

UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD REGION 8 1240 E 9TH ST Age STE 1695 Tele

CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov Telephone: (216)522-3715 Fax: (216)522-2418

September 28, 2018



Re: Conti-Tech Continental AG <u>Case 08-CA-214964</u> United Steelworkers Local 843(Conti-Tech Continental AG) <u>Case 08-CB-214962</u>

Dear^{(b) (6), (b) (7)(C)}:

We have carefully investigated and considered your charges that Conti-Tech Continental AG and United Steelworkers, Local 843L have violated the National Labor Relations Act.

Decision to Dismiss: You allege that the Union unlawfully modified the terms of the contract without the bargaining unit members' agreement and/or joined and urged the Employer to agree to a subsequent contract that the bargaining unit had voted against in violation of Section 8(b)(1)(A) and (2). You also allege that the Employer unilaterally agreed to the terms of a subsequent collective bargaining agreement by using an invalid ratification vote in order to discriminate against bargaining unit employees in violation of Section 8(a)(1), (3), and (5), and 8(d).

I have determined that both cases, which stem out of a ratification vote held on August 16, 2017 at the Employer's Marysville facility, are without merit. Specifically, you claim that the ratification procedures were improper so that the resulting Marysville local supplement to the master agreement should not have been implemented by the parties. However, it is well established that a union is not obligated to obtain employee ratification. "Rather as the designated representative, [a] union is free to negotiate and make binding agreements, with or without the formal consent or ratification of the unit employees." *International Longshoremen ILA Local 1575 (Navieras, NPR)*, 332 NLRB 1336 (2000). Unless the parties agree that employee ratification is a condition prerequisite to reaching an agreement, a ratification vote is purely an internal union matter.

There is no evidence that the parties made the acceptance of the Marysville supplemental agreement contingent on the approval of the members of Local 843L. Accordingly, I am refusing to issue complaint in these 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 <u>www.nlrb.gov</u> 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 <u>www.nlrb.gov</u>. 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.

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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 12, 2018.** The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, 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 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.

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/ Allen Binstock

ALLEN BINSTOCK Regional Director

Enclosure

cc: Bryan Mandzak, Human Resources Manager Conti-Tech Continental AG 13601 Industrial Pkwy Marysville, OH 43040-8890

> Courtney Burks 90 S 7th St Ste 4950 Minneapolis, MN 55402-4111

Brian Easley, Attorney Jones Day 90 South Seventh Street Suite 5090 Minneapolis, MN 55402

Randy Young, President United Steelworkers, Local 843L 169 Grove Street Marysville, OH 43040

Nancy A. Parker, Assistant GCl United Steelworkers, AFL-CIO 60 Boulevard of the Allies, Room 807 Pittsburgh, PA 15222-1209

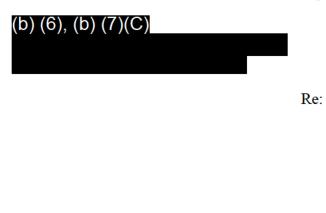


UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD **REGION 8** 1240 E 9TH ST

CLEVELAND, OH 44199-2086

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September 26, 2018



STE 1695

General Motors Inc. Case 08-CA-224363 United Automobile, Aerospace & Agricultural Implement Workers of America, International Union, Local 1112 (General Motors) Case 08-CB-224364

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

We have carefully investigated and considered your charges that General Motors and UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, LOCAL 1112 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.nlrb.gov and:

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- 2 - September 26, 2018

General Motors Inc. Case 08-CA-224363 UAW (General Motors Inc.) Case 08-CB-224364

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Very truly yours,

/s/ Allen Binstock

ALLEN BINSTOCK Regional Director

Enclosure

cc: ED DRIVER, LABOR RELATIONS GENERAL MOTORS 2300 HALLOCK YOUNG RD SW WARREN, OH 44481-9247 General Motors Inc. Case 08-CA-224363 UAW (General Motors Inc.) Case 08-CB-224364

> KELLEN MYERS, COUNSEL GENERAL MOTORS, LLC 300 RENAISSANCE CTR MAIL CODE: 482-C25-A36 DETROIT, MI 48265

KELLEN T. MYERS, ESQ. GENERAL MOTORS TOWER 300 - MAIL CODE: 482-C25-A68 300 RENAISSANCE CTR DETROIT, MI 48265

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

UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, LOCAL 1112 11471 REUTHER DR SW WARREN, OH 44481-9561

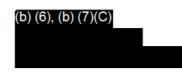
DENNIS HAINES, ESQ. GREEN HAINES SGAMBATI CO., LPA PO BOX 849 CITY CENTRE ONE, SUITE 800 YOUNGSTOWN, OH 44501-0849



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September 28, 2018



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

We have carefully investigated and considered your charges that Conti-Tech Continental AG and United Steelworkers, Local 843L have violated the National Labor Relations Act.

