



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11  
4035 University Pkwy Ste 200  
Winston Salem, NC 27106-3275

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (336)631-5201  
Fax: (336)631-5210

September 26, 2018

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

Re: West Rock  
Case 10-CA-224966

United Steel Workers Locals 1877,  
1879 and 9-674  
Case 10-CB-224968

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

We have carefully investigated and considered your charges that West Rock and United Steelworkers, Locals 1877, 1879 and 9-674 have violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charges 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](http://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](http://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 10, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be

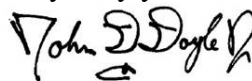
United Steel Workers Locals 1877,  
1879 and 9-674  
Case 10-CB-224968

completed **no later than 11:59 p.m. Eastern Time on October 10, 2018**. 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 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.nlr.gov](http://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 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.

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Very truly yours,



**John D. Doyle Jr.**  
**Regional Director**

By:   
Scott C. Thompson  
Officer in Charge

Enclosure

United Steel Workers Locals 1877,  
1879 and 9-674  
Case 10-CB-224968

cc: Devin Nix, General Manager  
West Rock  
7320 Mill Rd  
Florence, SC 29506-5995

William Lavin, Labor Relations Manager WestRock  
P.O. Box 100  
19 and Main Streets  
West Point, VA 23181

Phoebe Clark, Attorney  
Wukela Law Firm  
403 2nd Loop Rd  
Florence, SC 29505-2815

Daniel Flippo, Director District 9  
United Steelworkers Locals 1877, 1879 and 9-674  
1413 Thompson Circle, Ste 101  
Gardendale, AL 35071-5008

David Tisdale, Local Representative  
United Steelworkers Locals 1877, 1879 and 9-674  
7177 Francis Marion Rd  
Pamplico, SC 29583-6908

Keren Wheeler, Attorney  
United Steel Paper and Forestry, Rubber, Manufacturing, Energy,  
Allied-Industrial and Service Workers International Union  
60 Blvd of the Allies, Ste 807  
Pittsburgh, PA 15222-1209



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
REGION 10  
233 Peachtree St NE  
Harris Tower Ste 1000  
Atlanta, GA 30303-1504

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (404)331-2896  
Fax: (404)331-2858

September 14, 2018

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

Re: South Carolina Stevedores Association  
Case 10-CA-225561 and

International Longshoreman's Association,  
Local 1422 (MTC/Port America)  
Case 10-CB-225587

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

We have carefully investigated and considered your charges that South Carolina Stevedores Association and International Longshoreman's Association Local 1422 have 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.

With respect to your charge against the South Carolina Stevedore Association (SCSA), you allege that SCSA violated Section 8(a)(3) of the Act by refusing to accept you for work in retaliation for your grievance filing activity. The evidence failed to support that allegation. The investigation revealed that SCSA had been accepting you for employment, without issue, until it received your letter requesting various (b) (6), (b) (7)(C). Upon receipt of the (b) (6), (b) (7)(C) request by SCSA officials on (b) (6), (b) (7) 2018, SCSA notified the Union that until the Employer had an opportunity to review the letter completely, it could not accept you for referral out of the Union hall.

To establish unlawful discrimination under Section 8(a)(3) of the Act, the preponderance of evidence must show that you were engaged in union activity, that the Employer had knowledge of that activity, and that the Employer's hostility to that activity "contributed to" its decision to take an adverse action against the employee. *Director, Office of Workers' Comp. Programs v. Greenwich Collieries*, 512 U.S. 267, 278 (1994), *clarifying NLRB v. Transportation Management*, 462 U.S. 393, 395, 403 n.7 (1983); *Wright Line*, 251 NLRB 1083, 1089 (1980), *enfd. on other grounds* 662 F.2d 899 (1st Cir. 1981), *cert. denied* 455 U.S. 989 (1982). Here, there is insufficient evidence that SCSA's decision was prompted by grievances that you filed in 2017.

