



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
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November 17, 2021

Eyad Asad, Esq.
Cohen, Weiss and Simon LLP
900 3rd Ave FL 21
New York, NY 10022-4869

Meredith Corporation
Case 02-CA-283380

Dear Mr. Asad:

We have carefully investigated and considered your charge that Meredith Corporation has violated the National Labor Relations Act.

Decision to Dismiss: In your charge you claim that the Employer had an obligation to bargain with the Union about its return to office plan (RTO), which included a vaccine mandate, but failed to do so in violation of the Act. You assert that on June 1, 2021, the Employer instead presented its RTO plan to employees and the Union as a *fait accompli* and refused to engage in meaningful bargaining with the Union. While the evidence herein supports your claim that the Employer had an obligation to bargain with the Union over the RTO/vaccine mandate plans, the evidence fails to establish that the Employer did not give the Union an opportunity to bargain over this issue.

With respect to the Employer's obligation to bargain, the evidence shows that the Employer's RTO plan was not a past practice or similar in kind to an established past practice to enable the Employer under *Raytheon Network Centric Systems*, 365 NLRB No. 161 (2017), to unilaterally implement its RTO plan without first bargaining with the Union. In addition, the evidence fails to show that the Union waived its right to bargain with the Employer about mandatory subjects such as the RTO and vaccine mandate.

However, contrary to your contention, the evidence shows that the Employer satisfied its obligation to bargain with the Union over the RTO and vaccine mandate. In this regard, the evidence sufficiently shows that the parties met on numerous occasions to discuss the matter. And during the bargaining process, it appears that the Employer made modifications to its initial RTO proposal and more importantly, revised the implementation date providing additional time for the parties to engage in bargaining. Such evidence shows that the Employer did not have a fixed intent to rigidly implement its plan or that bargaining over the proposed RTO and vaccine mandate would be futile.

You further claim that the Employer's September 17, 2021, deadline for employees to submit proof of vaccination was evidence of the Employer's refusal to bargain in good faith. While the Employer may not have specifically revised that date, the evidence shows that the

overall RTO plan, which includes the vaccine mandate, was not being implemented until January 2022 and that the September 17 deadline was not being actively implemented by the Employer. The evidence fails to show that the Employer took any adverse action against any employee for failing to comply with that earlier deadline. Therefore, it does not appear that the Employer's failure to specifically revise the September deadline evidences bad faith bargaining.

For the foregoing reasons, the evidence is insufficient to establish that the Employer unilaterally implemented its RTO plan or presented the Union a *fait accompli* obviating meaningful bargaining regarding the RTO/vaccine mandate or otherwise bargained in bad faith. Accordingly, inasmuch as the investigation fails to establish that the Employer violated the Act as alleged, or in any other manner encompassed by your charge, I am dismissing your charge.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **December 1, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 30, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 1, 2021**. The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to

(202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after December 1, 2021, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



John J. Walsh, Jr.
Regional Director

Enclosure

cc: Meredith Corporation
Attn: Steve Pope
225 Liberty Street
New York, NY 10281

David Durham, Esq.
McDermott Will & Emery LLP
415 Mission Street, Suite 5600
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The NewsGuild of New York,
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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

E-FILING TO APPEALS

- Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
- Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
- Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
- Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
- Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



- The selections of **Evidence** or **Other** should no longer be used.