

## **EXHIBIT A**



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 19  
915 2nd Ave Ste 2948  
Seattle, WA 98174-1006

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (206)220-6300  
Fax: (206)220-6305

August 20, 2019

Amanda K. Freeman and Glenn M. Taubman  
National Right to Work Legal Defense Foundation, Inc.  
8001 Braddock Rd., Suite 600  
Springfield, VA 22160

Re: *Apple Bus Company*  
Case 19-RD-216636

Dear Ms. Freeman and Mr. Taubman:

This is to notify you that the petition in the above-captioned case will continue to be held in abeyance pending the investigation and disposition of the recently filed unfair labor practice charge in Case 19-CA-246017. Case 19-CA-242017 was filed on August 1, 2019, and alleges that the Employer has violated §§ 8(a)(3) and (5) of the Act by discriminatorily disciplining, suspending, and terminating certain employees who support the Union. On August 9, 2019, the Union filed a request to block together with an offer of proof detailing its evidence in support of the allegations. Based on this, I have determined the decertification petition will be held in abeyance pending the investigation. Such action is consistent with Representation Casehandling Manual Section § 11730.2 Type I Charges: Charges that Allege Conduct that Only Interferes With Employee Free Choice, which provides:

When the charging party in a pending unfair labor practice case is also a party to a petition, and the charge alleges conduct that, if proven, would interfere with employee free choice in an election, were one to be conducted, and no exception (Sec. 11731) is applicable, the charge should be investigated and either dismissed or remedied before the petition is processed if the charging party files a request to block accompanied by a sufficient offer of proof and promptly makes its witnesses available.

As you are aware, the RD petition was already blocked. It will remain so, as required by Representation Casehandling Manual § 11734, Resumption of Processing of Petition, until the Employer has taken all remedial action required by the two settlement agreements in: (1) Cases 19-CA-230002, 19-CA-229797, 19-CA-228939, 19-CA-

229782, 19-CA-227811, 19-CA-227810, 19-CA-222050, 19-CA-221066, 19-CA-218290, and 19-CA-212813; and (2) Cases 19-CA-242905, 19-CA-242952, and 19-CA-242954.<sup>1</sup>

As to the first group of cases, 19-CA-230002 *et. al*, the Board has denied requests for review of the Region's decision to block the petition. The Region, per Compliance Casehandling Manual § 10528.4, Bargaining Obligations Monitored for a Reasonable Period of Time, is continuing to monitor compliance for a reasonable period time after the expiration of the notice posting period.

As to the second group of cases, the Petitioner has filed a request for review and the matter is pending before the Board.<sup>2</sup> In the interim, the Region approved a bilateral settlement agreement on August 16, 2019, encompassing the allegations of these charges filed on June 6 and 7, 2019. The allegations include that the Employer violated §§ 8(a)(1) and (5) of the Act by, *inter alia*, failing to provide the Union with information, unilaterally changing its visitation policy, engaging in regressive bargaining, and creating the impression of surveillance. Since these allegations involve conduct that could interfere with employee free choice in an election, were one to be conducted, the Region blocked the petition.

***Right to Request Review:*** Pursuant to § 102.71 of the National Labor Relations Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. The request for review shall be submitted in eight copies, unless filed electronically, with a copy filed with the regional director, and all copies must be served on all the other parties. The request must contain a complete statement setting forth facts and reasons upon which the request is based.

***Procedures for Filing Request for Review:*** A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (5 p.m. Eastern Time) on **September 3, 2019**, unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time on September 3, 2019.**

**Consistent with the Agency's E-Government initiative, parties are encouraged, but not required, to file a request for review electronically.** Section 102.114 of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties

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<sup>1</sup> A third case, 19-CA-238757, involving access and described in detail in the letter to you from Regional Director Hooks dated July 9, 2019, recently closed in compliance. The parties' informal settlement agreement in that matter had been approved on about May 14, 2019, and the case closed in compliance on August 8, 2019. As such, it no longer blocks the processing of the petition.

