



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
BANK OF AMERICA CENTER, TOWER II
100 S. CHARLES STREET, SUITE 600
BALTIMORE, MD 21201

Agency Website: www.nlr.gov
Telephone: (410) 962-2822
Fax: (410) 962-2198

February 7, 2017

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

Re: National Alliance of Law Enforcement
Officers
(Coastal International Security, Inc.)
Case 05-CB-186306

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

We have carefully investigated and considered your charge that National Alliance of Law Enforcement Officers 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 National Alliance of Law Enforcement Officers (the Union) failed its duty of fair representation to you by executing a collective-bargaining agreement after an improper ratification vote, thus violating Section 8(b)(1)(A) of the Act.

A union is not obligated to obtain ratification of any collective-bargaining agreement that it negotiates on behalf of employees it represents. *North Country Motors*, 146 NLRB 671, 674 (1964). Unions are free to negotiate or make binding agreements without formal consent or ratification. Employee ratification is a prerequisite for contract acceptance only when both parties agree that it is a condition precedent to a binding contract. *Beatrice/Hunt-Wesson*, 302 NLRB 224 fn. 1 (1991); *Williamhouse-Regency of Delaware*, 297 NLRB 199 fn. 5 (1989). If a union does choose to seek employee ratification, the union can apply its internal regulations to determine sufficient ratification. *International Longshoreman's Association, Local 1575*, 332 NLRB 1336 (2000); *Childers Products Co.*, 276 NLRB 709, 711 (1985).

The investigation revealed ratification was a condition precedent to the collective-bargaining agreement becoming effective. Evidence provided in the instant case established that about April 26, 2016, the Union notified employees via email that the ratification vote would be conducted on May 2, 2016. The investigation also revealed employees were made aware of the ratification vote via verbal notification. Approximately 40 employees attended the May 2, 2016 ratification meeting; and the collective-bargaining agreement was ratified. You claim the Union did not notify every employee of the ratification vote or provide voting-eligible employees with details on the proposed collective-bargaining agreement. These claims lack sufficient evidentiary support. In fact, you admit you were notified about the meeting where the ratification vote was conducted, but you did not attend the meeting. While you suggest you

would have attended if the Union provided you with greater information on the significance of the meeting, there is insufficient evidence to establish the Union willfully attempted to mislead you or other members about this meeting. Moreover, given your absence from the meeting, your claims about the Union's failure to provide details about the proposed collective-bargaining agreement amount to speculation. Based on the foregoing, further proceedings are not warranted, and I am refusing to issue complaint herein.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. 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, S.E., Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **February 21, 2017**. 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 February 20, 2017. **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 February 21, 2017**. 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 February 21, 2017, **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/ Charles L. Posner

Charles L. Posner
Regional Director

Enclosure: Appeal Form

cc: Ms. Dia Gonsalves
National Alliance of Law
Enforcement Officers
9801 Apollo Drive
P.O. Box 6702
Upper Marlboro, MD 20792

Mr. Paul Caruso, Project Manager
Coastal International Security, Inc.
10903 New Hampshire Avenue
Silver Spring, MD 20903

Coastal International Security, Inc.
6101 Fallard Drive
Upper Marlboro, MD 20772-3878

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)



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February 7, 2017

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

Re: Communications Workers of America,
AFL-CIO, Local 2101 (Verizon
Communications, Inc.)
Case 05-CB-186534

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

We have carefully investigated and considered your charge that Communications Workers of America, AFL-CIO, Local 2101 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. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

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Very truly yours,

/s/ Charles L. Posner

Charles L. Posner
Regional Director

Enclosure: Appeal form

cc: Mr. Lisa Fazzini, Staff Representative
Communications Workers of America,
AFL-CIO, Local 2101
9602 Martin Luther King, Jr. Highway
Suite D
Lanham, MD 20706-1838

Mr. Chris Childs, Vice President
Verizon Communications, Inc.
7807 Fitch Lane
Nottingham, MD 21236



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February 28, 2017

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

Re: Security, Police and Fire Professionals of America (SPFPA),
Local 555
(Centerra Group, LLC)
Case 05-CB-187526

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

We have carefully investigated and considered your charge that International Union, Security, Police and Fire Professionals of America (SPFPA), Local 555 has violated the National Labor Relations Act.

