



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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

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February 11, 2020

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**Re: WestRock Services, Inc.  
Case 19-CA-252703**

Dear Parties:

We have carefully investigated and considered your charge that WestRock Services, Inc. has violated the National Labor Relations Act.

**Decision to Dismiss:** The Charging Party – Union (“Union”) alleges that the Employer violated Sections 8(a)(1) and (5) of the Act by unilaterally implementing a new disciplinary attendance policy, without first providing the Union with notice and/or an opportunity to bargain over that new policy. The Region, in its letter acknowledging the filing of the charge, notified the Union of its responsibility to meet with the assigned Board Agent to provide evidence in support of its charge in the form of sworn affidavits from witnesses, and relevant documents within the Union’s possession. On December 10, 2019, the assigned Board Agent telephoned Union’s counsel and requested witness information and documentary evidence, and to schedule sworn affidavits from the Union’s witnesses. Union counsel replied he would make efforts to meet the Board Agent’s requests and schedule Union witness affidavits. On January 3, 2020, the Board Agent emailed the Union’s counsel and requested the Union’s documentary evidence by January 7, 2020, and all other evidence (including sworn Board affidavits from the Union’s witnesses) by January 13, 2020, stating that a failure or refusal to meet those deadlines could result in the Region issuing a dismissal letter to the parties advising them that the charge has been dismissed due to a lack of cooperation. On January 7, 2020, the assigned Board Agent emailed Union counsel and attempted to schedule sworn affidavits from Union witnesses for January 9 and/or 10, 2020. However, Union counsel did not

respond until January 13, 2020, offering to present Union witnesses only for telephone affidavits, notwithstanding the parties' dispute regarding the critical facts underlying the charge allegations; specifically, whether the Employer had provided the Union with notice and an opportunity to bargain over the new attendance policy before its implementation and whether the Employer implemented the new policy only after the parties had bargained in good faith to impasse over the matter. Although it filed a position statement addressing only the alleged changes in the implemented policy, the Union failed and/or refused to have its witnesses meet with the assigned Board Agent by the January 13, 2020 deadline for sworn Board affidavits, and to provide documents relating to the critical issues underlying this case. Given this refusal/failure to cooperate, further proceedings are not warranted and I am dismissing the charge

**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 **February 25, 2020**. 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 February 24, 2020. **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 February 25, 2020**. 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 February 25, 2020, **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,



RONALD K. HOOKS  
Regional Director

Enclosure

cc: Jacqui Tilley  
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klm

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)*