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Description of document: Listing of National Labor Relations Board (NLRB)
Significant Advice Memoranda (SAMs), 2017

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Source of document: CDC/ATSDR
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Atlanta, GA 30333
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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

March 17, 2017

Re: FOIA ID: LR-2017-0092

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated October 10, 2016 and received in this Office on October 17, 2016, in which you seek an electronic copy of the listing of NLRB Significant Advice Memoranda (SAMs). You agreed to assume financial responsibility for the processing of your request in the amount of \$25.00.

We acknowledged your request on October 10, 2016. An interim response was sent on November 9, 2016. In a telephone conversation on January 4, 2017 with a member of my staff, you modified the request to seek the case name, case number, and title of each Advice Memorandum. We regret the delay in our response.

Pursuant to the FOIA, a reasonable search of the Agency's intranet was conducted. I have attached the requested listing in a spreadsheet format.

For the purpose of assessing fees, we have placed you in Category D, the "all other requesters" category, because you do not fall within any of the other fee categories. Consistent with this fee category, you will be assessed charges to recover the reasonable direct costs for searching for the requested documents, except that you will not be charged for the first two hours of search. NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(2)(ii)(D). Charges for all categories of requesters are \$3.10 per quarter-hour or portion thereof of clerical time and \$9.25 per quarter-hour or portion thereof of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Less than two hours of professional time was expended in searching for the requested material. Accordingly, there is no charge for this request.

You may contact Teresita Sanabria, FOIA Specialist at (202) 568-3531 or by email at teresita.sanabria@nrlb.gov, who processed your request, as well as our FOIA Public Liaison at (202) 273-0902 or by email at FOIAPublicLiaison@nrlb.gov, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, email at ogis@nara.gov, telephone at (202) 741-5770, toll free at (877) 684-6448, or facsimile at (202) 741-5769.

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal by mail to the Division of Legal Counsel, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C., 20570, or by email to DLCFOIAAppeal@nrlb.gov, within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based. Should you have questions concerning this letter, you may contact Denise Meiners, FOIA Supervisor, at (202) 273-2935 or by email at Denise.Meiners@nrlb.gov.

Sincerely

Synta E. Keeling ISI

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (Excel spreadsheet)

Significant Advice Memoranda

Title	Case Name	Case Number
Unlawful Lockout	Honeywell International	03-CA-176218
Unlawful investigation into employees' immigration status	Zane's, Inc.	01-CA-167721
Misclassification of Statutory Employees as Independent Contractors	MENARD, INC.	18-CA-181821
Timely Service of Charge Returned by Postal Service for Insufficient Address	Hospital Español Auxilio Mutuo	12-CA-175136
Region to urge Board to overturn the Register Guard discrimination standard and to extend Purple Communications to Fax machines	Oliverio Clips, Inc. d/b/a Great Clips	28-CA-177975
Unlawful discharges for union or protected concerted activity	Universal Security, Inc.	13-CA-178494
	SHAKEOUT CASE (DON'T DELETE)- Created from Inquiry	10-RD-149908
Gig Economy: Postmates's couriers are statutory employees	Postmates, Inc.	13-CA-163079
Pre-arbitral deferral appropriate where statutory rights at issue were explicitly incorporated into parties' CBA	Providence Tarzana Medical Center	31-CA-173364
Region to urge Board to reexamine the scope of its extraterritorial jurisdiction under the Act	Sallyport Global Holdings, Inc.	05-CA-138613
On-air statements protected and did not reveal sensitive security information	Trinity Technology Group, Inc.	12-CA-165643
Unlawful questioning about immigration documents during ULP proceeding	Lifeway Foods, Inc	13-CA-169510
Weingarten rights in non-unionized setting	Wal-Mart Stores, Inc.	28-CA-167277
Unlawful discipline for complaints about workplace diversity policies	Google, Inc.	32-CA-164766
Effect of bankruptcy ruling on unilateral change allegations	Trump Entertainment Resorts, Inc., Trump Entertainment Resorts Holdings, L.P., Trump Plaza Associate	04-CA-143464
Series of one-day strikes not unprotected "intermittent" strikes	Seven Hills, Inc.	05-CA-159426
Region to Urge Board to adopt Member Liebman's concurrence in Embarq	BFG Federal Credit Union	08-CA-151936