International Longshoreman's Association  
Local 1422 (MTC/Port America)  
Case 10-CB-225587

With respect to your charge against International Longshoreman Association Local 1422, your charge alleges the Union violated Section 8(b)(1)(A) by failing to refer you to work for arbitrary, discriminatory, or bad faith reasons. The evidence proffered during the investigation established the Union's actions were in response to SCSA's instructions that it could not accept you for work. You further contend the Union should have put the reason in writing to you. Yet, the investigation revealed that the Union fully explained the reason to you and provided you with a copy of SCSA's notice to the Union that it could not accept you for employment until it evaluated your (b) (6), (b) (7)(C) request. The failure of the Union to submit something additional to you in writing is not a breach of its duty of fair representation. A union is generally afforded a wide range of discretion in the performance of its representation functions provided that its conduct is not motivated by unfair, arbitrary or irrelevant considerations. See *Vaca v. Sipes*, 386 U.S. 171 (1967).

**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](http://www.nlr.gov) and:

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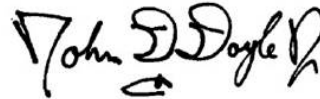
**Appeal Due Date:** The appeal is due on **September 28, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than September 27, 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.

International Longshoreman's Association  
Local 1422 (MTC/Port America)  
Case 10-CB-225587

**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 28, 2018**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://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 28, 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,



JOHN D. DOYLE, JR.  
Regional Director

Enclosure

cc: Bill Bean, Executive Director  
South Carolina Stevedores Association  
941 Houston Northcutt Blvd  
Mt Pleasant, SC 29464

Maury Bowen, Attorney  
HAGRS  
100 Commercial Ct Ste D  
Savannah, GA 31406-3655



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Fax: (404)331-2858

September 24, 2018

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

Re: International Longshoreman Association,  
Local 1422  
(SSA Shipping)  
Case 10-CB-222431

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

We have carefully investigated and considered your charge that International Longshoreman Association, Local 1422 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 refusing to process your grievance regarding seniority and job placement for arbitrary or discriminatory reasons or in bad faith.

However, the investigation revealed the Union processed your grievance and it was heard by the Port Grievance Committee. The Seniority Plan requires that the foreman fill the gang in seniority order, but it does not require the foreman to fill individual jobs within the gang in seniority order. While the outcome of the grievance was not what you had desired, there is insufficient evidence to establish a violation. A union is allowed a wide range of discretion in processing a grievance (*Ford Motor Co. v. Huffman*, 345 U.S. 330, 338 (1953)) and a union is not required to pursue a grievance where the union determines that the grievance lacks merit (*United Steelworkers of America, Local 4338 (Miami Copper Co.)*, 190 NLRB 43 (1971); *Vaca v. Sipes*, 386 U.S. 171, 191 (1967)). I am, therefore, 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](http://www.nlr.gov) and:

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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 9, 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 8, 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 9, 2018**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://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 9, 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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International Longshoreman Association,  
Local 1422  
(SSA Shipping)  
Case 10-CB-222431

- 3 -

September 24, 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,



JOHN D. DOYLE, JR.  
Regional Director

Enclosure

cc: Kenneth Riley, Local President  
International Longshoreman Association, Local 1422  
1142 Morrison Drive  
Charleston, SC 29403-3192

Laurence M. Goodman, Attorney  
Willig, Williams & Davidson  
1845 Walnut Street, 24th Floor  
Philadelphia, PA 19103

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

SSA Shipping  
400 Long Point Road  
Mount Pleasant, SC 29464-8299



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Fax: (404)331-2858

September 20, 2018

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

Re: United Steelworkers, Local 3115  
(Mueller Company)  
Case 10-CB-222925

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

We have carefully investigated and considered your charge that United Steelworkers Local 3115 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.

You allege that the Union violated Section 8(b)(1)(A) of the Act by failing to request that the Employer offer you a second chance opportunity after your termination in (b) (6), (b) (7)(C) of 2014. You previously alleged that the Union failed to properly represent you regarding the grievance over your termination in Case 10-CB-142120, which you filed in December 2014. The Region dismissed Case 10-CB-142120 in January 2015 because there was insufficient evidence to establish any violations of the Act.

In your current charge, you allege that in June 2018 you were told that the Employer offered an employee a second chance opportunity. You allege that this constitutes new evidence to support your claim that the Union failed to represent you in violation of Section 8(b)(1)(A) when the Union failed to secure you a second chance opportunity during the grievance process in 2014.

