



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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

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

June 29, 2018

Lenza McElrath Jr.
2808 Van Aken Blvd.
Cleveland, OH 44120

Re: Uber Technologies, Inc.
Case 20-CA-181146

Dear Mr. McElrath:

We have carefully investigated and considered your charge that Uber Technologies, Inc. has violated the National Labor Relations Act. Pursuant to that investigation, on March 10, 2017, I issued an Order Withdrawing Allegation and Placing It In Abeyance and Amended Complaint by which I continued to actively litigate certain allegations but placed in abeyance your allegation that Uber violated Section 8(a)(1) of the Act by maintaining and enforcing a Dispute Resolution Agreement that required employees to waive their right to seek resolution of employment-related disputes by collective or class action.

Decision to Partially Dismiss: Based on the United States Supreme Court decision in *NLRB v. Murphy Oil USA*, ___ S.Ct. ___ (May 21, 2018), which held that mandatory arbitration agreements must be enforced under the Federal Arbitration Act according to their terms, even if those terms require individual arbitration in lieu of collective or class-based claims in other forums, I have decided to dismiss that portion of your charge alleging that Uber violated Section 8(a)(1) of the Act by maintaining and enforcing a Dispute Resolution Agreement that required employees to waive their right to seek resolution of employment-related disputes by collective or class action.

Your remaining allegation that Uber violated Section 8(a)(1) of the Act by maintaining a Dispute Resolution Agreement which may reasonably be read by employees to prohibit them from filing unfair labor practice charges with the Board—an allegation currently pending before the National Labor Relations Board on exceptions—remains subject to further processing.

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 **July 13, 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 July 12, 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 July 13, 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 July 13, 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 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,

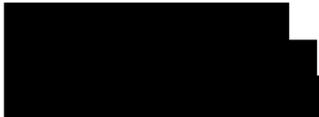
/s/

JILL H. COFFMAN
Regional Director

Enclosure

cc: Sallie Yoo, General Counsel
Uber Technologies, Inc.
1455 Market Street 4th Floor
San Francisco, CA 94103-1355

Alan I. Model, Esq.
Littler Mendelson, PC
One Newark Center, 8th Floor
Newark, NJ 07102



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)