



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

June 23, 2009

Wendy M. Bittner, Esq.
Law Offices of Wendy M. Bittner
15 Court Square, Suite 300
Boston, MA 02108

Dear Ms. Brittner:

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 December 30, 2008. The evidence establishes that the Employer offered the Union various benefits as a *quid pro quo* for releases of liability. The Union expressed reservations about granting such releases and requested information from the Employer relating to its requests for such releases. Thereafter, the Employer withdrew its request for releases and ultimately reached agreement with the Union with no release provisions. The evidence fails to establish that the Employer's introduction of proposals regarding releases and/or its subsequent withdrawal of the proposals constituted bad-faith bargaining under the Act. With respect to your contention that the Employer should be required to offer the Union an agreement similar to that reached with another bargaining representative, even if the evidence established that the Employer engaged in bad-faith negotiations, requiring the Employer to make such an offer goes beyond the remedial powers of this Agency. *H. K. Porter Co. v. NLRB*, 397 U.S. 99, 109 (1970). In any event, the evidence fails to establish that the Employer engaged in bad-faith bargaining with an intent to frustrate agreement.

Finally, it was concluded that the Region appropriately informed the Union that any new

allegations it wished to raise could be addressed in a new charge, as opposed to amending them into the instant charges at the conclusion of the Region's investigation. Accordingly, further proceedings are unwarranted.

Sincerely,

Ronald Meisburg
General Counsel

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