



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103

November 29, 2018

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

Re: AFSCME, Local 2065 (Eskenazi Health)  
Case 25-CB-225459

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

We have carefully investigated and considered your charge that AFSCME, Local 2065 has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because of the Board's lack of jurisdiction over this case. .

Your charge alleges that the Union violated the Act by refusing to process your grievance for arbitrary or discriminatory reasons or in bad faith. The National Labor Relations Board is statutorily prevented from asserting jurisdiction over disputes involving the state governments or its political subdivisions by Section 2(2) of the Act. The Employer involved here, Eskenazi Health, is administered by individuals who are responsible to public officials and who are subject to removal by public officials. Accordingly, the Employer here is considered a political subdivision and this Agency does not have jurisdiction over your dispute. As such, I am dismissing your charge.

**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.

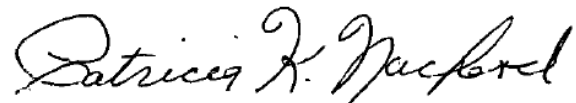
The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **December 13, 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 12, 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 December 13, 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 December 13, 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,



PATRICIA K. NACHAND  
Regional Director

Enclosure

cc: Tangela Boyd  
Eskenazi Health  
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Indianapolis, IN 46226-4462

Jay Wallace  
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November 30, 2018

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

Re: UAW Local 5 (United Conveyor  
Corporation)  
Case 25-CB-225960

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

We have carefully investigated and considered your charge that UAW Local 5 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.

In your charge you alleged the Union 1) failed to file a grievance on your behalf regarding the assessment of an attendance point on (b) (6), (b) (7)(C) 2018 and related one-day suspension on (b) (6), (b) (7)(C) 2018, 2) stated it would no longer represent you, and 3) tried to intimidate you into dropping the grievance.

However, the evidence was insufficient to establish a violation of the Act. Rather, the evidence indicated that once the Union learned you wished to file a grievance, it filed and pursued a grievance on your behalf. The investigation failed to prove that the Union refused to represent you, that the Union attempted to intimidate you into dropping your grievance, or that the Union acted arbitrarily, discriminatorily, or in bad faith. Therefore, further proceedings on this charge are not warranted.

**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;
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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.

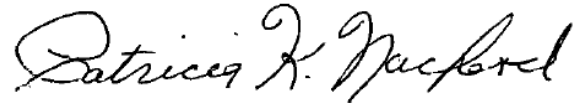
**Appeal Due Date:** The appeal is due on December 14, 2018. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than December 13, 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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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,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is written in a cursive style with a large initial "P".

PATRICIA K. NACHAND  
Regional Director

Enclosure

cc: Michael Baker  
United Conveyor Corporation  
13077 McKinley Hwy  
Mishawaka, IN 46545-7598

Mark Stickling  
UAW Local 5  
1426 S Main St  
South Bend, IN 46613-2298