



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 19  
915 2ND AVE  
STE 2948  
SEATTLE, WA 98174-1006

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (206)220-6300  
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March 12, 2013

[REDACTED]  
BUESCHER, GOLDHAMMER, KELMAN, P.C.  
1563 GAYLORD ST  
DENVER, CO 80206-1313

Re: The Boeing Company  
Case 19-CA-088157

DEAR [REDACTED]:

We have carefully investigated and considered your charge that THE BOEING COMPANY has violated the National Labor Relations Act.

**Decision to Dismiss:** The charge alleges violations of § 8(a)(1) of the Act and that [REDACTED] the Employer has interfered with, threatened, restrained, and/or coerced its employees, members of Charging Party's (Union) bargaining unit, in the exercise of their § 7 rights by, among other things, threatening employees with discipline if they speak to each other about wages, hours, and working conditions and by maintaining and/or enforcing an Employer Code of Ethics (Conduct).

Specifically, the Union alleges that an Employer official provided an example to employees [REDACTED], when the Employer presented its Code of Conduct in a new employee orientation meeting. This example described employee conduct that could implicate the Employer's Code and allegedly encompassed employees' rights under § 7 of the Act. However, the investigation revealed insufficient evidence establishing that employees heard the alleged unlawful example. Assuming, arguendo, that the Employer provided the example and that it was heard by employees, the example was sufficiently tied to the Employer's presentation of the Code of Conduct and cannot be extricated or isolated from that broader context to establish a violation of the Act. As for the Union's allegation that the Code of Conduct contains overbroad language restricting employees' § 7 rights, the Code does not violate § 8(a)(1) because employees would not reasonably construe its potentially overbroad language to restrict protected concerted activities, in the context of the almost 40 pages of explanations and examples following the Code. In light of the above and the investigation as a whole, further proceedings on the 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. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlr.gov](http://www.nlr.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. 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, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

**Appeal Due Date:** The appeal is due on **March 26, 2013**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than March 25, 2013.

**Extension of Time to File Appeal:** Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before March 26, 2013**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should 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,



RONALD K. HOOKS  
Regional Director

Enclosure/cal

cc GENERAL COUNSEL  
OFFICE OF APPEALS  
FRANKLIN COURT BUILDING  
NATIONAL LABOR RELATIONS  
BOARD  
1099 14<sup>TH</sup> STREET, NW  
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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  
Room 8820, 1099 - 14th Street, N.W.  
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

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Case Name(s).

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

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*(Signature)*