



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30
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December 22, 2016

Re: WELLS ENTERPRISES, INC.
Case 18-CA-150544

And

UNITED DAIRY WORKERS OF LE MARS
(Wells Enterprises, Inc.)
Case 18-CB-153774

Counsel for General Counsel files this letter response to Charging Party's "MOTION FOR EXPEDITED DETERMINATION BY THE NATIONAL LABOR RELATIONS BOARD" and to the separate statements of position filed by Respondent Wells Enterprises, Inc. (Respondent Wells Enterprises) and Respondent United Dairy Workers of Le Mars (Respondent United Dairy Workers) to the Motion. General Counsel joins all parties in requesting expeditious review of the exceptions and supporting briefs filed in this matter. General Counsel urges the Board to promptly adopt the well-reasoned decision of the Administrative Law Judge and his recommended remedies. The record fully supports the Judge's decision and proposed order.

General Counsel asserts that delay will greatly diminish the effectiveness of any Board's Order when it issues. Respondent Wells Enterprises continues to completely fund Respondent United Dairy Workers. Respondent United Dairy Workers advised Wells Dairy employees it intends to continue to accept proceeds from the vending machines to fund all its activities.¹

¹ Attached to this letter as Attachment A is a distribution from the United Dairy Workers of Le Mars to Wells Dairy employees. General Counsel represents this is an accurate copy of the document distributed during September/October 2016. General Counsel does not believe there is a dispute as to the authenticity of this document or its distribution, but will establish authenticity by appropriate support if necessary.

Additionally, Respondent United Dairy Workers advised employees because of Board and Court review, its existing funding arrangements could remain in place for as long as four years.

Permitting the potential delay highlighted by Respondent United Dairy Workers' distribution (Attachment A) invites remedial failure of the potential Board Order. A prompt Board decision will effectuate the purposes of the Act.

Respectfully submitted this 22nd day of December 2016.



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United Dairy Workers of Le Mars (AKA the Employee Committee)

As many of you know the EC had NLRB charges brought against us on how we are funded (through proceeds from the vending machines) The initial ruling from the NLRB was that we could no longer receive the funding and that Wells Employees would have to recertify the EC as their representing organization. We appealed the ruling, which means that until the appeal is ruled on, that nothing changes. The EC receives the funding and will remain the representing organization of the employees. The appeal can take up to 2 years to be ruled on. If we lose the appeal, we will appeal the ruling to the District Court of Appeals which could take another 2 years or more. During this time the EC will continue to receive the vending funds and be the representing body of the employees.

If at some point, if we would lose the vending revenue, we would be forced to charge the employees dues. At this point the dues would be 50 Cents per week or basically \$26 per year per employee. All that money would be used to benefit the employees of Wells Enterprises and not used to line the pockets of others. Why would we charge so little?

- 1 No one on the EC receives any wages.
2. We have no buildings or vehicles, so we have no administration fees or overhead.
3. We do not have a National Organization, that we have to send large amounts of money to.
4. We do not give to any political organizations.
5. The EC's biggest bill most years is paying for all the newspapers that are in the employee breakrooms.
6. Then we also have legal fees, insurance that is required by law, meeting rooms, accounting fees and a few supplies.

The EC would only be out to replace the income that was lost not gouge the employees to pay for extravagant salaries, vehicles or political gifts

Wells Enterprises, Inc.
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and

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CERTIFICATE OF SERVICE

I hereby certify that I served the attached Counsel for General Counsel's Letter to the Executive Secretary on the parties listed below, by regular mail or email (as noted below), on December 22, 2016.

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EXECUTIVE SECRETARY – via EFILE

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December 22, 2016
Date

Carrie J. Klusman, Designated Agent of NLRB
Name

/s/ Carrie J. Klusman
Signature