



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

October 4, 2018

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

Re: AMERICAN POSTAL WORKERS
UNION, LOCAL 7038
(United States Postal Service)
Case 09-CB-223141

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

We have carefully investigated and considered your charge that AMERICAN POSTAL WORKERS UNION LOCAL 7038 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 **October 18, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than October 17, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal

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

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 18, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 18, 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,



Garey Edward Lindsay
Regional Director

Enclosure

cc: Jeff Dawson, Plant Manager - United State Postal Service - 3055 Crescentville Rd
Cincinnati, OH 45235-9103

Roderick D. Eves - Deputy Managing Counsel - United States Postal Service
1720 Market Street, Rm 2400 - St. Louis, MO 63155-9948

Dan Hensler - American Postal Workers Union Local 7038 - 10948 Reading Rd
Cincinnati, OH 45241-2556



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October 17, 2018

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

Re: AMERICAN POSTAL WORKERS
UNION, LOCAL 164, AFL-CIO (APWU)
(United States Postal Service)
Case 09-CB-225615

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

We have carefully investigated and considered your charge that AMERICAN POSTAL WORKERS UNION, LOCAL 164, AFL-CIO (APWU) 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.

The charge alleges that American Postal Workers Union, Local 164, AFL-CIO (the Union) violated Section 8(b)(1)(A) of the National Labor Relations Act by settling a grievance that you wished to file over being denied overtime work to perform a stamp audit in a manner that was unsatisfactory to you. Under Board law, unions are afforded substantial latitude in their representational decisions. *Local 888, American Federation of Govt. Employees*, 323 NLRB 717 (1997). Further, a union's interpretation of the collective-bargaining agreement does not have to be correct as long as it exercises its discretion in good faith and with honesty of purpose. *General Motors Corp.* 297 NLRB 31 (1989). In the matter at hand, the investigation revealed that after you complained to the Union about a co-worker in a lower job classification being afforded the opportunity to perform a stamp audit in lieu of you (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) ent to your post office to investigate. After (b) (6), (b) (7)(C) conducted (b) (6), (b) (7)(C) investigation, (b) (6), (b) (7)(C) included that the collective-bargaining agreement had not been violated inasmuch as you were not improperly passed up on the overtime list per Article 8 of the collective-bargaining agreement and Article 25 of the collective-bargaining agreement envisions employees sometimes performing work that is above their current job classification. Further, the investigation revealed that (b) (6), (b) (7)(C) and the Union advanced a similar grievance on your behalf in 2017 that was dropped when it reached the Union's national level due to the national Union's opinion that the grievance lacked merit. Under the circumstances, the Union reasoned that it would be fruitless to file a grievance over your issue. Despite this, (b) (6), (b) (7)(C) went to local management and attempted to secure a settlement on your behalf, ultimately securing an agreement that you would be provided a 2 hour make-up overtime opportunity. Under the circumstances, there is insufficient evidence that Union violated the Act or that its representational decisions made with regard to this matter fell outside the wide latitude afforded unions in such matters.

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 31, 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 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 31, 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 31, 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

AMERICAN POSTAL WORKERS
UNION, LOCAL 164, AFL-CIO (APWU)
(United States Postal Service)
Case 09-CB-225615

- 3 - October 17, 2018

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/ Matthew T. Denholm

Matthew T. Denholm
Acting Regional Director

Enclosure

cc: Mike Smith, President
American Postal Workers Union,
AFL-CIO (APWU)
1385 Tennessee Ave
Cincinnati, OH 45229-1013

Matt Johns, Manager
United States Postal Service
1320 Nagel Rd
Cincinnati, OH 45255-9998

Roderick D. Eves
Deputy Managing Counsel
United States Postal Service
1720 Market Street, Rm 2400
St. Louis, MO 63155-9948



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October 22, 2018

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

Re: THE REGISTERED NURSES ASSOCIATION
(University of Cincinnati Medical Center)
Case 09-CB-225929

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

We have carefully investigated and considered your charge that The Registered Nurses Association 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 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 November 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 November 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 November 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 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,



Garey Edward Lindsay
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C) - The Registered Nurses Association - 234 Goodman St
Cincinnati, OH 45219-2316

Dominic Mendiola - Ohio Nurses Association - 4000 E Main St - Columbus, OH 43213-2983

Lora Molnar - Cloppert Portman Sauter & Washburn - 225 E Broad St Fl 4
Columbus, OH 43215-3717

Kristin Seifert Watson, Attorney at Law - Cloppert, Latanick, Sauter & Washburn
225 E Broad St Fl 4 - Columbus, OH 43215

Angie Head, HRM - University of Cincinnati Medical Center - 234 Goodman St
Cincinnati, OH 45219-2316

Kerry P. Hastings, Attorney - Taft Stettinius & Hollister LLP - 425 Walnut St. Ste. 1800
Cincinnati, OH 45202-3948



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October 2, 2018

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

Re: AMERICAN POSTAL WORKERS
UNION, AFL-CIO (APWU) LOCAL 2323
(United States Postal Service)
Case 09-CB-227121

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: In view of your lack of cooperation in investigating this case, I have determined that further proceedings are not warranted at this time and I am dismissing your charge.

If you wish to refile this charge later when you can cooperate in the investigation, you may do so. However, your attention is directed to Section 10(b) of the Act which provides that a charge must be filed with the NLRB and served on the charged party within six months of the conduct alleged to be unlawful.

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,
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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.** 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.

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Very truly yours,



Garey Edward Lindsay
Regional Director

Enclosure

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

Richard Dawkins, Maintenance Manager - United States Postal Service - 2323 Citygate Dr
Columbus, OH 43218-8900

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



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October 4, 2018

Sylvia J Martinez, Labor Relations Manager
Paragon Systems Inc
13655 Dulles Technology Dr, Ste 100
Herndon, VA 20171-4634

Re: THE PROTECTION & RESPONSE
OFFICERS OF AMERICA, INC.
(Paragon Systems Inc.)
Case 09-CB-227161

Dear Ms. Martinez:

We have carefully investigated and considered your charge that The Protection & Response Officers of America, Inc. has violated the National Labor Relations Act.

Decision to Dismiss: In view of your lack of cooperation in investigating this case, I have determined that further proceedings are not warranted at this time and I am dismissing your charge.

If you wish to refile this charge later when you can cooperate in the investigation, you may do so. However, your attention is directed to Section 10(b) of the Act which provides that a charge must be filed with the NLRB and served on the charged party within six months of the conduct alleged to be unlawful.

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:

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Very truly yours,



Garey Edward Lindsay
Regional Director

Enclosure

cc: Jacqueline Taylor
The Protection & Response Officers of
America, Inc.
1870 The Exchange SE, Ste 200
Atlanta, GA 30339-2021