



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30
310 West Wisconsin Avenue, Suite 450W
Milwaukee, WI 53203-2246

Agency Website: www.nlr.gov
Telephone: (414)297-3861
Fax: (414)297-3880

May 4, 2018

FRANK D. GARRISON, ESQ.
GLEN TAUBMAN, ESQ.
NAT. RIGHT TO WORK LEGAL DEFENSE FOUNDATION
8001 BRADDOCK ROAD, SUITE 600
SPRINGFIELD, VA 22160

Re: Teamsters Local 200 (USF Holland, Inc.)
Cases 18-CB-214477, 18-CB-214520, 18-
CB-214490, 18-CB-214487, 18-CB-214514
and 18-CB-215222 and
Teamsters Local 200 (USF Holland, Inc.)
Case 18-CB-217937 and
USF Holland, Inc.
18-CA-217930

Dear Mr. Garrison and Mr. Taubman:

We have carefully investigated and considered your charges that TEAMSTERS LOCAL 200 AND USF HOLLAND, INC. have violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss the above-charges for the reasons discussed below.

In Cases 18-CB-214477, 18-CB-214520, 18-CB-214490, 18-CB-214487, 18-CB-214514, and 18-CB-215222, the Charging Parties alleged that since about December 17, 2017, the Union restrained and coerced employees in violation of Section 7 by securing authorization cards under false pretenses and withdrawing the petition for election. The evidence demonstrated the Union did not secure cards under false pretenses. Additionally, the Union, as the Petitioner in Case 18-RC-212632, had the right to withdraw its Petition (NLRB Casehandling Manual, Part 2 Representation Proceedings Sec. 11112.1(a)). Based on the foregoing, the evidence fails to establish a violation of the National Labor Relations Act.

In Cases 18-CA-217930 and 18-CB-217937, the Charging Party alleged that since about the end of January or beginning of February 2018, the Employer violated Section 8(a)(2) of the Act by unlawfully recognizing and agreeing to bargain with Union as the employees' exclusive representative and the Union violated Section 8(b)(1)(A) and (2) by unlawfully accepting voluntary recognition at a time when the Union did not have majority support among the employees. The evidence demonstrated that on February 9, 2018, based upon appropriate impartial verification, a majority of the employees supported the Union. Therefore, granting and acceptance of recognition was not a violation of the National Labor Relations Act.

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 **May 18, 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 May 17, 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 May 18, 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 May 18, 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

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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,

JENNIFER A. HADSALL
Regional Director

By: /s/ Benjamin Mandelman

BENJAMIN MANDELMAN
Officer in Charge

Enclosures

cc: TOM I. MILLONZI, SECRETARY
TREASURER
TEAMSTERS LOCAL 200
6200 W BLUEMOUND RD
MILWAUKEE, WI 53213-4145

[REDACTED]

SCOTT D. SOLDON, ATTORNEY
SOLDON LAW FIRM
3934 N. HARCOURT PLACE
SHOREWOOD, WI 53211

[REDACTED]
USF HOLLAND, INC
964 S 57TH ST
MILWAUKEE, WI 53214-3334

[REDACTED]
USF HOLLAND, INC
6161 S 6TH ST
MILWAUKEE, WI 53221-5120

[REDACTED]

NICOLE A. BUFFALANO, ATTORNEY
AT LAW
MORGAN LEWIS & BOCKIUS, LLP
300 SOUTH GRAND AVE., STE 2200
LOS ANGELES, CA 90071-3132

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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)