Significant Advice Memoranda

Title	Case Name	Case Number
Right to display union insignia on personally-assigned employer property	AT&T / Pacific Bell Telephone Company	32-CA-156076
Discovery request violates Section 8(a)(1) under Guess balancing test	DURHAM SCHOOL SERVICES, a limited partnership and NATIONAL EXPRESS, LLC, general partner	15-CA-163098
Gissel bargaining order remedy not precluded by Irving Air Chute	TAYLOR FARMS PACIFIC, INC., ABEL MENDOZA, INC., SLINGSHOT CONNECTIONS, LLC, TAYLOR FARMS PACIFIC, IN	32-CA-116854
Misclassification of statutory employees as independent contracts	PACIFIC 9 TRANSPORTATION INC.	21-CA-150875
Weingarten rights in a non-unionized setting	Bayhealth Medical Center	05-CA-157145
Region to seek additional remedies due to Employer's coercive conduct premised on immigration status	Preferred Building Services, Inc. and Rafael Ortiz d/b/a Ortiz Janitorial Services, Joint Employers	20-CA-149353
Board should not assert jurisdiction over faculty and social workers at religiously-affiliated middle school	NATIVITY PREPARATORY SCHOOL	01-CA-144463
Overbroad litigation hold and document preservation notice	Sentara Healthcare, Inc. d/b/a Medical Transport, LLC	05-CA-145731
Uniform policy unlawful where no special circumstances justifying interference with right to wear union insignia	Nissan North America, Inc.	15-CA-145043
Region to urge Board to reconsider remedy for unlawfully discharged economic strikers	Michael Cetta, Inc. d/b/a Sparks Restaurant	02-CA-142626
Lawful Insistence on Mandatory Arbitration Provision	Henry Mayo Newhall Memorial Hospital	31-CA-145452
Discharged marijuana cultivators not "agricultural laborers;" congressional rider inapplicable	DMM, LLC High Level Health	27-CA-146734
Pre-arbitral deferral appropriate under Babcock because statutory right at issue was incorporated into parties' contract	Providence Sacred Heart Medical Center and Children's Hospital/Inland Imaging LLC, Inland Imaging Bu	19-CA-143095
Region to urge Board to overrule Hot Shoppes	United Site Services of California, Inc.	20-CA-139280
Franchisee Not Joint Employer with Franchisor or its Franchise Development Agent	Nutritionality, Inc. d/b/a Freshii	13-CA-134294
Union Right to Access Property Based on Access Provision in CBA with Property-Owner's Subcontractor	SEAGATE TECHNOLOGY LLC	18-CA-138463

Significant Advice Memoranda

Title	Case Name	Case Number
Section 8(a)(5) discriminatorily-motivated bargaining position	CSC Holdings, LLC and Cablevision Systems New York City Corp., a Single Employer	29-CA-135822
Extending Purple Communications' holding regarding company e-mail to internet and other electronic communications systems	Hospital of Barstow Inc., d/b/a Barstow Community Hospital, Community Health Systems, Inc., and/or C	31-CA-124540
Region to Urge Board to Overturn Oil Capitol	MILLENNIUM REINFORCING, INC.	21-CA-112190
Contractor and Subcontractor are joint employers under both current and proposed new joint employer standards	Adams & Associates, Inc. and McConnell, Jones Lanier & Murphy, LLP, Joint Employers	20-CA-130613
Application of Alan Ritchey principles during contract hiatus period	Washington River Protection Solutions	19-CA-125339