Tont Diaz, NALC President
National Association of Letter Carriers
3003 W Cypress St
Tampa, FL 33609

Robert Archambeault, Station Manager
United States Postal Service
2810 E Hillsborough Ave
Tampa, FL 33610-4446

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