



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

October 31, 2018

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

Re: Communications Workers of America,
Local 3122
(YP Southeast Advertising & Publishing, LLC)
Case 12-CB-223738

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

We have carefully investigated and considered your charge alleging that Communications Workers of America, Local 3122 (the Union) has violated Section 8(b)(1)(A) of the National Labor Relations Act (the Act).

This is to advise you that your request to withdraw the portion of the charge alleging that the Union breached its duty of fair representation by failing to process your grievance in a manner that is free from arbitrary or unlawful consideration, has been approved.

Conditional Decision to Dismiss: Based on the investigation, I have conditionally decided to dismiss the remaining portion of the charge, which alleges that the Union breached its duty of fair representation by processing your grievance in a grossly negligent manner, in violation of Section 8(b)(1)(A) of the Act. Although there is evidence that the Union did not notify you about the Employer's Step 2 denial of the grievance concerning the written warning issued to you by the Employer, or about the Union's rejection of the Employer's Step 2 denial, this is a relatively minor and isolated incident, there is no recent history of meritorious charges against the Union, and the Union has provided assurances to this office that in the future it will communicate the status of grievances to grievants. Accordingly, I will hold the remaining portion of the charge in abeyance for six (6) months from the date of this letter. If a meritorious charge involving other unfair labor practices is filed against the Union 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.nlrb.gov and:

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

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

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

Appeal Due Date: The appeal is due on **November 14, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 13, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before November 14, 2018**. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 14, 2018, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required

Communications Workers of America,
Local 3122 (YP Southeast Advertising &
Publishing, LLC)
Case 12-CB-223738

- 3 -

October 31, 2018

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,



David Cohen
Regional Director

Enclosure

cc:

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

Communication Workers of America,
Local 3122
13012 SW 133rd Ct
Miami, FL 33186-5855

John Quinn, CWA District Counsel
Communications Workers of America
3516 Covington Highway
Decatur, GA 30032-1850

Mario Lopez
YP Southeast Advertising & Publishing,
LLC
2200 W Airfield Dr
Dallas, TX 75261-4008



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

October 30, 2018

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

Re: Florida Staff Organization, an affiliate of
National Staff Organization
(Florida Education Association)
Case 12-CB-223266

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

We have carefully considered your charge that Florida Staff Organization, an affiliate of National Staff Organization has violated the National Labor Relations Act.

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

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

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

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

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

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

Appeal Due Date: The appeal is due on **November 13, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 12, 2018. **If an appeal is postmarked or given to a**

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

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before November 13, 2018**. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 13, 2018, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen" followed by a stylized monogram "DAF".

David Cohen
Regional Director

Enclosure

cc: Florida Education Association
213 S Adams St
Tallahassee, FL 32301-1710

Angela Dawson
Florida Staff Organization, an affiliate of
National Staff Organization
3982 Windchime Ln
Lakeland, FL 33811-3009

Robert E. Day, Esq.
Law Offices of Robert E. Day, P.C.
300 River Place Drive
Suite 5600
Detroit, MI 48207



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

October 2, 2018

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

Re: IMAW District Lodge 142 (Southwest
Airlines)
Case 12-CB-225493

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

We have carefully investigated and considered your charge that IMAW District Lodge 142 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because of the Board's lack of jurisdiction over this case.

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 16, 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 15, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.**

October 2, 2018

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 16, 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 16, 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,



David Cohen
Regional Director

lg

Enclosure

cc: Jim Samuel, General Chair
IAMAW District Lodge 142
400 NE 32nd St
Kansas City, MO 64116-2999

Tenina McCanany, Station Manager
Southwest Airlines
Fort Lauderdale Airport
100 Terminal Drive
Fort lauderdale, FL 33315



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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

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

October 31, 2018

Angel A. Muñoz, Esq.
Sanchez Betances, Sifre &
Muñoz Noya, LLC
PO Box 4428
San Juan, PR 00936-4428

Re: Unidad Laboral de Enfermeras y
Empleados de la Salud
(Ashford Presbyterian Community Hospital)
Case 12-CB-225894

Dear Mr. Muñoz:

We have carefully investigated and considered your charge that Unidad Laboral de Enfermeras(os) y Empleados de la Salud (the Union) has violated the National Labor Relations Act.

