



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 13
209 South LaSalle Street - 9th Floor
Chicago, Illinois 60604
Telephone (312) 353-7570 Fax (312) 886-1341

January 20, 2015

To: Steven G. Sombrotto
United Workers of America,
Local 322

From: Christopher J. Lee

Fax: (516) 706-0879

Pages: 7

Re: MegaBus USA, LLC
13-RC-144661

Date: January 20, 2015

Urgent For Review Please Comment Please Reply

The above representation case, a copy of which follows, has been assigned to Christopher J. Lee, (312)353-9777, and e-mail address is christopher.lee@nlrb.gov. Please note that the enclosed letter requests you to provide certain information that may affect the processing of this case within 48 hours of this transmission.

Please be advised that a Notice of Hearing is included with this transmission. Your attention is directed to the provisions in the attached letter and Notice of Hearing concerning the scheduling of the hearing.

Thank you for your attention to these matters.

Included: Letter to Union
Petition
Notice of Hearing



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
209 S La Salle St Ste 900
Chicago, IL 60604-1443

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



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January 20, 2015

Steven G. Sombrotto
United Workers of America, Local 322
367 Long Beach Rd., No. 147
Island Park, NY 11558-4010

Re: MegaBus USA, LLC
Case 13-RC-144661

Dear Mr. Sombrotto:

The petition that you filed with the National Labor Relations Board (NLRB) has been assigned the above case number. This letter tells you how to contact the Board agent who will be handling this matter, explains your right to be represented, requests that you provide certain information, notifies you of a hearing, and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner Christopher J. Lee whose telephone number is (312)353-9777 and e-mail address is christopher.lee@nlrb.gov. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Deputy Regional Attorney Jessica T. Muth whose telephone number is (312)353-7643.

Immediately upon receipt of the petition, the NLRB conducts an impartial investigation to determine if the NLRB has jurisdiction, if the petition is timely and properly filed, if the showing of interest is adequate, and if there are any other interested parties to the proceeding or other circumstances bearing on the question concerning representation. If appropriate, the NLRB then attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before the NLRB. In view of our policy of processing these cases expeditiously, if you wish to be represented, you should obtain representation promptly. Your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the NLRB. Their knowledge regarding this matter was obtained only through access to information that must be made available to any member of the public under the Freedom of Information Act.

MegaBus USA, LLC
Case 13-RC-144661

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January 20, 2015

Requested Information: To process the petition in this matter, we need certain information from you. Accordingly, please submit to this office, as soon as possible, the following information:

- (a) The correct name of the Union as stated in its constitution or bylaws.
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any addenda or extensions, or any recognition agreements covering any employees in the petitioned-for unit.
- (c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.
- (d) The name and address of the representative to whom we should send the election eligibility list. Absent notice to the contrary, we will send the list to the addressee of this letter at the above address.
- (e) The name and contact information for any other labor organization (union) claiming to represent any of the employees in the petitioned-for unit and for any employer who may be a joint employer of the employees in the proposed unit. Failure to disclose the existence of an interested party may delay the processing of the petition.

Notice of Hearing: Enclosed is a Notice of Hearing to be conducted on **January 30, 2015** if the parties do not voluntarily agree to an election. If a hearing is necessary, it is expected to run on consecutive days until concluded. The enclosed Form NLRB-4339 provides information about rescheduling the hearing. Requests for postponement of the hearing to a date more than 14 days after the petition was filed will normally not be granted absent extraordinary circumstances.

Information for Employees: The NLRB believes that employees should have readily available information about their rights and the proper conduct of employee representation elections. Accordingly, we have asked the Employer to post a Notice to Employees, Form NLRB 5492, which explains employees' basic rights under the National Labor Relations Act. If you would like a copy of that Notice, please let the Board agent know. We have also prepared the pamphlet "Your Government Conducts an Election" which you or the Employer may distribute to employees. The pamphlet is available at www.nlr.gov/news-outreach/brochures or from our office. You may reproduce copies of the Notice and the pamphlet for distribution to employees, provided they are not modified in any way.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the NLRB will continue to accept timely filed paper documents. On all your correspondence regarding the petition, please include the case name and number indicated above.

MegaBus USA, LLC
Case 13-RC-144661


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January 20, 2015

Information about the NLRB, the procedures we follow in representation cases, and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Peter Sung Ohr', written over a horizontal line.

Peter Sung Ohr
Regional Director

dg

Enclosures

1. Notice of Hearing
2. Form 4669
3. Form 4339

NATIONAL LABOR RELATIONS BOARD

PETITION

Case No. 13-RC-144661

Date Filed 1/20/15

INSTRUCTIONS: Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

- 1. PURPOSE OF THIS PETITION (If box RC, RM, or RD is checked and a change under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)
 - RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
 - RM-REPRESENTATION (EMPLOYER PETITION) - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
 - RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE) - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
 - UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES) - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
 - UC-UNIT CLARIFICATION - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees. (Check one) In unit not previously certified. In unit previously certified in Case No. _____
 - AC-AMENDMENT OF CERTIFICATION - Petitioner seeks amendment of certification issued in Case No. _____ Attach statement describing the specific amendment sought.