Decision to Dismiss: You allege that the Union unlawfully modified the terms of the contract without the bargaining unit members' agreement and/or joined and urged the Employer to agree to a subsequent contract that the bargaining unit had voted against in violation of Section 8(b)(1)(A) and (2). You also allege that the Employer unilaterally agreed to the terms of a subsequent collective bargaining agreement by using an invalid ratification vote in order to discriminate against bargaining unit employees in violation of Section 8(a)(1), (3), and (5), and 8(d).

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Conti-Tech Continental AG Case 08-CA-214964 United Steelworkers Local 843 08-0CB-214962

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Conti-Tech Continental AG Case 08-CA-214964 United Steelworkers Local 843 08-0CB-214962

Very truly yours,

/s/ Allen Binstock

ALLEN BINSTOCK Regional Director

Enclosure

÷.,

cc: Bryan Mandzak, Human Resources Manager Conti-Tech Continental AG 13601 Industrial Pkwy Marysville, OH 43040-8890

> Courtney Burks 90 S 7th St Ste 4950 Minneapolis, MN 55402-4111

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September 26, 2018



Re: United Auto Workers, Local 1250 (Ford Motor Company) Case 08-CB-216932

Dear^{(b) (6), (b) (7)(C)}

We have carefully investigated and considered your charge that United Auto Workers 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 <u>www.nlrb.gov</u> and:

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United Auto Workers, Local 1250 (Ford Motor Company) Case 08-CB-216932

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Very truly yours,

/s/ Allen Binstock

ALLEN BINSTOCK Regional Director

Enclosure

cc: Carol Roberts Ford Motor Company Cleveland Engine Plant #1 17601 Brookpark Road Brookpark, OH 44142

> Mark Payne United Auto Workers 17601 Brookpark Rd Brookpark, OH 44142-1518

United Auto Workers, Local 1250 (Ford Motor Company) Case 08-CB-216932

> James A. Britton, Esq. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO 8000 East Jefferson Avenue Detroit, MI 48214-2699

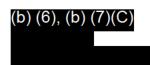


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CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov Telephone: (216)522-3715 Fax: (216)522-2418

September 14, 2018



Re: Chicago Midwest Regional Joint Board Workers United, Local 323 (Aramark Corporation) Case 08-CB-217684

Dear^{(b) (6), (b) (7)(C)}:

We have carefully investigated and considered your charge that Chicago Midwest Regional Joint Board Workers United, Local 323 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.

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- 2 - September 14, 2018

Chicago Midwest Regional Joint Board Workers United, Local 323 (Aramark Corporation) Case 08-CB-217684

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,

/s/ Allen Binstock

ALLEN BINSTOCK Regional Director

Enclosure

cc: Michael Purkatt, Plant Manager Aramark Uniform Services, Inc. 5120 Advantage Dr Toledo, OH 43612-3876 - 3 - September 14, 2018

Chicago Midwest Regional Joint Board Workers United, Local 323 (Aramark Corporation) Case 08-CB-217684

> Chris Rose, Staff Director Chicago Midwest Regional Joint Board Workers United, Local 323 2300 Ashland Ave, Ste 212 Toledo, OH 43620-1280

David P. Lichtman, Esq. Dowd Bloch Bennett Cervone Auerbach & Yokich 8 S Michigan Ave Fl 19 Chicago, IL 60603-3315



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September 26, 2018



Re: United Association of Plumbers and Pipefitters Local 776 (Various Employers) Case 08-CB-221625

Dear^{(b) (6), (b) (7)(C)}

We have carefully investigated and considered your charge that United Association of Plumbers and Pipefitters Local 776 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.

