



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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

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

September 27, 2017

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

Re: American Postal Workers Union, Local 198
(United States Postal Service)
Case No. 16-CB-198591

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

We have carefully investigated and considered your charge that **American Postal Workers Union, Local 198** 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 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.nlrb.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 11, 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 10, 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 11, 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 11, 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. ERNEST FLORES,
MAINTENANCE CRAFT PRESIDENT
AMERICAN POSTAL WORKERS UNION,
LOCAL 198
4600 ALDINE BENDER ROAD
HOUSTON, TX 77032-4103

MS. MARY ANN STARKS, ATTORNEY
5001 WOODWAY DRIVE, NO 904
HOUSTON, TX 77056

MR. WILLIAM GILBERT,
MAINTENANCE MANAGER
UNITED STATES POSTAL SERVICE
4600 ALDINE BENDER STREET
HOUSTON, TX 77315



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September 21, 2017

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

Re: United Brotherhood of Carpenters Local 551
(Versified)
Case 16-CB-199313

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

We have carefully investigated and considered your charge that UNITED BROTHERHOOD OF CARPENTERS LOCAL 551 has violated the National Labor Relations Act.

Decision to Dismiss: On May 23, 2017, you filed a charge alleging that within the past six months, the United Brotherhood of Carpenters, Local 551 (Union) has violated Section 8(b)(1)(A) and (2) of the Act by operating a hiring hall that was arbitrary, discriminatory, or in bad faith and has refused to refer you for employment with Versified for reasons other than the failure to tender uniformly required initiation fees and periodic dues.

A union's duty of fair representation derives from its status as the exclusive bargaining representative of employees in a specified unit. No duty of fair representation attaches to a union's operation of a nonexclusive hiring hall. However, a union operating a nonexclusive hiring hall may still violate Section 8(b)(1)(A) and 8(b)(2) of the Act by refusing to refer a member and by attempting to cause an employer to terminate and refuse to recall an employee in retaliation for a member's participation in protected activity.

The investigation in your case disclosed that the Union operates a nonexclusive hiring hall for employees in the construction industry. As noted above, the standard of care between an exclusive and nonexclusive hiring hall differs. The evidence does not establish that you were refused a referral by the Union, or that the Union caused you to lose a recall or be terminated due to any protected activity. The investigation of your charge failed to disclose the Union violated the Act as alleged.

Based on the foregoing, I am refusing to issue a 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.

September 21, 2017

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 **October 5, 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 4, 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 5, 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 5, 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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September 21, 2017

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: DERRICK LAMB
VERSIFIED
20890 KENBRIDGE CT
LAKEVILLE, MN 55044-8041

KENNETH FONTENOT, BUSINESS AGENT
UNITED BROTHERHOOD OF CARPENTERS
LOCAL 551
8441 GULF FWY
STE 101
HOUSTON, TX 77017-5064

JAY YOUNGDAHL
4703 MONTROSE BLVD
STE 280
HOUSTON, TX 77006



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September 28, 2017

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

Re: National Rural Letter Carriers Association,
Dallas Branch (United States Postal Service)
Case No. 16-CB-199662

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

We have carefully investigated and considered your charge that **National Rural Letter Carriers Association, Dallas Branch** 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 and:

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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/ Timothy L. Watson

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosure

cc: MR. PAT VEETS
UNITED STATES POSTAL SERVICE
316 NORTH COLLEGE STREET
WAXAHACHIE, TX 75165-9998

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

MS. JOY D. THOMPSON,
PARALEGAL SPECIALIST
UNITED STATES POSTAL SERVICE
LAW DEPARTMENT-NLRB
1720 MARKET STREET, ROOM 2400
SAINT LOUIS, MO 63155-9948

MS. DONNA COSTLOW
NATIONAL RURAL LETTER CARRIERS
ASSOCIATION, DALLAS BRANCH
POST OFFICE BOX 1802
PALESTINE, TX 75802-1802

MR. JEAN-MARC FAVREAU, ATTORNEY
PEER, GAN AND GISLER, L.L.P.
1730 RHODE ISLAND AVENUE NW,
SUITE 175
WASHINGTON, DC 20036-3115



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September 28, 2017

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

Re: International Association of Machinists and
Aerospace Workers, District Lodge 776
(Lockheed Martin)
Case No. 16-CB-200049

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

We have carefully investigated and considered your charge that **International Association of Machinists and Aerospace Workers, District Lodge 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.