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

Your charge alleges the Union violated Section 8(b)(1)(A) of the Act by refusing and or/failing to process your grievance over your termination. The investigation revealed that you were suspended and later terminated from your position by your Employer for sleeping on your post. Thereafter, you sought to have the Union represent you in a grievance over your termination. The Union processed your grievance through the second-step of the grievance procedure. It then attempted to settle your grievance with the Employer and you were offered a position at a different site, which you considered and then declined. In August 2016, the Employer notified the Union that it would reinstate you at your former jobsite.

In *Vaca v. Sipes*, 386 US 171 (1976), the Court held that a union retains broad discretion in handling grievances and a violation turns on whether the union exercised its discretion invidiously, discriminatorily, arbitrarily, or in bad faith. In the instant matter, there is insufficient that the Union was motivated by any discriminatory reason or invidious consideration in how it processed your grievance. Accordingly, further proceedings are not warranted, and 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. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

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Appeal Due Date: The appeal is due on **March 14, 2017**. 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 March 13, 2017. **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 March 14, 2017**. 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 March 14, 2017, **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/ Charles L. Posner

Charles L. Posner
Regional Director

Enclosure

cc: Matthew J. Clark, Esq.
Gregory, Moore, Jeakle & Brooks, P.C.
65 Cadillac Square, Suite 3727
Detroit, MI 48226-2893

Ms. Gloria Scott
President
Security, Police and Fire Professionals of
America (SPFPA), Local 555
2701 West Patapsco Avenue, Suite 107
Baltimore, MD 21230

Mr. Michael Scott Williamson
Project Manager
Centerra Group, LLC
11555 Rockville Pike, O-P1-034
Rockville, MD 20852-2739



UNITED STATES GOVERNMENT
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February 16, 2017

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

Re: National League of Justice and
Security Professionals (NLJSP)
(Paragon Systems)
Case 05-CB-187665

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

We have carefully investigated and considered your charge that National League of Justice and Security Professionals has violated the National Labor Relations Act.

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

Your charge alleges the Union violated Section 8(b)(1)(A) of the Act by refusing to process your grievance over a three-day suspension you received, because you had a cell phone at your security post. The investigation disclosed that on May 10, 2016, the Employer and a representative of the Union approached you at your post in order to discuss a separate employment matter. At that time, the Employer saw what appeared to be a personal cell phone, and you were asked what you were hiding. You admit that you responded that it was a cell phone. Using a cell phone on post is a direct violation of company policy, Government regulation, and is subject to discipline and discharge under Article 12 of the collective-bargaining agreement. You were subsequently issued a three-day suspension for having violated the described cell phone policy. Thereafter, you sought to have the Union represent you in overturning the suspension.

In *Vaca v. Sipes*, 386 US 171 (1976), the Court held that a union retains broad discretion in handling grievances and a violation turns on whether the union exercised its discretion invidiously, discriminatorily, arbitrarily, or in bad faith. In the instant matter, based on your own admission that you were using a cell phone on post, the Union determined that it was unlikely to succeed in remedying a grievance filed over the three-day suspension you received for your conduct. There was no evidence produced or adduced that the Union's decision not to pursue any remedy on your behalf was motivated by any discriminatory reason or invidious consideration on the Union's part. Accordingly, further proceedings are not warranted, and 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. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

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Appeal Due Date: The appeal is due on **March 2, 2017**. 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 March 1, 2017. **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 March 2, 2017**. 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 March 2, 2017, **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,

Charles L. Posner

Charles L. Posner
Regional Director

Enclosure

cc: Mr. Ronald Mikell
Vice President
National League of Justice and
Security Professionals
305 Mt. Zion Road
Dillsburg, PA 17019

Ms. Brittney Gardner
Human Resources
Paragon Systems
13655 Dulles Technology Drive, Suite 100
Herndon, VA 20171-4634



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

February 24, 2017

Re: Laborers' International Union of North
America, Local 11
Case 05-CB-188285

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

We have carefully investigated and considered your charge that Laborers' International Union of North America, Local 11 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 the Union violated Section 8(b)(1)(A) of the Act by: (1) refusing to process your grievance over your termination, and (2) promising work referrals to employees if they withdrew unfair labor practice charges against the Union. The investigation revealed that on October 4, 2016, you received a written warning for getting into a verbal altercation with an employee. The following day, the Employer received a complaint from another employee who sustained a workplace injury while working with you. Based on your involvement in these matters, the Employer decided to investigate your workplace conduct and behavior. Its internal investigation revealed that your actions at work had created an unsafe environment for your fellow employees. Consequently, the Employer terminated you on October 13, 2016. Thereafter, you sought to have the Union represent you in overturning the termination.