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- 2 - September 26, 2018

United Assocation of Plumbers and Pipefitters Local 776 (Various Employers) Case 08-CB-221625

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,

/s/ Allen Binstock

ALLEN BINSTOCK Regional Director

Enclosure

cc: Mike Knisley, Business Manager United Association of Plumbers and Pipefitters Local 776 1300 Bowman Rd Lima, OH 45804-3413

> Kera L. Paoff, Esq. WIDMAN & FRANKLIN LLC 405 Madison Avenue Suite 1550 Toledo, OH 43604



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September 28, 2018



Re: Teamsters Local 507 a/w International Brotherhood of Teamsters (Mameco International, Inc. a division of Tremco) Case 08-CB-222102

Dear^{(b) (6), (b) (7)(C)}:

We have carefully investigated and considered your charge that Teamsters Local 507 a/w International Brotherhood of Teamsters has violated the National Labor Relations Act.

Decision to Dismiss: You allege that your Union violated Section 8(b)(1)(A) of the National Labor Relations Act by failing to process your termination grievance to arbitration.

The investigation showed that you participated in a grievance hearing on your termination on (b)(6), (b)(7)(C), 2018. By letter dated (b)(6), (b)(7)(C) 2018, you were notified that the grievance was denied. As a (b)(6), (b)(7)(C), you were aware that the Union only advances grievances upon request of the grievant, yet you took no timely action to make such a request. The investigation failed to show that the Union acted arbitrarily, discriminatorily, or in bad faith in the processing of your grievance. Accordingly, 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.

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 <u>www.nlrb.gov</u> 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 <u>www.nlrb.gov</u>. 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. Teamsters Local 507 a/w International Brotherhood of Teamsters (Mameco International, Inc. a division of Tremco) Case 08-CB-222102

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 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.

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 12, 2018.** The request may be filed electronically through the *E-File Documents* link on our website <u>www.nlrb.gov</u>, 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 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.

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/ Allen Binstock

ALLEN BINSTOCK Regional Director

Enclosure

Teamsters Local 507 a/w International Brotherhood of Teamsters (Mameco International, Inc. a division of Tremco) Case 08-CB-222102

cc: Brian Pyclik, Plant Manager Mameco International, Inc. a divsion of Tremco Mameco International 4475 E 175th St Cleveland, OH 44128-3599

> Stephen J. Sferra, Attorney at Law Littler Mendelson PC 1100 Superior Avenue, 20th Floor Cleveland, OH 44114

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

Teamsters Local 507 a/w International Brotherhood of Teamsters 5425 Warner Rd Ste 7 Cleveland, OH 44125-1147

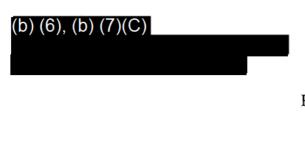
George H. Faulkner, Esq. FAULKNER, HOFFMAN & PHILLIPS, LLC 20445 Emerald Pkwy Ste 210 Cleveland, OH 44135-6029



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD REGION 8 1240 E 9TH ST Age STE 1695 Tele

Agency Website: www.nlrb.gov Telephone: (216)522-3715 Fax: (216)522-2418

September 26, 2018



CLEVELAND, OH 44199-2086

Re: General Motors Inc. <u>Case 08-CA-224363</u> United Automobile, Aerospace & Agricultural Implement Workers of America, International Union, Local 1112 (General Motors) <u>Case 08-CB-224364</u>

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

We have carefully investigated and considered your charges that General Motors and UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, LOCAL 1112 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 <u>www.nlrb.gov</u> 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 <u>www.nlrb.gov</u>. 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

- 2 - September 26, 2018

General Motors Inc. Case 08-CA-224363 UAW (General Motors Inc.) Case 08-CB-224364

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 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 <u>www.nlrb.gov</u>, 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.

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/ Allen Binstock

ALLEN BINSTOCK Regional Director

Enclosure

cc: ED DRIVER, LABOR RELATIONS GENERAL MOTORS 2300 HALLOCK YOUNG RD SW WARREN, OH 44481-9247 General Motors Inc. Case 08-CA-224363 UAW (General Motors Inc.) Case 08-CB-224364

> KELLEN MYERS, COUNSEL GENERAL MOTORS, LLC 300 RENAISSANCE CTR MAIL CODE: 482-C25-A36 DETROIT, MI 48265

KELLEN T. MYERS, ESQ. GENERAL MOTORS TOWER 300 - MAIL CODE: 482-C25-A68 300 RENAISSANCE CTR DETROIT, MI 48265

DAVID GREEN, PRESIDENT UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, LOCAL 1112 11471 REUTHER DR SW WARREN, OH 44481-9561

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