



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
888 S Figueroa St Fl 9
Los Angeles, CA 90017-5449

Agency Website: www.nlr.gov
Telephone: (213)894-5200
Fax: (213)894-2778

July 29, 2016

PAUL R LYND, ATTORNEY AT LAW
ROBERT CARROL, ATTORNEY AT LAW
ARENT FOX LLP
55 SECOND STREET
21ST FLOOR
SAN FRANCISCO, CA 94105

Re: FOOD INDUSTRIAL BEVERAGES &
WAREHOUSE DRIVERS AND
CLERICAL EMPLOYEES, TEAMSTERS
LOCAL 630, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
(JACMAR FOODSERVICE
DISTRIBUTION)
Case 21-CB-177879

Gentlemen:

We have carefully investigated and considered your charge that Food Industrial Beverages & Warehouse Drivers and Clerical Employees, Teamsters, Local 630, International Brotherhood of Teamsters 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.

Your charge alleges that the Union agents violated the Act by coercing, intimidating, and threatening employees to obtain their signatures on union authorization cards, threatening to have an employee terminated if [REDACTED] did not sign a card, placing a pro-union sticker on a car without consent, threatening, intimidating and swearing at employees, including potential witnesses, that there would be trouble if an employee did not go along with what the Union and its supporters wanted, and questioning employees about their right to speak with management. However, the investigation failed to reveal any evidence to establish that the involved unit employees are Union agents or representatives. Further, the investigation failed to reveal sufficient evidence to establish that the alleged comments rise to the level of unlawful conduct. Finally, there is insufficient evidence to establish that employees were coerced into signing cards or that placing union stickers on employees' cars constitutes an unfair labor practice.

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. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at 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, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **August 12, 2016**. 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 August 11, 2016. **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 August 12, 2016**. 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 August 12, 2016, **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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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/WILLIAM M. PATE
Acting Regional Director

Enclosure

cc: RENEE SANCHEZ, ATTORNEY AT LAW
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FOOD INDUSTRIAL BEVERAGES & WAREHOUSE
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TEAMSTERS ,LOCAL 630, INTERNATIONAL
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WMP/js