

NLRB - Office of General Counsel Advice Memo:

International Brotherhood of Teamsters Port Division (Green Fleet Systems Inc.-
3/20/2015)

<http://case.lawmemo.com/advicememos/131830.pdf>

These cases were submitted for advice as to whether: (1) the Employer's memorandum to employees, issued in response to an NLRB complaint, violated Section 8(a)(1) of the Act by indicating to employees that support for the union would be futile; and (2) the Employer violated Section 8(a)(3) of the Act by denying holiday pay to employees who began a strike the first workday after a holiday.

The Office of General Counsel concluded that: (1) the Employer did not violate the Act by issuing its complaint-response memorandum, as the content of the memorandum was protected by Section 8(c) of the Act; and (2) the Employer did not violate the Act by denying holiday pay to striking employees, as it has shown a non-discriminatory legitimate and substantial business justification for the denial.

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