



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlr.gov
Telephone: (817)978-2921
Fax: (817)978-2928

October 11, 2017

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

REISSUANCE

Re: International Brotherhood of Electrical
Workers, Local 602 (Various Employers)
Case No. 16-CB-198039

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

We have carefully investigated and considered your charge that **International Brotherhood of Electrical Workers, Local 602** 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 25, 2017**. 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 24, 2017. **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 25, 2017.** 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 25, 2017, 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/ Timothy L. Watson

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosure

cc: MR. MARCUS LUNDEGREEN,
ORGANIZER
INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS,
LOCAL 602
200 SOUTH FANNIN STREET
AMARILLO, TX 79106-8247



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October 30, 2017

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

Re: National Postal Mail Handlers Union,
Local 311 (United States Postal Service)
Case No. 16-CB-201901

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

We have carefully investigated and considered your charge that **National Postal Mail Handlers Union, Local 311** has violated the National Labor Relations Act.

Decision to Dismiss: The Charge, alleging a violation of Section 8(b)(1)(A) of the Act by the Union's refusal to process the Charging Party's grievance, was filed on July 5, 2017.

After several attempts to schedule an affidavit, the investigating Board Agent spoke to the Charging Party on or about October 5, 2017, at which time the Charging Party advised the Board Agent they would have to return the Board Agent's phone call at a later time. The Board Agent did not receive a return phone call. Thereafter, the Board Agent sent a letter dated October 20, 2017, soliciting cooperation from the Charging Party. In that letter, the Charging Party was advised of the 10(b) statute of limitations and given a deadline of October 27, 2017, to present evidence in support of the Charge or face the possible dismissal of the Charge for lack of cooperation. Ultimately, the Charging Party failed to present evidence after the filing of the Charge.

Based on the Charging Party's lack of cooperation, 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.

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Very truly yours,

/s/ Timothy L. Watson

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosure

cc: MR. RODERICK D. EVES,
DEPUTY MANAGING COUNSEL
UNITED STATES POSTAL SERVICE
LAW DEPARTMENT-NLRB
1720 MARKET STREET, ROOM 2400
ST. LOUIS, MO 63155-9948

UNITED STATES POSTAL SERVICE
4600 MARK IV PARKWAY
FORT WORTH, TX 76161

MR. CHARLES CHARLESTON
NATIONAL POSTAL MAIL HANDLERS
UNION, LOCAL 311
2849 WEST ILLINOIS AVENUE
DALLAS, TX 75233-1005



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October 25, 2017

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

Re: International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America (UAW), Local 276
(General Motors)
Case No. 16-CB-201938

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 276** 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:

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Appeal Due Date: The appeal is due on **November 8, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no**

International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America (UAW), Local 276
(General Motors)
Case No. 16-CB-201938

- 2 - October 25, 2017

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 7, 2017. **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 8, 2017.** 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 8, 2017, 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/ Timothy L. Watson

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosure

cc: GENERAL MOTORS
2420 EAST ABRAM STREET
ARLINGTON, TX 76010-1350

MR. MORRIS TAYLOR, COMMITTEEPERSON
INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE AND
AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA, LOCAL 276
2505 W E ROBERTS DRIVE
GRAND PRAIRIE, TX 75051-1025



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October 30, 2017

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

Re: International Association of Machinists,
District Lodge 776 (Frito Lay)
Case No. 16-CB-201943

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

We have carefully investigated and considered your charge that **International Association of Machinists, District Lodge 776** has violated the National Labor Relations Act.

Decision to Dismiss: The charge, which was filed on July 6, 2017, alleges that within the last six months, the Union violated its duty of fair representation by failing to process grievances regarding your termination and other written discipline for arbitrary reasons or in bad faith.

To prove such a violation, a party must establish that “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 (1967). An individual employee does not have “an absolute right to have his grievance taken to arbitration.” *Id.* In evaluating such allegations, the law allows unions “a wide range of reasonableness” serving the units they represents. *Ford Motor Co. v. Huffman*, 345 U.S. 330 (1953). Finally, a union’s mere negligence does not violate the Act. *Teamsters Local 692 (Great Western Unifreight System)*, 209 NLRB 446 (1974).

In this case, there was insufficient evidence to establish that the Union breached its duty of fair representation. The investigation revealed that you were disciplined on (b)(6), (b)(7)(C) 2016, suspended on (b)(6), (b)(7)(C) 2016, and discharged on (b)(6), (b)(7)(C) 2017. To the extent that the Union did not grieve the (b)(6), (b)(7)(C) 2017 and (b)(6), (b)(7)(C) 2016 discipline, the investigation revealed no evidence that the Union’s actions were discriminatory, arbitrary, or in bad faith. Additionally, the Union’s actions or inactions with regard to those matters, occurred more than six months prior to your filing of the charge in this case and are therefore unreviewable under Section 10(b) of the Act. With regard to your termination, the investigation revealed that the Union filed a grievance regarding your employment termination, but after considering the likelihood of success, it decided not to appeal the grievance to arbitration. The Union’s decision to withdraw your termination grievance was not based upon unlawful considerations.

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:

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Very truly yours,

/s/ Timothy L. Watson

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosure

cc: FRITO LAY
701 NORTH WILDWOOD DRIVE
IRVING, TX 75061-8831

MR. DOYLE HUDDLESTON,
BUSINESS AGENT
INTERNATIONAL ASSOCIATION OF
MACHINISTS, DISTRICT LODGE 776
7711 CLIFFORD STREET
FORT WORTH, TX 76108-1838