



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103

May 31, 2019

Steven A. Davidson, Associate General Counsel  
International Union of Operating Engineers Local 150, AFL-CIO  
Legal Department  
6140 Joliet Rd  
Countryside, IL 60525-3956

Re: Troy Grove, a div. of RiverStone Group  
Inc., Vermillion Quarry a div. of  
RiverStone Group Inc.  
Cases 25-CA-233820, 25-CA-234477

Dear Mr. Davidson:

We have carefully investigated and considered your charges that Troy Grove and Vermillion Quarry, divisions of RiverStone Group Inc. has violated the National Labor Relations Act.

**Decisions to Dismiss and Partially Dismiss:** Based on that investigation, I have decided to dismiss Charge 25-CA-233820 alleging that the Employer unlawfully packed the unit in an effort to prevail in a decertification election in violation of Section 8(a)(1) of the Act. There was insufficient evidence to establish the violation alleged where the Employer provided a legitimate business explanation for hiring the employees in question, there was no evidence the Employer had any knowledge of how the new employees would vote in any decertification election, and the Employer continued to reinstate striking employees when those employees made unconditional offers to return to work.

I have also decided to dismiss portions of Charge 25-CA-234477. Specifically, I am dismissing the allegations that the Employer made unilateral changes to the cell phone and lunch break policies in violation of Section 8(a)(1) and (5) of the Act. There was insufficient evidence to establish that the cell phone and lunch policies announced in January 2019 differed from the existing employment conditions and policies. Further, the evidence did not establish that the Employer knowingly failed to enforce those policies previously or that the Employer more strictly enforced those policies in the six months preceding the filing of the charge. Accordingly, further proceedings on these allegations are not warranted.

The remaining allegation in Case 25-CA-234477 that the Employer violated Section 8(a)(1) and (5) of the Act by unilaterally changing the punch in policy 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](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 **June 14, 2019**. 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 June 13, 2019. **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 June 14, 2019**. 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 June 14, 2019, **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.

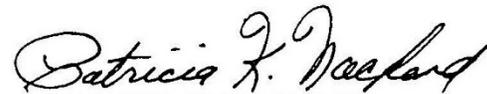
**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party 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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Group Inc.  
Case 25-CA-233820

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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,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is written in a cursive, flowing style.

PATRICIA K. NACHAND  
Regional Director

Enclosure

cc: International Union of Engineering  
Operators, Local 150, AFL-CIO  
6140 Joliet Rd  
Countryside, IL 60525-3956

Marshall Guth, Representative  
Troy Grove and Vermillion Quarry,  
divisions of RiverStone Group Inc.  
1701 5th Ave  
Moline, IL 61265

Arthur W. Eggers, Attorney  
CALIFF & HARPER PC  
506 15th St Ste 600  
Moline, IL 61265-2149

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)*