



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 18
Federal Office Building
212 Third Avenue South, Suite 200
Minneapolis, MN 55401-2657

Agency Website: www.nlrb.gov
Telephone: (612)348-1757
Fax: (612)348-1785

October 16, 2018

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

Re: DAKOTA YEAST, INC.
Case 18-CA-222455 and

BAKERY, CONFECTIONERY, TOBACCO, AND
GRAIN MILLERS UNION LOCAL 167G UNIT 405
(Dakota Yeast, Inc.)
Case 18-CB-222475

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

We have carefully investigated and considered your charges that Dakota Yeast, Inc. and Bakery, Confectionery, Tobacco, and Grain Millers Union Local 167G Unit 405 have violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charges for the reasons discussed below.

Charge No. 18-CB-222475 alleges the Union violated the Act by failing to collectively bargain with the Employer, by failing to represent bargaining unit employees and by accepting financial support from the Employer. Regarding the failure to bargain, while there was some delay in the start of negotiations, the investigation revealed that the Union and Employer have been meeting to negotiate a contract since before the charge was filed, and continue to do so. Regarding the failure to represent bargaining unit employees, as there is no contract in effect, there is no contractual grievance procedure to invoke. However, the evidence fails to establish, and no claim has been made, that the Union has refused to represent any employee over a specific employment-related matter. Regarding your allegation that a Union (b) (6), (b) (7)(C) was receiving unlawful financial support from the Employer, the evidence disclosed that all employees received a different payout to compensate for the loss of a pension benefit, based upon the particular employee's wage and years of service remaining to retirement. Any perceived deviations were insignificant and resulted from rounding errors. For these reasons, the evidence is insufficient to establish a violation of the Act and I am dismissing this charge.

BAKERY, CONFECTIONERY, TOBACCO
AND GRAIN MILLERS UNION LOCAL
167G UNIT 405 (Dakota Yeast, Inc.)
Case 18-CB-222475

Charge No. 18-CA-222455 alleges the Employer provided unlawful financial assistance to the Union and changed terms and conditions of employment without notifying and negotiating with the Union. While you contend that the payment to the Union ^{(b) (6), (b) (7)(C)} establishes that the Employer provided unlawful financial assistance to the Union, as noted above, the different payments made to employees were based upon a formula, equally applied, accounting for certain actuarial factors that differ for each employee. A rounding error that caused any deviation with respect to the payment to the ^{(b) (6), (b) (7)(C)} does not establish that the Employer provided unlawful financial assistance to the Union. Regarding the unilateral changes, the investigation revealed that the Employer took over the facility on May 1, 2017, lawfully implemented some, and continued other, terms of employment, and advised employees that certain group benefits would be adjusted around January 1, 2018. Further, even were this not the case, the evidence shows that there was knowledge of the changes to the group healthcare, particularly with respect to the deductible, outside of the 10(b) period. For these reasons, the evidence is insufficient to establish a violation of the Act and I am dismissing this 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 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 30, 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 29, 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

BAKERY, CONFECTIONERY, TOBACCO
AND GRAIN MILLERS UNION LOCAL
167G UNIT 405 (Dakota Yeast, Inc.)
Case 18-CB-222475

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 30, 2018**. 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 30, 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/ Nichole L. Burgess

NICHOLE L. BURGESS
Acting Regional Director

Enclosure

cc: DARLENE SCHULER
DAKOTA YEAST, INC.
18175 RED RIVER RD W
WAHPETON, ND 58075-9697

DAVID S. RUBIN, ESQ.
NUTTER, MCCLENNEN & FISH, LLP
SEAPORT WEST 155 SEAPORT BLVD
BOSTON, MA 02210

JOHN RISKEY
BAKERY, CONFECTIONERY, TOBACCO,
AND GRAIN MILLERS UNION LOCAL
167G UNIT 405
100 N 3RD STREET, SUITE 50
GRAND FORKS, ND 58203



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 18
Federal Office Building
212 Third Avenue South, Suite 200
Minneapolis, MN 55401-2657

Agency Website: www.nlr.gov
Telephone: (612)348-1757
Fax: (612)348-1785

October 11, 2018

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

Re: UNITE Here Local 17 (HMS Host)
Case 18-CB-215859

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

We have carefully investigated and considered your charge that UNITE HERE LOCAL 17 has violated the National Labor Relations Act.

