



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 22
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NEWARK, NJ 07102-3127

Agency Website: www.nlr.gov
Telephone: (973)645-2100
Fax: (973)645-3852

September 27, 2018

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

Re: G.R. Roberts Construction Company
Case 04-CA-212477

United Steelworkers Union District 4 (G.R.
Roberts Construction Company)
Case 04-CB-212475

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

We have carefully investigated and considered your charges that G.R. Roberts Construction Company and United Steelworkers Union District 4 have 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 your charges for the following reasons:

In G.R. Roberts Construction Company, Case 04-CA-211725, you allege that your former employer has unlawfully assisted the Union representing its employees by selecting its stewards. You allege further that the employer is unlawfully dominating and controlling the operations of a labor organization.

In United Steelworkers Union District 4 (G.R. Roberts Construction Company), Case 04-CB-212475, you allege that the Union is unlawfully accepting assistance by permitting G.R. Roberts Construction to choose its stewards and that the Employer appointed the (b) (6), (b) (7)(C) a supervisor as a steward.

Our investigation, confirmed by the Employer and the Union, revealed that stewards are selected by a consensus of remaining stewards after a vacancy, pursuant to longstanding practice. There is no evidence that the Employer, either directly or indirectly is involved in any way with the steward selection process. Furthermore, while you alleged that a Union representative told you that the Employer picked the stewards, (b) (6) advises that (b) (6) did not communicate that to you, and (b) (6) denies that stewards are picked by the Employer. Accordingly, we find no basis for concluding that the Employer has unlawfully assisted the Union by selecting the stewards or that the Union has accepted any unlawful assistance by permitting the Employer to select the stewards.

In addition, you allege that a steward (b) (6), (b) (7)(C) is one of the Employer's supervisors, declared that (b) (6), (b) (7)(C) did not discriminate against women, and that you complained about this

to Union representatives. Such a statement by the steward, in and of itself, is not a violation of Section 8(b)(1)(A) which prohibits a Union from restraining and coercing its members. You do not allege that you were restrained or coerced from filing a grievance or otherwise complaining about the steward's (b) (6). Even if I found that you were restrained or coerced, at that time, the steward's statements were outside of the statute of limitations for filing a charge here. Nevertheless, in a future case where restraint or coercion is alleged, I may consider the statements of the steward in evaluating whether the Union has breached its duty of fair representation.

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 11, 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 10, 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 11, 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 11, 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/ David E. Leach III

David E. Leach III
Regional Director

Enclosure

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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)