Decision to Dismiss: Based on the investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons:

Your charge alleges that during the past six months the Union violated Section 8(b)(3) of the Act by failing and refusing to bargain in good faith with Ashford Presbyterian Community Hospital (the Employer). Specifically, your charge alleges that since April 18, 2018, the Union reneged on the agreement reached with the Employer on April 12, 2018, concerning the nonpayment of the Christmas bonus in 2017. In this regard, the overall investigation failed to reveal evidence of a sufficient nature to find that the Union engaged in bad faith bargaining in violation of Section 8(b)(3) of the Act. Rather, the investigation revealed that by April 2018, the Union and the Employer were bargaining two successor collective-bargaining agreements covering two bargaining units: the medical technologists and the registered nurses units. In a telephonic conversation on April 12, 2018, the Employer's (b) (6), (b) (7)(C) and the union (b) (6), (b) (7)(C) reached agreement on certain provisions of the collective-bargaining agreements that remained outstanding. You contend that in this conversation the parties to make retroactive the effectiveness of the collective-bargaining agreements, specifically to the date of November 1, 2017, to resolve the outstanding issue concerning the nonpayment of the 2017 Christmas bonus. By letter to the Union on April 17, 2018, the (b) (6), (b) (7)(C) confirmed that the nonpayment of the 2017 Christmas bonus would be resolved by making the collective-bargaining agreements retroactive to November 1, 2017. On April 18, 2018, the Union reiterated its prerogative to insist on the bonus and that it would reach determination at a later time. On April 23, 2018, the Employer communicated to the Union there was no longer a valid claim concerning the 2017 Christmas Bonus.

On April 27, 2018, the Employer and the Union executed two successor collective-bargaining agreements, both of which included the agreed-upon Christmas bonus language. On May 24, 2018, the Union filed an unfair labor practice charge in Case 12-CA-220805, essentially contending that the Employer engaged in bad faith bargaining by failing to pay the 2017 Christmas bonus and by failing to provide certain information.

October 31, 2018

Even though you contend that the Union unlawfully reneged on the agreements reached on April 12, 2018, by sending the April 18, 2018 letter, it should be noted that the Union was lawfully entitled to clarify its position regarding the matter, which ultimately led to the execution of the two collective-bargaining agreements. You also contend that the Union (b) (6), (b) (7)(C) was not present at the time both collective-bargaining agreements were signed. In any event, other authorized union agents executed the contracts.

Finally, the argument that the filing of the charge in Case 12-CA-220805 evinces the Union's bad faith is unfounded. The filing of an unfair labor practice charge is a conduct protected by the National Labor Relations Act. See *Summitville Tiles*, 300 NLRB 64, 65 (1990). Moreover, a finding that a party engaged in bad faith bargaining by seeking redress of its grievances through the filing of an unfair labor practice charge would have a chilling effect on employees' access to the Board's processes, and would be a direct attempt against the Board's statutory mandates.

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 **November 14, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 13, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Unidad Laboral de Enfermeras y Empleados - 3 -
de la Salud
(Ashford Presbyterian Community Hospital)
Case 12-CB-225894

October 31, 2018

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before November 14, 2018**. The request may be filed electronically through the ***E-File Documents*** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 14, 2018, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

David Cohen
Regional Director

By:



Vanessa García
Officer in Charge

Enclosure

cc: Ana C. Melendez, President
ULEES
Calle Héctor Salamán #354
Urb. La Merced
San Juan, PR 00918-2111

Irma Carrillo, Human Resources Director
Ashford Presbyterian Community Hospital
PO Box 9020032
San Juan, PR 00902-0032

Harold E. Hopkins, Esq.
PO Box 362905
San Juan, PR 00936-2905