



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
REGION 8  
1240 E 9TH ST  
STE 1695  
CLEVELAND, OH 44199-2086

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (216)522-3715  
Fax: (216)522-2418

November 16, 2018

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

Re: General Motors Toledo Transmission  
Case 08-CA-226332

United Auto Workers Local 14 (General  
Motors Toledo Transmission)  
Case 08-CB-226329

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

We have carefully investigated and considered your charges that General Motors Toledo Transmission and United Auto Workers Local 14 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 **November 30, 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 29, 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 30, 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 November 30, 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,

/s/ Allen Binstock

ALLEN BINSTOCK  
Regional Director

Enclosure

cc: James Ingram, Personnel Director  
General Motors Toledo Transmission  
1455 W Alexis Rd  
Toledo, OH 43612-4004

HOLLY A. GEORGELL, COUNSEL  
GENERAL MOTORS, LLC  
300 RENAISSANCE CTR  
MAIL CODE: 482-C25-A36  
DETROIT, MI 48265

Dennis Earl, President  
United Auto Workers Local 14  
5411 Jackman Rd  
Toledo, OH 43613-2397



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November 30, 2018

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

Re: National Rural Letter Association (United  
States Postal Service)  
Case 08-CB-223626

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

We have carefully investigated and considered your charge that National Rural Letter Carrier 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](http://www.nlr.gov) and:

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Very truly yours,

/s/ Allen Binstock

ALLEN BINSTOCK  
Regional Director

Enclosure

cc: Jeanette P. Dwyer, Pres.  
National Rural Letter Carrier Association  
1630 Duke Street  
Alexandria, VA 22314-3467

Jean-Marc Favreau, ESQ.  
Peer, Gan and Gisler, LLP  
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Washington, DC 20036-3115

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

United States Postal Service  
122 S Main St  
Creston, OH 44217-9230



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November 26, 2018

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

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

Re: Bakery, Confectionery, Tobacco Workers  
& Grain Millers International Union Local  
19 (Nickles Bakery)  
Case 08-CB-224715

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

We have carefully investigated and considered your charge that Bakery, Confectionery, Tobacco Workers and Grain Millers International Union Local 19 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.nlrb.gov](http://www.nlrb.gov) and:

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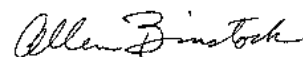


**Appeal Due Date:** The appeal is due on **December 10, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than December 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.

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Very truly yours,



ALLEN BINSTOCK  
Regional Director

Enclosure



Bakery, Confectionery, Tobacco Workers & Grain Millers International Union Local 19  
(Nickles Bakery)  
Case 08-CB-224715 - 3 - November 26, 2018

cc: Jim Franklin, BA  
Bakery, Confectionery, Tobacco Workers  
& Grain Millers Union, Local 19  
9665 Rockside Rd  
Cleveland, OH 44125-6277

Timothy R. Fadel, Esq.  
Fadel & Beyer  
18500 Lake Rd, Suite 120  
Rocky River, OH 44116-0000

Tony Slee, HR Representative  
Nickles Bakery  
26 Main St N  
Navarre, OH 44662-1158



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November 30, 2018

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

Re: American Postal Workers Union Local 72  
(United States Postal Service)  
Case 08-CB-225607

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

We have carefully investigated and considered your charge that American Postal Workers Union Local 72 has violated the National Labor Relations Act.

**Decision to Dismiss:** You allege that your Union breached its duty of fair representation to you in violation of Section 8(b)(1)(A) of the Act by refusing to file grievances on your behalf concerning the denial of overtime and Airport Annex work assignments.

A union is afforded a wide range of reasonableness in carrying out its duty of fair representation to employees. Absent a showing of arbitrary, invidious or discriminatory considerations, the refusal of a union to process a grievance through the parties' grievance-arbitration procedure is not unlawful. Vaca v. Sipes, 386 U.S. 171 (1967) and Ford Motor Co. v. Huffman, 345 U.S. 330 (1953). With regard to your claim concerning the denial of overtime work, the investigation showed that the Union fully investigated your claim and based on the contract language, concluded that it would not proceed with a grievance as it was unlikely to succeed on the merits. You were promptly notified of the Union's reasonable determination that it would not entertain this grievance. Likewise, with regard to your claim concerning the denial of work assignments at the Airport Annex, the Union reasonably determined that based upon the contractual management rights provision, it was not likely to succeed on the merits of a grievance and declined to file one. Similarly, you were timely informed of the Union's decision. There is insufficient evidence to show that the Union's refusal to file grievances on these claims was based on arbitrary, discriminatory or any unlawful considerations. I am, therefore, refusing to issue complaint on 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.nlrb.gov](http://www.nlrb.gov) and:

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November 30, 2018

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November 30, 2018

Very truly yours,

/s/ Allen Binstock

ALLEN BINSTOCK  
Regional Director

Enclosure

cc:     Daleo Freeman  
         American Postal Workers Union Local 72  
         3829 Carnegie Ave  
         Cleveland, OH 44115-2717

Edward Hanks, Manager of Maintenance  
Operations Support  
United States Postal Service  
2400 Orange Avenue  
Cleveland, OH 44101

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



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November 30, 2018

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

Re: International Union, United Automobile,  
Aerospace and Agricultural Implement  
Workers of America Local 12 (Mercy  
Health St. Vincent Medical Center)  
Case 08-CB-225775

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

We have carefully investigated and considered your charge that INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA LOCAL 12 has violated the National Labor Relations Act.

**Decision to Dismiss:** You allege that your Union breached its duty of fair representation in violation of Section 8(b)(1)(A) of the Act by failing to properly process grievances on behalf of you and other employees.

A union is afforded a wide range of reasonableness in carrying out its duty of fair representation to employees. Absent a showing of arbitrary, invidious or discriminatory considerations, the refusal of a union to process a grievance through the parties' grievance-arbitration procedure is not unlawful. Vaca v. Sipes, 386 U.S. 171 (1967) and Ford Motor Co. v. Huffman, 345 U.S. 330 (1953). The investigation shows that the Union accepted and is processing three grievances concerning the job responsibilities of (b) (6), (b) (7)(C). One of these grievances was resolved with the Employer. The two remaining grievances are pending and being processed by the Union through the contractual grievance machinery. There is no evidence to show that the Union has relied on any arbitrary, discriminatory or unlawful considerations in the processing of these grievances. 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.

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International Union, United Automobile,  
Aerospace and Agricultural Implement  
Workers of America Local 12 (Mercy  
Health St. Vincent Medical Center)  
Case 08-CB-225775

- 3 -

November 30, 2018

Very truly yours,

/s/ Allen Binstock

ALLEN BINSTOCK  
Regional Director

Enclosure

cc: Brian Draper, International Representative  
INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE AND  
AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA LOCAL 12  
1691 Woodlands Dr  
Maumee, OH 43537-4018

Kate Shaferly, HR Manager  
Mercy Health St. Vincent Medical Center  
2213 Cherry St  
Toledo, OH 43608-2691