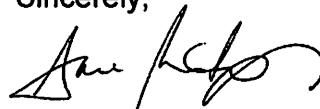
<sup>2</sup> On June 6, 2019, the Union also filed a charge in Case 19-CA-242879, alleging the Employer dealt directly with employees regarding bargaining proposals. Although the Region granted the Union's request to block, that charge no longer serves to block the petition, as it has since been withdrawn.

to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the Efiling system on the Agency's website at [www.nlr.gov](http://www.nlr.gov). Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

The Board may grant special permission an extension of time within which to file a request for review. A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Sincerely,



ANNE POMERANTZ  
Acting Regional Director

cc: Office of the Executive Secretary  
(by e-mail)

John Eberhart, General Counsel  
Teamsters Local 959  
520 East 34th Ave Ste 102  
Anchorage, AK 99503-4164

Terrence W. Kilroy, Attorney  
Polsinelli, PC  
900 W 48th PI Ste 900  
Kansas City, MO 64112-1899

Elizabeth J. Chase  
PO Box 39  
Kasilof, AK 99610-9303

Julie Cisco, General Manager-Alaska  
Apple Bus Company  
34234 Industrial St  
Soldotna, AK 99669-8325

## **EXHIBIT B**

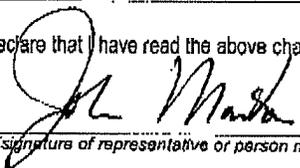
UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

**DO NOT WRITE IN THIS SPACE**

Case <b>19-CA-246017</b>	Date Filed <b>8-1-2019</b>
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**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>	
a. Name of Employer <b>Apple Bus Company</b>	b. Tel. No. (816) 618-3310
	c. Cell No. (269) 830-6176
	f. Fax No. (816) 618-3303
d. Address (Street, city, state, and ZIP code) <b>230 E. Main Street Cleveland, MO 64734 (work location: 34234 Industrial Street, Soldotna, AK 99669)</b>	e. Employer Representative <b>Stephanie Teters</b>
	g. e-Mail <b>Stephanie.Teters@ applebuscompany.com</b>
	h. Number of workers employed <b>approximately 120</b>
i. Type of Establishment (factory, mine, wholesaler, etc.) <b>Public school bus contractor</b>	j. Identify principal product or service <b>Pupil Transportation</b>
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) & (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) <b>Within the last six (6) months, Apple Bus continues to discriminate against employees who support the Union and continues to give favored treatment to employees who support the pending decertification petition. This illegal discrimination is evident by reviewing the pattern of disciplinary actions, including terminations that have been meted out by the Company to employees who support the Union as compared to those employees who do not. Specific examples involve at least three employees who support the Union. Those three employees (all drivers) include Toni Knight, Rhonda Johnson, and Mario Concepcion.</b>	
(continued on attached page)	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) <b>International Brotherhood of Teamsters, Local 959</b>	
4a. Address (Street and number, city, state, and ZIP code) <b>520 E. 34th Ave. Suite 102 Anchorage, Alaska 99503</b>	4b. Tel. No. 907-751-8557
	4c. Cell No. 907-575-6525
	4d. Fax No. 907-751-8595
	4e. e-Mail <b>jmarton@akteamsters.com</b>
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) <b>International Brotherhood of Teamsters, Local 959</b>	
<b>6. DECLARATION</b>	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  (signature of representative of person making charge)	<b>John Marton</b> (Print/type name and title or office, if any)
Address <b>520 E. 34th Ave., Suite 102, Anchorage, AK 99503</b>	
8/1/2019 (date)	
Tel. No. 907-751-8557	
Office, if any, Cell No. 907-575-6525	
Fax No. 907-751-8595	
e-Mail <b>jmarton@akteamsters.com</b>	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Continued from Item #2 (Basis of Charge).

