



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlr.gov
Telephone: (513)684-3686
Fax: (513)684-3946

November 21, 2018

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

Re: INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
(IBEW), LOCAL UNION NO. 212
(Ginter Electric Company)
Case 09-CB-225613

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

We have carefully investigated and considered your charge that International Brotherhood of Electrical Workers, AFL-CIO (IBEW), Local Union No. 212 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, since about (b) (6), (b) (7)(C) 2018, the International Brotherhood of Electrical Workers, Local 212 (Union), violated its duty of fair representation by failing to file a grievance on your behalf. A union has broad discretion in deciding what grievances to process and how to process them. *Ford Motor Company v. Huffman*, 345 U.S. 330, 338 (1953). A breach of a union's duty of fair representation occurs "only when a union's conduct toward a member of the collective bargaining unit is arbitrary, discriminatory, or in bad faith." *Vaca v. Sipes*, 386 U.S. 171, 190 (1967). Here, the investigation disclosed that you complained to the Union about Ginter Electric (General or the Employer), stating that it laid you off for unsatisfactory performance, but also told the Union that you did not wish to return to work for the Employer and would rather work for a different contractor. Thereafter, the Union filed a grievance on your behalf and resolved the matter by securing the Employer's agreement to change the reason for your layoff from "unsatisfactory" to "reduction in force" so as not to jeopardize your standing in the (b) (6), (b) (7)(C) program. There is no evidence that the Union's subsequent refusal to continue processing your grievance was arbitrary or based on bad faith or any improper motive. Rather, the evidence established that the Union obtained a resolution of your grievance that it in good faith believed addressed your complaints against the Employer.

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 **December 5, 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 December 4, 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 December 5, 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 December 5, 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

INTERNATIONAL BROTHERHOOD OF - 3 - November 21, 2018
ELECTRICAL WORKERS, AFL-CIO
(IBEW), LOCAL UNION NO. 212 (Ginter
Electric Company)
Case 09-CB-225613

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/ Garey E. Lindsay

Garey Edward Lindsay
Regional Director

Enclosure

cc: Todd Michaels
International Brotherhood of Electrical
Workers, AFL-CIO (IBEW), Local Union
No. 212
212 Crowne Point Place, Suite 101
Cincinnati, OH 45241

Brian White
Ginter Electric Company
3930 Colerain Ave
Cincinnati, OH 45223-2581



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November 28, 2018

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

Re: AMERICAN POSTAL WORKERS
UNION, AFL-CIO (APWU) LOCAL 232
(United States Postal Service)
Case 09-CB-225870

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

We have carefully investigated and considered your charge that AMERICAN POSTAL WORKERS UNION, AFL-CIO (APWU) LOCAL 232 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 **December 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 December 11, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the

appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 12, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after December 12, 2018, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

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Very truly yours,



Garey Edward Lindsay
Regional Director

Enclosure

cc: Dorothy Lewis, Manager - United States Postal Service - 2200 Innis Road
Columbus, OH

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

Jennifer Sigmon, Local Union President - American Postal Workers Union,
AFL-CIO (APWU) Local 232 - 1820 Northwest Blvd - Columbus, OH 43212-1677



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November 29, 2018

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

Re: GENERAL DRIVERS, WAREHOUSEMEN AND HELPERS, LOCAL
UNION NO. 89, AFFILIATED WITH THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
(RCS Transportation, LLC)
Case 09-CB-227611

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

We have carefully investigated and considered your charge that General Drivers, Warehousemen and Helpers, Local Union No. 89, affiliated with the 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 and:

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

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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 **December 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 December 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

GENERAL DRIVERS,
WAREHOUSEMEN AND HELPERS,
LOCAL UNION NO. 89, AFFILIATED
WITH THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS (RCS
TRANSPORTATION, LLC)
Case 09-CB-227611

- 2 - November 29, 2018

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,



Garey Edward Lindsay
Regional Director

Enclosure

cc: Chris Nichols - Rail Car Services - 2006 Fern Valley Rd - Louisville, KY 40213-3502

Avral Thompson, Vice-President - General Drivers, Warehousemen and Helpers, Local Union No. 89, affiliated with the International Brotherhood of Teamsters
3813 Taylor Blvd - Louisville, KY 40215-2614