

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

MTIL, INC

and

13-CA-189867

**UNITED ELECTRICAL, RADIO AND
MACHINE WORKERS OF
AMERICA, LOCAL 1103**

**GENERAL COUNSEL'S MOTION TO REMAND CASE
TO THE REGIONAL DIRECTOR TO PROCESS WITHDRAWAL REQUEST**

Pursuant to Section 102.47 of the National Labor Relations Board's Rules and Regulations, Counsel for the General Counsel respectfully moves that the Board remand the above-captioned case to the Regional Director to process a withdrawal request submitted by United Electrical, Radio and Machine Workers of America, Local 1103 (Charging Party). In support of this motion, the General Counsel states:

1. On July 16, 2018, Administrative Law Judge Melissa M. Olivero issued her decision, that Respondent MTIL, Inc., violated Section 8(a)(1) of the Act by engaging in 7 independent violations which included multiple instances of the following: 1) threatening employees with discharge and plant relocation; 2) promising and granting benefits; 3) requesting employees solicit others to vote "no" in a union election; and 5) interrogating employees. (ALJD 22-27) Additionally, the ALJ found that Respondent violated Section 8(a)(3) of the Act by discharging employee Bobby Frierson on December 14, 2017. (ALJD 30) Based upon the coercive nature of these unfair labor practices, under *NLRB v. Gissel Packing Co.*, 395 U.S. 575 (1969), the ALJ ordered

Respondent to bargain in good faith with the Union over the terms and conditions of employment of its production and maintenance employees.

2. On August 6, 2018, Respondent filed Exceptions to the Administrative Law Judge's Decision. On September 26, 2018, the General Counsel filed an Answering Brief in opposition to Respondent's Exception to the Administrative Law Judge's Decision. To date, the case is pending before the Board and the Board has not ruled on Respondent's Exceptions.

3. On September 13, 2018, the Charging Party, United Electrical, Radio and Machine Workers of America, Local 1103, Respondent, and Bobby Frierson entered into a non-Board settlement agreement and general release that resolves this case. As part of the non-Board settlement agreement, the Charging Party requested that the instant charge be withdrawn.

4. Considering the expressed desire of the parties to be bound by the non-Board settlement agreement resolving this case, General Counsel requests that this case be remanded to the Regional Director for Region 13 for approval and processing of the withdrawal request.

Respectfully submitted,

/s/Sylvia L. Posey
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DATED in Chicago, Illinois, this 2nd day of November, 2018.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **COUNSEL FOR THE GENERAL COUNSEL'S Motion to Remand** was electronically filed with the Executive Secretary of the National Labor Relations Board on **November 2, 2018**, and true and correct copies of the document have been served on the parties in the manner indicated below on that same date.

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