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## TEAMSTERS JOINT COUNCIL 40

### REPORT OF LEGAL COUNSEL

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In an April 3, 2017 decision of the NLRB in *T-Mobile v. Communication Workers of America*, the Board held that the employer violated the National Labor Relations Act by implementing an internal employee grievance system during an ongoing organizing drive.

The Communications Workers of America had been engaged in ongoing efforts to organize the Customer Service Representatives at T-Mobile call centers since 2009. During the ongoing organizing drive in June of 2015, T-Mobile established a nationwide program called T-Voice—an internal process for addressing what the company referred to as “pain points.” Some of the issues vetted in this system were customer complaints while others addressed employee grievances regarding the terms and conditions of their employment. T-Mobile provided complete financial support to the T-Voice program, handpicked employee “representatives” for the program and paid them for their work and training with T-Voice. Call service workers selected by management to be T-Voice representatives were lauded by management as advocates for their peers. Among the many issues related to terms and conditions of employment for customer service representatives, T-Voice dealt with employee complaints over paid time off, employee loyalty and rewards programs, evaluation for wage increases, problems with shift scheduling, and education/training benefits.

Under Section 8(a) (2) of the National Labor Relations Act, an employer is prohibited from controlling, dominating, or interfering with a labor organization. The Act’s definition of labor organization encompasses Unions but also includes any organization that employees participate in which deals with their employer concerning terms and conditions of employment. It is also a violation of Section 8(a) (1) for an employer to interfere with employees in the exercise of their rights under the Act. This includes a promise and granting of certain benefits during an ongoing Union campaign.

In view of the above Sections, the Board held that T-Voice constituted a labor organization because employees actively participated in the organization and that T-Voice existed to “deal with” the employer regarding terms and conditions of employment. Furthermore, the Board found that T-voice was an employer dominated organization in violation of the Act because T-Mobile created the T-Voice organization, determined the structure and function of the organization and controlled the continued existence of T-Voice. Finally, the Board also found



that T-Mobile violated the Act because the company promised and granted benefits during an ongoing union campaign by soliciting employee grievances with promises to remedy these grievances during the CWA's campaign to organize the T-Mobile workplace. As the Board determined, conferring these benefits upon employees while in an organizing drive may have induced employees to vote against the Union.

Respectfully submitted,

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