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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Very truly yours,

/s/ Timothy L. Watson

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosure

cc: MR. JOHN PIERCE,
BUSINESS REPRESENTATIVE
INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, DISTRICT LODGE 776
7711 CLIFFORD S
FORT WORTH, TX 76108

International Association of Machinists and - 3 - September 28, 2017
Aerospace Workers, District Lodge 776
(Lockheed Martin)
Case No. 16-CB-200049

MR. JAMES LITTLE, GRAND LODGE
SPECIAL REPRESENTATIVE
INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, AFL-CIO
690 EAST LAMAR BOULEVARD, SUITE 580
ARLINGTON, TX 76011

MR. BERRY NICHOLS,
LABOR RELATIONS REPRESENTATIVE
LOCKHEED MARTIN
1 LOCKHEED BOULEVARD
FORT WORTH, TX 76108-3619



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September 29, 2017

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

Re: National Association of Letter Carriers,
Local 1037 (United States Postal Service)
Case 16-CB-200519

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

We have carefully investigated and considered your charge that NATIONAL ASSOCIATION OF LETTER CARRIERS, LOCAL 1037 has violated the National Labor Relations Act.

Decision to Dismiss: The charge alleges that the Union has refused to file and process grievances on your behalf for arbitrary or discriminatory reasons or in bad faith. The investigation established that, within the six months preceding the filing of your charge, the Union has processed multiple grievances for you. This includes processing a grievance regarding your emergency suspension through a successful arbitration and settling a grievance regarding your discharge, securing your reinstatement.

The Board has held that a breach of the duty of fair representation occurs when the Union's conduct in representation is "arbitrary, discriminatory or in bad faith." *Vaca v. Sipes*, 386 US 171 (1967). The Board has also held that a Union has the right to process its grievances within a wide range of reasonableness so long as their conduct is not based on considerations that are irrelevant, invidious, or unfair and their conduct is not arbitrary, discriminatory, or in bad faith. *Ford Motor Co. v. Huffman*, 345 U.S. 330 (1984); *Office and Professional Employees International Union, Local No. 2, AFL-CIO*, 268 NLRB 1353 (1984); *Vaca v. Sipes*, 268 U.S. 171 (1967). The Supreme Court has further recognized that in the interest of effectively administering a contract's grievance-arbitration machinery a union must be allowed a considerable range of discretion in screening out, settling, or abandoning, short of arbitration, those grievances which the union in good faith believes do not justify that costly and time-consuming final step. *Vaca v. Sipes*, 268 U.S. 171 (1967). It is well established that mere negligence, ineptitude, or poor judgment is insufficient to establish a breach of the union's duty of fair representation. See *Truck Drivers Local 692*, 209 NLRB 446, 447 (1974). The evidence does not establish any conduct by the Union that is arbitrary, discriminatory, or in bad faith.

For these reasons, I am dismissing the charge and 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: RODERICK D. EVES
DEPUTY MANAGING COUNSEL
UNITED STATES POSTAL SERVICE
(LAW DEPARTMENT - NLRB UNIT)
1720 MARKET STREET, ROOM 2400
SAINT LOUIS, MO 63155-9948

UNITED STATES POSTAL SERVICE
8301 W AMARILLO BLVD.
AMARILLO, TX 79124-9998

KATHY BALDWIN
NATIONAL BUSINESS AGENT
NATIONAL ASSOCIATION OF
LETTER CARRIERS, LOCAL 1037
23760 HWY 59 N
KINGWOOD, TX 77339-1529

SAMUEL W WHEELER, ATTORNEY
COHEN WEISS SIMON
330 W 42ND STREET, FLOOR 25
NEW YORK, NY 10036-6976



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September 18, 2017

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

Re: International Longshoremen's Association,
Local 28
(Houston Terminal LLC West Gulf
Maritime Association)
Case 16-CB-201300

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

We have carefully investigated and considered your charge that INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 28 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 and:

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September 18, 2017

Appeal Due Date: The appeal is due on **October 2, 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 1, 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.

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Very truly yours,

/s/ Ofelia Gonzalez

OFELIA GONZALEZ
ACTING REGIONAL DIRECTOR

Enclosure

International Longshoremen's Association, - 3 -
Local 28
(Houston Terminal LLC West Gulf
Maritime Association)
Case 16-CB-201300

September 18, 2017

cc: HOUSTON TERMINAL LLC, WEST GULF
MARITIME ASSOCIATION
12619 PORT RD
SEABROOK, TX 77586-1764

TIM HARRIS, BUSINESS AGENT
INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION, LOCAL 28
4100 GREEN SHADOW DR
PASADENA, TX 77503-1400

ERIC H. NELSON, ATTORNEY
3303 MAIN ST
STE 300
HOUSTON, TX 77002-9321