Decision to Dismiss: On **April 09, 2018**, I informed you I would dismiss this charge unless I decided that the Charged Party had committed additional violations of the Act that would make dismissal of your charge inappropriate. Since that has not happened, 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 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, 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 24, 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 25, 2018.** 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, 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/ **Jennifer A. Hadsall**

JENNIFER A. HADSALL
Regional Director

Enclosure

cc: CHRISTA MELLO, PRESIDENT
UNITE HERE LOCAL 17
312 CENTRAL AVE, SUITE 444
MINNEAPOLIS, MN 55414

LAURA BERNSTEIN, ATTORNEY
CUMMINS & CUMMINS, LLP
920 SECOND AVENUE SOUTH
1245 INTERNATIONAL CENTRE
MINNEAPOLIS, MN 55402

HMS HOST
4300 GLUMACK DRIVE
LT-3256 MSP INTERNATIONAL
AIRPORT
ST. PAUL, MN 55111



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30
310 West Wisconsin Avenue, Suite 450W
Milwaukee, WI 53203-2246

Agency Website: www.nlr.gov
Telephone: (414)297-3861
Fax: (414)297-3880

October 15, 2018

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



Re: United Steelworkers Local 2-727
(Intertape Polymer Group)
Case 18-CB-222802

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

We have carefully investigated and considered your charge that UNITED STEELWORKERS LOCAL 2-727 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing the charge because there is insufficient evidence to support the allegations.

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 29, 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

October 15, 2018

delivery service no later than October 28, 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 29, 2018.** 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 29, 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,

ASHOK C. BODKE
Acting Regional Director

By: /s/ Anita C. O'Neil

ANITA C. O'NEIL
Acting Officer in Charge

Enclosure

cc: Amanda M. Fisher, General Counsel
United Steel, Paper and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial and Service
Workers International Union, AFL-CIO, CLC
60 Boulevard of the Allies
Five Gateway, Room 807
Pittsburgh, PA 15222

United Steelworkers Local 2-727 (Intertape - 3 -
Polymer Group)
Case 18-CB-222802

October 15, 2018

United Steelworkers Local 2-727
1244A Midway Rd
Menasha, WI 54952-1128



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 18
Federal Office Building
212 Third Avenue South, Suite 200
Minneapolis, MN 55401-2657

Agency Website: www.nlr.gov
Telephone: (612)348-1757
Fax: (612)348-1785

October 25, 2018

ROBERT R. WIESE, VICE CHARIMAN
WHITESELL CORPORATION
915 E TYLER ST
WASHINGTON, IA 52353-1336

Re: GMP LOCAL 359M C/O UNITED STEEL
WORKERS (Whitesell Corporation)
Case 18-CB-223948

Dear Mr. Wiese:

We have carefully investigated and considered your charge that GMP Local 359M c/o United Steel 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 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.

October 25, 2018

Appeal Due Date: The appeal is due on **November 8, 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 November 7, 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 November 8, 2018**. 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, 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/ Jennifer A. Hadsall

JENNIFER A. HADSALL
Regional Director

Enclosure

cc: STACEY ANDERSEN, GMP INTL REP
GMP LOCAL 359M C/O UNITED
STEEL WORKERS
608 E BALTIMORE PIKE
MEDIA, PA 19063-1735

ANTHONY RESNICK
UNITED STEELWORKERS
60 BOULEVARD OF THE ALLIES
FIVE GATEWAY CENTER, ROOM 807
PITTSBURGH, PA 15222



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 18
Federal Office Building
212 Third Avenue South, Suite 200
Minneapolis, MN 55401-2657

Agency Website: www.nlr.gov
Telephone: (612)348-1757
Fax: (612)348-1785

October 15, 2018

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

Re: IBEW LOCAL 426 (AT&T)
Case 18-CB-226904

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

We have carefully investigated and considered your charge that IBEW Local 426 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because of the lack of cooperation by the Charging Party.

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 29, 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 28, 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 29, 2018.** 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 29, 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/ Ashok C. Bokde

ASHOK C. BOKDE
Acting Regional Director

Enclosure

cc: KORY RAWSTERN, BUSINESS MANAGER
IBEW LOCAL 426
3509 S NORTON AVE
SIOUX FALLS, SD 57105

JAY M. SMITH, ATTORNEY
SMITH & MCELWAIN
505 5TH ST STE 530
PO BOX 1194
SIOUX CITY, IA 51102-1194

JOHN M. PHELAN
AT&T SERVICES, INC.
225 W. RANDOLPH ST #25
CHICAGO, IL 60606-1838

AT&T
46962 MINDY STREET
SIOUX FALLS, SD 57064