



## Oak Harbor Freight Lines

# Memo

**To:** All Employees  
**From:** Ron Kieswether  
**Date:** 4/6/2009  
**Re:** NLRB Decision

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As part of our continuing effort to keep employees informed of events we have posted along side of this memo a copy of a letter that has been sent to Mr. McCall by the NLRB Office of Appeals in Washington DC. Mr. McCall is an attorney of the IBT International and working for all the Teamster locals representing Oak Harbor Freight Lines employees. The letter to Mr. McCall is a final notification that the union's appeal of the Region Director's decision is denied and that "further proceedings are unwarranted". The letter from the Office of Appeals confirms the prior determination that the charges filed by the unions are without merit. The Teamster Locals have been claiming that Oak Harbor was "surface bargaining" or, as sometimes and more commonly called, "bargaining in bad faith".

The union claim of 'Bad Faith' bargaining has been made against Oak Harbor a number of times, most recently in a memo from Vice President Hobart dated March 25<sup>th</sup>, 2009. The claim of bad faith, as filed by the union's Attorney Mr. McCall, has been reviewed by the Regional NLRB in Seattle and was found as having no merit. The Teamsters were not satisfied by the Regional Director's decision so the Teamsters appealed to the NLRB in the DC office. Mr. McCall filed the appeal for the Teamster locals and the claim of the Teamsters was reviewed by the NLRB Office of Appeals in Washington, DC. The Office of Appeals confirmed that the claim of "surface bargaining" was, again, found as having no merit stating "further proceedings are unwarranted".

As we have stated many times, Oak Harbor made many concessions during our bargaining with the Teamster representatives. While Oak Harbor held firm on some issues that firmness is not necessarily "bad faith".

What the Office of Appeals has told the Teamsters is: "While the Employer continued to adhere to some proposals unacceptable to the Union, in particular its insistence on a company medical plan, **the evidence fails to establish that the Employer bargained in bad faith**, as alleged." We hope the Teamsters now understand that the Company has the right to legally bargain for changes even if the Teamsters don't like the Company's proposed changes.

As we return to negotiations with the union in a mutual endeavor to find solutions to issues, we hope meritless claims of "bad faith" will give way to productive problem solving.

*For our union employees if you have any questions about our proposal you may ask us. If you have feedback or input about our proposal you must bring that to the union, the Union is the lawful representative of our union employees. We simply want employees to know what we are offering and why.'*



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, D.C. 20570

March 26, 2009

Re: Oak Harbor Freight Lines, Inc.  
Case No. 19-CA-31597

James A. McCall, Special Counsel  
Teamsters Locals 81, 174, 231, 252, 324,  
483, 589, 690, 760, 763, 839, and 962  
25 Louisiana Avenue, NW  
Washington, DC 20001

Dear Mr. McCall:

Your appeal from the Regional Director's refusal to issue complaint has been considered. The appeal is denied substantially for the reasons set forth in the Regional Director's letter of January 30, 2009. The evidence indicates that during the course of negotiations, the Employer substantially modified its original proposals, including proposing increases to employee wages. Also, as noted by the Regional Director, the parties reached tentative agreement on several provisions as a result of concessions made on both sides. While the Employer continued to adhere to some proposals unacceptable to the Union, in particular its insistence on a company medical plan, the evidence fails to establish that the Employer bargained in bad faith, as alleged. Accordingly, further proceedings are unwarranted.

Sincerely,

Ronald Meisburg  
General Counsel

By *Yvonne T. Dixon*  
Yvonne T. Dixon, Director  
Office of Appeals

cc: Richard L. Ahearn, Regional Director  
National Labor Relations Board  
915 2<sup>nd</sup> Avenue, Room 2948  
Seattle, WA 98174

Edward Vander Pol, CEO  
Oak Harbor Freight Lines, Inc.  
1339 West Valley North  
Auburn, WA 98071

John M. Payne, Attorney  
Davis, Grimm, Payne & Marra  
701 5<sup>th</sup> Avenue, Suite 4040  
Seattle, WA 98104

mab