



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294

Agency Website: www.nlr.gov
Telephone: (303)844-3551
Fax: (303)844-6249

September 28, 2018

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

Re: Teamsters Local Union No. 455 (The
Denver Post LLC)
Case 27-CB-221425

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

We have carefully investigated and considered your charge that Teamsters Local Union No. 455 (Union) 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 essentially alleges that the Union has breached its duty of fair representation in violation of Section 8(b)(1)(A) of the Act by failing to process your grievances within the timeline set forth in the collective-bargaining agreement's grievance procedure. More specifically, you allege that the Union failed to adhere to the contractual grievance procedure by: (1) failing to process your grievances within 45 days from the contract violation; and (2) failing to schedule joint standing committee meetings within five days from the time the written grievances were presented to the Employer. As more fully discussed below, there was insufficient evidence that the Union violated its duty of fair representation owed to you in the processing of your grievances.

The investigation established that at the time you filed the charge, you had several pending grievances including: a 2017 grievance filed against supervisors alleging harassment and defamation; a 2017 grievance concerning unpaid lunch; two grievances against the unit-elected committee regarding the mark-up bid filed in (b) (6), (b) (7)(C) 2018; and a grievance covering all your outstanding grievances filed in the (b) (6), (b) (7)(C) 2018. With respect to the grievances regarding the mark-up bid, the investigation established that by about (b) (6), (b) (7)(C) 2018, the Union Business Agent determined not to proceed further on those grievances and explained to you the Union's reasons for doing so. With respect to the remaining grievances, the investigation disclosed that within the past six months, the Union agreed to extend the times to meet with the Employer in joint standing committee to discuss all pending grievances, including yours. The investigation further disclosed that a joint standing committee meeting was held on (b) (6), (b) (7)(C) 2018, and that with the exception of your unpaid lunch grievances, all of your outstanding grievances were processed and disposed of. Thereafter, by letter dated (b) (6), (b) (7)(C) 2018, the Union informed you that the unpaid lunch grievance had been referred to Union counsel for review and consideration of whether or not to proceed to arbitration. Finally, the investigation established that by August

20, 2018, the Union had provided you with a written report on the disposition of your grievances by the joint standing committee and the reasons for its decisions.

While you are dissatisfied with the Union's handling of your grievances, it could not be established that the Union has violated the Act.

The Union has investigated your grievances and communicated with you concerning the disposition of grievances. There is no evidence that your grievances were deemed untimely, and the Union's agreement to reschedule the joint standing committee meeting was reasonable and an exercise of its broad discretionary power. In the absence of any evidence of animus, arbitrary, bad-faith or discriminatory conduct towards you, I find that there is insufficient evidence to establish a violation of the Act as alleged. Accordingly, I am refusing to issue a 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 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.

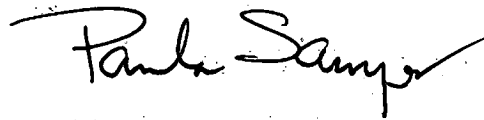
The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **October 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 www.nlrb.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 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,



PAULA SAWYER
Regional Director

Enclosure

cc: Dee Anna Grismore, Sr. HR Director
The Denver Post LLC
5990 Washington St.
Denver, CO 80216-1300

John Hennelly, Business Agent
Linda M. Cote, Esq.
Teamsters Local Union No. 455
10 Lakeside Ln.
Ste. 3A
Denver, CO 80212-7430