In *Vaca v. Sipes*, 386 US 171 (1976), the Court held that a union retains broad discretion in handling grievances and a violation turns on whether the union exercised its discretion invidiously, discriminatorily, arbitrarily, or in bad faith. In the instant matter, there's insufficient evidence to establish that you made a request to the Union that a grievance be filed contesting the Employer's decision to terminate you. Even assuming your request for "paperwork" regarding your termination could be interpreted as a request to file a grievance, there was insufficient evidence to establish that the Union's failure to file a grievance was motivated by any discriminatory motivation or invidious consideration. In regard to the latter allegation, the preponderance of credible evidence fails to establish that the Union engaged in the alleged unlawful activities described in the charge. Accordingly, further proceedings are not warranted, and 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. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

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Appeal Due Date: The appeal is due on **March 10, 2017**. 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 March 09, 2017. **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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Laborers' International Union of North
America, Local 11
Case 05-CB-188285

- 3 - February 24, 2017

Very truly yours,

/s/ Charles L. Posner

Charles L. Posner
Regional Director

Enclosure

cc: Mr. Patrick Thapra, Foreman
SNC Lavalin
10322 North Keys Road
Brandywine, MD 20613-8200

Mr. Julio Medina, Business Agent
Laborers' International Union of North
America, Local 11
5201 1st Place, N.E.
Washington, DC 20011

Brian J. Petruska, Esq.
Construction Laborers' Local
Union No. 710
11951 Freedom Drive, Room 310
Reston, VA 20190-5686



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February 17, 2017

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

Re: National Mail Handlers Union, Local 305
(Southern Maryland Branch) (United States
Postal Service)
Case 05-CB-188551

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

We have carefully investigated and considered your charge that National Mail Handlers Union, Local 305 (Southern Maryland Branch) 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. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

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Appeal Due Date: The appeal is due on **March 3, 2017**. 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 March 2, 2017. **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.

February 17, 2017

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 March 3, 2017**. 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 March 3, 2017, **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/ Charles L. Posner

Charles L. Posner
Regional Director

Enclosure: Appeal form

cc: Ms. Lori Freeman, Local President
National Postal Mail Handler Union Local
305 (Southern Maryland Branch)
9201 Edgeworth Drive
Capitol Heights, MD 20790-9201

Ms. Wendy Mellwain, Plant Manager
United States Postal Service
9201 Edgeworth Drive
Capitol Heights, MD 20790

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



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
BANK OF AMERICA CENTER, TOWER II
100 S. CHARLES STREET, STE 600
BALTIMORE, MD 21201

Agency Website: www.nlr.gov
Telephone: (410) 962-2822
Fax: (410) 962-2198

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

February 27, 2017

Re: United Food and Commercial Workers
(UFCW), Local 400 (Safeway, Inc.)
Case 05-CB-189529

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

We have carefully investigated and considered your charge that United Food and Commercial Workers (UFCW), Local 400 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 United Food and Commercial Workers, Local 400, the Union, failed in its duty of fair representation by refusing to process, or further process, your grievances related to your suspensions and terminations because of arbitrary or discriminatory reasons, or in bad faith.

The investigation revealed that the Employer, Safeway, Inc., gave you a five-day suspension due to your late arrival on August 22, 2016, and due to multiple prior instances of late arrival to work. The investigation further revealed that you were placed on indefinite suspension due to an incident of insubordination on August 22, 2017, when you refused to leave your store manager's office despite his requests for you to do so. Finally, the investigation also revealed that the Employer ultimately terminated you because of that incident of insubordination, and because you submitted false time records of your time worked on August 22, 2016.

In relation to the Union's conduct, the investigation found that the Union filed a grievance over your suspension, conducted a formal investigation, reviewed relevant time records and witness statements, and attended a face-to-face meeting with the Employer, at which it discussed your suspensions and termination. The investigation also found the Union sought your reinstatement to your store or, in the alternative, a transfer to the other store, but the Employer denied both requests. Having reviewed all available evidence, the Union then made a determination that given the strength of the Employer's case against you, your grievance did not warrant arbitration.

It is well established that a breach of a union's statutory duty of fair representation occurs only when its conduct towards a member of the collective bargaining unit is arbitrary, discriminatory, or in bad faith. *Vaca v. Sipes*, 386 U.S. 171, 190 (1965). Furthermore, it is equally well established that labor organizations are afforded a wide range of discretion and reasonableness in representing employees, and absent discriminatory or other arbitrary factors, not present here, their conduct will not be found unlawful. See generally *Ford Motor Company v. Hoffman*, 345 U.S. 330 (1953); *Miranda Fuel Co., Inc.*, 140 NLRB 181 (1962); *Vaca v. Sipes*, supra.