The Region finds this evidence insufficient to establish any violation of Section 8(b)(1)(A) of the Act. You admit that the Union refused to secure a second chance opportunity during the processing of your grievance in 2014. You also admit that you were aware, back in 2014, that the Union had secured second chance opportunities for other employees at that time. Thus, your claim that the Employer offered an employee a second chance opportunity in June 2018 is not new evidence, but rather is an additional example of evidence of which you were already aware in 2014. Further, this additional evidence is insufficient to alter the Region's non-merit determination in Case 10-CB-142120 regarding the processing of your discharge grievance. In that case, the Region determined that the Union processed your grievance and had

legitimate, non-discriminatory reasons for refusing to arbitrate the grievance. The Employer's alleged decision to offer an employee a second chance opportunity in 2018 is insufficient to support a conclusion that the Union failed to properly represent you in 2014.

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

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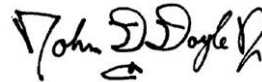
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**Appeal Due Date:** The appeal is due on October 4, 2018. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than October 3, 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,

A handwritten signature in black ink that reads "John D. Doyle, Jr." with a stylized flourish at the end.

JOHN D. DOYLE, JR.  
Regional Director

Enclosure

cc: Ulysses Strayer, President  
United Steelworkers, Local 3115  
3922 Volunteer Dr  
Chattanooga, TN 37416-3901

Keren Wheeler, Attorney  
60 Blvd of the Allies, Ste 807  
Pittsburgh, PA 15222-1209

Tracy McMahan, Human Resources  
1401 Mueller Ave  
Chattanooga, TN 37406-1397



UNITED STATES GOVERNMENT  
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Telephone: (336)631-5201  
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September 28, 2018

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

Re: Teamsters Local Union No. 61 a/w  
International Brotherhood of Teamsters  
(United Parcel Service)  
Case 10-CB-223119

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

We have carefully investigated and considered your charge that Teamsters Local Union No. 61 a/w International Brotherhood of Teamsters 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](http://www.nlr.gov) and:

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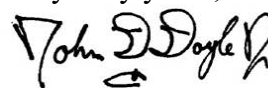
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**Appeal Due Date:** The appeal is due on **October 12, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. 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.


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Very truly yours,



John D. Doyle, Jr.  
Regional Director

By:   
Scott C. Thompson  
Officer in Charge

Enclosure

Teamsters Local Union No. 61 a/w  
International Brotherhood of Teamsters  
(United Parcel Service)  
Case 10-CB-223119

- 3 -

September 28, 2018

cc: Amy Debruhl, Human Resources  
United Parcel Service  
301 Sweeten Creek Industrial Park Rd  
Asheville, NC 28803-

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

International Brotherhood of Teamsters a/w  
Teamsters Local Union No. 61  
45 Sardis Road  
Asheville, NC 28806

Jonathan G. Axelrod, Attorney  
Beins, Axelrod, P.C.  
1030 15th Street, N.W., Suite 700 East  
Washington, DC 20005



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Fax: (404)331-2858

September 17, 2018

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

Re: The Protection and Response Officers  
of America, Inc. Local 575  
(Paragon Systems, Inc.)  
Case 10-CB-224293

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

We have carefully investigated and considered your charge that The Protection and Response Officer of America, Inc. Local 575 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](http://www.nlr.gov) and:

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- 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](http://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.

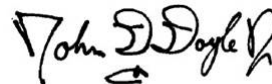


**Appeal Due Date:** The appeal is due on **October 1, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than September 30, 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 1, 2018**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://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 1, 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,



JOHN D. DOYLE, JR.  
Regional Director

Enclosure

The Protection and Response Officers  
of America, Inc. Local 575  
(Paragon Systems, Inc.)  
Case 10-CB-224293

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September 17, 2018

cc: **(b) (6), (b) (7)(C)**  
The Protection and Response Officer  
of America, Inc. Local 575  
1870 The Exchange, Suite 100  
Atlanta, GA 30339-2021

Vernon Fields, Site Manager  
Paragon Systems, Inc.  
684 Antone St NW Ste 109  
Atlanta, GA 30318-4225