In Knight's case, Knight was terminated for allegedly violating a policy that Apple claimed to have carried forward from First Student (Apple's predecessor employer) for momentarily exiting an unsecured school bus (motor running with keys in the ignition) in order to quickly prevent some students from crossing in front of oncoming traffic. (Safety issue) Knight was terminated for that on or about March 27, 2018. Yet, given similar conduct by Linda Reichert (a driver) on or about February 21, 2019 in a much less urgent situation where no immediate safety issues were present, Reichert wasn't terminated yet alone disciplined for exiting a school bus without securing the bus with students aboard. In Reichert's case, unlike in Knight's situation, there was no immediate need to quickly exit the school bus, i.e., there was no imminent danger present to any students. In a prior ULP case (19-CA-222039), Chase was only given a reprimand for similar conduct. Chase does not support the Union. Knight was the only employee terminated for similar conduct, and she is a Union supporter.

In Johnson's case, Johnson was written up and was required to go through "retraining" in order to continue employment at Apple Bus because of a minor "accident" where a tree branch scraped the side of her bus while driving down a road. The write up is still in her file even after she successfully completed "retraining". Johnson was treated differently from Greg Fisher who, while backing up on February 15, 2019, hit another bus that was parked, yet wasn't disciplined or even required to go through any "retraining" even though Fisher's accident was a much more severe type of accident. Fisher supports the decertification petition that is currently pending. Johnson was also treated differently than was Reichert who, after sideswiping another school bus while it was parked in the bus loading zone on the school property, wasn't disciplined. In Reichert's case, she passed another school bus on school property (a violation of protocols) and had an accident with another bus. Another driver reported that "incident", which was a major safety violation. Reichert was not disciplined nor required to go through any "retraining" because of either of the two "incidents" that she was involved in. Reichert does not support the Union.

In Mario Concepcion's case, the Company discriminated against him because of the exercise of his bargaining rights and support of the Union. Concepcion was immediately suspended by a memo dated October 11, 2018 from driving pending an investigation because his bus hit a guard rail. The end result was that his hours were reduced from 40+ hours a week to 20 hours/week. He continued to work a 20 hour week on average for at least the remaining regular school year, and lost pay as the result of the October, 2018 "Incident" and continues to lose pay because Apple Bus cut his hours. Subsequently, on or about February 13, 2019, Concepcion was issued a written warning re: an alleged attendance issue. Apple Bus issued this discipline to Concepcion even though Apple Bus represented to the Union that it has no attendance policy, yet it unilaterally imposed disciplinary action against him.

These are examples of Apple Bus Company's pattern of favoring employees who support the decertification petition by not disciplining them at all or favoring them by giving them a lesser level of discipline while Union supporters are dealt with more harshly than are non-Union supporters. This pattern of which employees Apple Bus disciplines, including the degree of severity of the discipline, sends a clear signal to other employees in the bargaining unit that it is better to not support the Union.

## **EXHIBIT C**

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

APPLE BUS COMPANY,  
EMPLOYER

and

GENERAL TEAMSTERS LOCAL 959,  
UNION,

and

ELIZABETH J. CHASE,  
PETITIONER.

Case No. 19-RD-216636

**DECLARATION OF LINDA REICHERT IN SUPPORT  
OF PETITIONER'S FIFTH REQUEST FOR REVIEW**

Pursuant to Section 1746 of the Judicial Code, 28 U.S.C. §1746, Linda Reichert declares as follows:

In support of Petitioner's Fifth Request for Review, I submit this Declaration under National Labor Relations Board ("NLRB") Rules and Regulations §§ 102.67 and 102.71. The facts stated in this Declaration are within my personal knowledge.

1. In or about June 2017, Apple Bus hired me to be a school bus driver for the Kenai Peninsula Borough School District for the 2017–2018 school year.
2. As a school bus driver with Apple Bus, I am in the bargaining unit represented by General Teamsters Local 959.
3. I drove as a school bus driver for Apple Bus for the 2017–2018 school year.