2. Name of Employer: **MegaBus USA, LLC** Employer Representative to contact: _____ Tel. No. **1-773-254-8400**

3. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code): **4400 South Frazee Ave. Chicago IL 60609** Fax No. **1-773-533-7446**

4a. Type of Establishment (Factory, mine, wholesaler, etc.): **Bus Depot** 4b. Identify principal product or service: **Transportation Services** Cell No. _____
 e-Mail _____

5. Unit involved (In RC petition describe present bargaining unit and attach description of proposed certification.)
 Included: **All full time and regular part time bus operators employed by the Employer at its Chicago Ill. Facility.** 6a. Number of Employees in Unit: **150**
 Excluded: **All other employees guards and supervisors as defined in the National Labor Relations Act.** Proposed By (UC/RC): _____
 6b. Is this petition supported by 30% or more of the employees in the unit? Yes No
 (Not applicable in RM, UC, and AC)

If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable.

7a. Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (if no reply received, so state).
 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8. Name of Recognized or Certified Bargaining Agent (If none, so state): **Teamsters Local 777** Affiliation _____

Address: **7827 Ogden Ave., Lyons, IL 60534** Tel. No. **708-777-1061** Date of Recognition or Certification _____
 Cell No. _____ Fax No. **708-777-1062** e-Mail _____

9. Expiration Date of Current Contract, if any (Month, Day, Year): **3-31-2017** 10. If you have checked box UD in 1 above, show date of agreement granting union shop (Month, Day and Year): _____

11a. Is there now a strike or picketing at the Employer's establishment(s) involved? Yes No

11b. If so, approximately how many employees are participating? _____

11c. The Employer has been picketed by or on behalf of (insert Name) _____, a labor organization, of (insert Address) _____ Since (Month, Day, Year) _____

12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state)

Name	Address	Tel. No.	Fax No.

13. Full name of party filing petition (If labor organization, give full name, including local name and number): **United Workers of America Local 322**

13a. Address (Street and number, city, state, and ZIP code): **367 Long Beach Road #147 Island Park, NY 11558** 13b. Tel. No. EXT **8886661974** 13c. Fax No. **5167060879**
 13d. Cell No. _____ 13e. e-Mail: **info@unitedworkers.org**

14. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (to be filed in when petition is filed by a labor organization): **United Workers Of America**

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print): **Stephen G. Samborin** Signature: *Stephen G. Samborin* Title (if any): **Representative**
 Address (street and number, city, state, and ZIP code): _____ Tel. No. _____ Fax No. _____
 Cell No. _____ e-Mail _____

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (N.L.R.B. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Collection 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



**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**



<p>Megabus USA, LLC</p> <p style="text-align: center;">Employer</p> <p style="text-align: center;">and</p> <p>United Workers of America, Local 322</p> <p style="text-align: center;">Petitioner</p>	<p style="text-align: center;">Case 13-RC-144661</p>
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NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 9:00 a.m. on **Friday, January 30, 2015** and on consecutive days thereafter until concluded, at the National Labor Relations Board offices located at , 209 S LA SALLE ST, STE 900, CHICAGO, IL 60604-1443, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony. Form NLRB-4669, *Statement of Standard Procedures in Formal Hearings Held Before The National Labor Relations Board Pursuant to Petitions Filed Under Section 9 of The National Labor Relations Act*, is attached.

Dated: January 20, 2015

Peter Sung Ohr

PETER SUNG OHR
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 13
209 S La Salle St Ste 900
Chicago, IL 60604-1443

FORM NLRB 4339
(2-12)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE REGARDING REPRESENTATION CASE HEARINGS

Case 13-RC-144661

Hearing Cancellation Based on Agreement of Parties: The issuance of the Notice of Hearing in this case does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments. The Board agent assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by me, will cancel the hearing.

Postponement of the Hearing: Postponement of the hearing *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing and be filed with the Regional Director;
- (2) Copies of the request must be simultaneously served on all other parties, and that fact must be noted on the request;
- (3) Absent extraordinary circumstances, the request must be received no later than 24 hours before the hearing is scheduled to begin;
- (4) Requests for postponement of the hearing to a date more than 14 days after the petition was filed will normally not be granted absent extraordinary circumstances;
- (5) Grounds must be set forth in *detail*, e.g., the unavailability of counsel and all other counsel in the law firm due to previously scheduled federal court or other U.S. Agency hearings or trials;
- (6) Alternative dates for any rescheduled hearing must be given; and
- (7) The positions of all other parties regarding the postponement and alternative hearing dates must be ascertained in advance by the requesting party and set forth in the request.

Approval of a postponement request may be conditioned upon one or more of the following:

- (1) The agreement of all parties to participate at a conference to be held at the Regional Office at least one full day before the rescheduled hearing date;
- (2) Agreement by the requestor that extensions of time for filing of briefs will not be sought or granted; and/or
- (3) The requestor's execution of stipulations on matters not in dispute, e.g., jurisdiction, labor organization status, appropriate unit.

Consecutive Days of Hearing: Once opened, it is expected the hearing will continue on consecutive business days until concluded.

Megabus USA, LLC
4400 S. Racine Ave.
Chicago, IL 60609-3313

Steven G. Sombrotto
United Workers of America, Local 322
367 Long Beach Rd., No. 147
Island Park, NY 11558-4010

International Brotherhood of Teamsters
Local 777
7827 Ogden Ave.
Lyons, IL 60534-1312