



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 20  
901 Market Street, Suite 400  
San Francisco, CA 94103-1738

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (415)356-5130  
Fax: (415)356-5156

November 30, 2017



Re: Metro Services Group  
Case 20-CA-206860

Dear [REDACTED]:

We have carefully investigated and considered your charge that Metro Services Group (the Employer) 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 Employer unlawfully discriminated against you by sending you home and refusing to return you to work because you complained to the union about your workload. However, the investigation disclosed that you were not sent home when you complained about your workload. Rather, the foreman suggested that you go to the union to discuss the issue after your shift, which you did. Your union representative then presented the issue to the Employer, who agreed to investigate your complaint. Our investigation disclosed no evidence of Employer animosity toward you because of your complaint, nor does the evidence support that the Employer sent you home from work or told you not to return to work. Instead, the evidence indicates that you decided not to return to work until your complaint was resolved, but you did not inform the Employer or your union representative of that decision until several weeks later. The evidence shows that when you missed work repeatedly without reporting your absence, the Employer concluded that you abandoned the job. In these circumstances, the evidence is insufficient to support the alleged violation.

**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](http://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](http://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 **December 14, 2017**. 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 December 13, 2017. **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 December 14, 2017**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://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 December 14, 2017, **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.

**TENGA PRESENTE:** Esta carta explica que el NLRB está desestimando las alegaciones en el cargo que usted presentó y donde determinó no seguir adelante con la conducta alegada en el cargo. Usted puede apelar esta decisión, pero debe hacerlo dentro de un periodo de tiempo específico. Si el Inglés no es su primer idioma y quisiera que esta carta se le explicara en su primer idioma, usted puede contactar a la Oficina Regional por carta o llamar al (415)356-5130. La Junta Nacional de Relaciones del Trabajo (NLRB) se asegurará, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procesamiento de sus cargos y las decisiones que se hagan en ellos. *(PLEASE NOTE: This letter explains that the NLRB is dismissing the allegations in the charge you filed and does not plan to proceed further on the conduct alleged in the charge. You may appeal that decision, but*

*you must do so within a specific time period. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter, or call (415)356-5130. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their charges and the decisions made in them.)*

Very truly yours,

/s/

JILL H. COFFMAN  
Regional Director

Enclosure

cc: Larry Garibaldi, District Manager  
Metro Services Group  
1000 Broadway Ste 200  
Oakland, CA 94607-4039

Marv Florence  
Metro Services  
1000 Broadway Ste 200 - D  
Oakland, CA 94607-4039

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

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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)*