

# EXHIBIT 3

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 3

FIRST STUDENT

Employer

and

Case 03-RD-243112

BILLIE MCCLINSEY

Petitioner

and

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS LOCAL 449

Union

**ORDER TO SHOW CAUSE AND POSTPONING HEARING INDEFINITELY**

On June 12, 2019, Billie McClinsey, the Petitioner, filed a petition in the above-referenced matter seeking a decertification election among the employees in the unit covered by the collective-bargaining agreement between the Union and the Employer. This bargaining unit includes:

All employees in the classifications of regular bus driver, regular van driver, attendant, casual driver, maintenance, mechanic and service helper employed at the Employer's facilities located at 909 Bailey Avenue, Buffalo, NY 14206; 455 Wheatfield Street, North Tonawanda, NY 14120; and 655 Walk Road, North Tonawanda, NY 14120 and any facility that replaces it, and excluded from the bargaining unit are all office, clerical employees, professional employees, guards and supervisors as defined in the Labor Management Relations Act as specified in the certification of representation case number 3-RC-10671 (Bailey Avenue); 3-RC-10690 (Wheatfield Street); 3-RC-11785 (Walck Road).

The petition in this matter raises the question of whether the local bargaining unit has merged into a single nationwide bargaining unit subject to a national collective-bargaining agreement. I am soliciting positions and evidence from the Parties as to whether an election should be directed, the matter should proceed to hearing, or whether the instant petition should be dismissed.

As noted above in the unit description, the Union was originally certified as the exclusive collective-bargaining representative of employees at the three terminals listed therein. The Union and the Employer have been parties to a series of collective-bargaining agreements, the most recent of which has effective dates of September 1, 2016 through August 31, 2019.

The Teamsters First Student National Negotiating Committee, representing local unions affiliated with the International Brotherhood of Teamsters, and the Employer bargained and

agreed to a National Master First Student Agreement with a term of June 1, 2011 through March 31, 2015 (National Agreement). The parties to the National Agreement signed a successor agreement with a term of April 1, 2015 through March 31, 2020. Article 2, Section 4 of the National Agreement, titled "Single Bargaining Unit," states in relevant part:

It is the intent of the parties that each of the groups of represented employees referenced in Appendix A will be governed by this National Agreement and applicable local agreements, supplements and/or riders... All employees covered by this National Agreement and the various local agreements, supplements and/or riders shall constitute one (1) bargaining unit.

The Employer's Buffalo locations are listed as an affected local unit in Appendix A of the National Agreement.

The Board has held that when employees in separate units that have previously been certified by the Board or recognized by an employer as separate units have, in effect, been merged into a single unit that comprises the bargaining unit covered by an existing collective-bargaining agreement, a petition for decertification election must be coextensive with the currently recognized and established unit. *Albertson's Inc.*, 307 NLRB 338 (1992); *Wisconsin Bell*, 283 NLRB 1165 (1987). In this instance, the National Agreement unequivocally specifies that the groups listed in Appendix A are governed by the National Agreement and that the parties created a single nationwide bargaining unit.

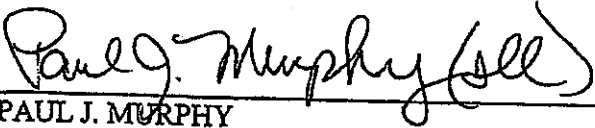
Therefore, **IT IS HEREBY ORDERED** that any party shall have until June 26, 2019, to show cause why this matter should proceed to hearing or an election, or be dismissed, by filing a written statement with the undersigned. In addition to the submission of documentary evidence and statements addressing the legal issue of whether the local bargaining unit has merged into a single nationwide bargaining unit subject to a national collective-bargaining agreement, the positions statement(s) should also provide responses to the following questions:

- 1) As the Employer's Tonawanda, North Tonawanda, and Buffalo locations are collectively listed as a local unit covered by the National Agreement, why doesn't the bargaining unit merger preclude the processing of the petition?
- 2) Specifically, explain the bargaining history and ratification of the National Agreement and any local union involvement.

Responses to the above questions, as well as the statement of fact and legal authority, should include a showing that the statements were duly served on all other Parties. In the absence of any submissions, the instant petition will be dismissed.

**IT IS FURTHER ORDERED** that the hearing in the above-entitled matter currently scheduled for June 20, 2019 is hereby postponed indefinitely.

Dated: June 14, 2019

A handwritten signature in cursive script that reads "Paul J. Murphy (all)". The signature is written in black ink and is positioned above a horizontal line.

PAUL J. MURPHY  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 03  
130 S Elmwood Ave Ste 630  
Buffalo, NY 14202-2465