4. I continued driving as a school bus driver for Apple Bus for the 2018–2019 school year.

5. On or about February 21, 2019, I drove my bus onto the school property to drop off the students for school. When I arrived, there were cones blocking the drop-off location. As a result, I, among other things, put the bus in park, set the brake, announced to the children that I needed to leave the bus so that I could move the cones, asked a child sitting in the back of the bus to push the button stopping the alarm once I removed the keys, and removed the keys all before exiting the bus.

6. Apple Bus informed me that it had pulled the video of the incident after the bus driver who had been behind me reported the incident. Apple Bus reviewed the tape, and informed me that no disciplinary action was necessary as I did everything correctly.

7. In about September 2018, I arrived at Sky View Middle School to attend a bus driver meeting after I had dropped off all of the students for school. I pulled into the middle school, and went to park my bus behind another bus. I accidentally forgot to set my parking brake, resulting in my bus rolling into the bus in front of mine. There were no children on either bus at that time, nor were there any children near the buses.

8. As a result of the September 2018 accident, I was required to go through retraining before I could continue my employment as a bus driver with Apple Bus, and I believe a write-up about the incident was placed in my employee file.

9. In my entire career as a school bus driver, I never had an accident with another school bus due to passing that school bus while on school property.

10. In my entire career as a school bus driver, I have never left my bus unattended and unsecured while children were on it. I have never been accused of doing so, nor have I been warned, disciplined, or reprimanded for breaking this policy.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 12, 2019.

Linda Reichert  
Linda Reichert (with permission)  
alf

## **EXHIBIT D**

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

APPLE BUS COMPANY,  
EMPLOYER

and

GENERAL TEAMSTERS LOCAL 959,  
UNION,

and

ELIZABETH J. CHASE,  
PETITIONER.

Case No. 19-RD-216636

**DECLARATION OF GREGORY M. FISHER IN SUPPORT  
OF PETITIONER'S FIFTH REQUEST FOR REVIEW**

Pursuant to Section 1746 of the Judicial Code, 28 U.S.C. §1746, Gregory M. Fisher declares as follows:

In support of Petitioner's Fifth Request for Review, I submit this Declaration under National Labor Relations Board ("NLRB") Rules and Regulations §§ 102.67 and 102.71. The facts stated in this Declaration are within my personal knowledge.

1. On June 24, 2017, Apple Bus Company ("Apple Bus") hired me to be a school bus driver for the Kenai Peninsula Borough School District for the 2017–2018 school year.
2. As a school bus driver with Apple Bus, I am in the bargaining unit represented by General Teamsters Local 959.

3. I began driving a school bus for Apple Bus on August 22, 2017, the first day of the 2017-2018 school year, and continued to drive until the last day of school on, or about, May 22, 2018.

4. I continued driving as a school bus driver for Apple Bus for the 2018-2019 school year.

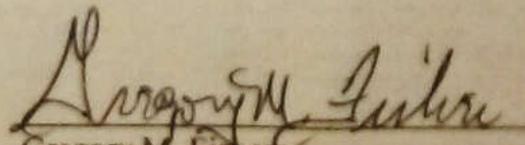
5. On February 15, 2019, I was assigned a temporary bus that was longer in length than my normal bus. When I went to parallel park the bus between two other buses, I accidentally hit the bus that was parked behind the back of the bus I was driving. There were no children on either bus at that time, nor were there any children near the buses.

6. As a result of that accident on February 15, 2019, I was required to go through several hours of retraining before I could continue my employment as a bus driver with Apple Bus, and Apple Bus placed something in my file regarding the accident.

7. In my entire career as a school bus driver, I have never left my bus unattended and unsecured while children were on it. I have never been accused of doing so, nor have I been warned, disciplined, or reprimanded for breaking this policy.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 11<sup>th</sup>, 2019.

  
Gregory M. Fisher