

From: (b) (6), (b) (7)(C)
To: [McKinney, M. Kathleen](#); [Wilkes, Andrea J.](#); [Campbell, Stacia](#); [Walls-Parker, Kirsten](#)
Cc: [Bock, Richard](#); [Dodds, Amy L.](#); [Szapiro, Miriam](#); [Shorter, LaDonna](#); [Weth, Patricia](#)
Subject: SAPA/HYDRO Extrusion, 15-CA-253784 (case-closing email)
Date: Monday, June 15, 2020 8:49:51 AM

The Region submitted this case for advice regarding whether the Employer violated Section 8(a)(5) by unilaterally enforcing its previously dormant handbook policy requiring employees to concurrently use vacation time when taking FMLA leave. We conclude that the change was covered by the management rights provision contained in the parties' extant collective bargaining agreement, which allowed the Employer to make "reasonable plant rules and regulations of conduct" that were not contrary to the terms of the contract. Thus, the change was privileged under *MV Transportation, Inc.*, 368 NLRB No. 66 (2019) and *Huber Specialty Hydrates, LLC*, 369 NLRB No. 32 at pp. 3-4 (2020) (management right to "adopt" rules and policies covers right to amend or revise existing policies). Hence, we agree with the Region that the charge should be dismissed, absent withdrawal.