Based on the above, it cannot be concluded that the Union violated the Act as alleged. In this regard, the evidence failed to establish that the Union's decision not to process the grievance filed over your suspension was motivated by any discriminatory motive or invidious consideration. Accordingly, further proceedings with regard to your charge are not warranted, and 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. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. 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.

Appeal Due Date: The appeal is due on **March 13, 2017**. 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 March 12, 2017. **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 March 13, 2017**. 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 March 13, 2017, **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/ Charles L. Posner

Charles L. Posner
Regional Director

Enclosure

cc: Mr. Michael Bigelow, Store Manager
Safeway, Inc.
1100 4th Street, S.W.
Washington, DC 20035-5576

United Food and Commercial Workers
(UFCW), Local 400 (Safeway, Inc.)
Case 05-CB-189529

- 4 - February 27, 2017

Ms. Yolanda Anwar
United Food and Commercial Workers
(UFCW), Local 400
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February 3, 2017

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

Re: International Union, Security, Police and
Fire Professionals of America (SPFPA)
(First Coast Security)
Case 05-CB-190142

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

We have carefully investigated and considered your charge that International Union, Security, Police and Fire Professionals of America (SPFPA) has violated the National Labor Relations Act.

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

In your charge, you allege that the Union violated Section 8(b)(3) of the National Labor Relations Act by failing and refusing to bargain in good faith with the Employer. You contend that the Union entered into a 2016 CBA with the Employer without ratification by the Union membership. However, procedures related to the adoption, ratification, or acceptance of a CBA falls “exclusively within the internal domain of the Union.” *International Longshoreman Assn Local 1575*, 332 NLRB No. 139 p. 2 (2000); *see also Houchens Market of Elizabethtown, Inc. v. NLRB*, 375 F.2d 208 (6th Cir. 1967). A Union “is not obligated to obtain ratification of any collective-bargaining agreement that it negotiates on behalf of employees it represents” and employee ratification “is a prerequisite for contract acceptance only when both parties agree that it is a condition precedent to a binding contract.” *Id.* The investigation revealed that there was no evidence that the Union and the Employer had any condition precedent of ratification of the 2016 CBA prior to the CBA becoming effective. Accordingly, the evidence does not support a conclusion that the Union violated Section 8(b)(3) of the Act when it entered into a CBA with the Employer without ratification by the membership.

During the investigation the evidence revealed that you object to the inclusion of a union-security clause in the 2016 CBA based upon the successful UD Petition in Case 05-UD-122320. However, the parties to a collective-bargaining agreement are only prohibited from entering into a union security clause in a new CBA for 12 months after the deauthorization vote. *See Covenant Aviation Security, LLC*, 349 NLRB No. 669, slip op. at p. 4 (2007). The investigation revealed that the Decision and Certification of Results of Election in Case 05-UD-122320 was issued on February 13, 2015. The Union and Employer did not enter into the 2016 CBA until September 29, 2016; more than 12 months after the deauthorization vote. Accordingly, the

evidence does not support a conclusion that the Union violated Section 8(b)(3) of the Act when it entered into the 2016 CBA with the Employer that included a union-security clause.

Accordingly, further proceedings are not warranted, and 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. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. 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, S.E., Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **February 17, 2017**. 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 February 16, 2017. **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 February 17, 2017**. 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 February 17, 2017, **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/ Charles L. Posner

Charles L. Posner
Regional Director

Enclosure: Appeal form

cc: Mr. Joseph McCray
Vice-President Region 4
International Union, Security, Police and
Fire Professionals of America (SPFPA)
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(b) (6), (b) (7)(C)

February 24, 2017

Re: Security, Police and Fire Professionals of
America (SPFPA), Local 439 (AKAL
Security, LLC)
Case 05-CB-190696

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

We have carefully investigated and considered your charge that Security, Police, and Fire Professionals of America (SPFPA), Local 439 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. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. 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.

Appeal Due Date: The appeal is due on **March 10, 2017**. 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 March 09, 2017. **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 March 10, 2017**. 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 March 10, 2017, **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/ Charles L. Posner

Charles L. Posner
Regional Director

Security, Police and Fire Professionals of America (SPFPA), Local 439 (AKAL Security, LLC) - 3 - February 24, 2017
Case 05-CB-190696

Enclosure

cc: Mr. Roman Gumul, Director of Region 4
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