



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
888 S Figueroa St Fl 9
Los Angeles, CA 90017-5449

Agency Website: www.nlr.gov
Telephone: (213)894-5200
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February 29, 2016

[REDACTED]
INTERNATIONAL CHEMICAL WORKERS UNION
COUNCIL OF THE UNITED FOOD AND COMMERCIAL
WORKERS UNION
3200 INLAND EMPIRE BOULEVARD, SUITE 160
ONTARIO, CA 91764-5575

Re: SOUTHERN CALIFORNIA GAS
COMPANY
Case 21-CA-165891

Dear [REDACTED]:

We have carefully investigated and considered your charge that SOUTHERN CALIFORNIA GAS COMPANY has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons:

Your charge against the Employer alleges that the Employer violated Section 8(a)(2) and 8(a)(5) of the Act by bargaining with one of two certified bargaining agents to change the collective bargaining agreement, and by bargaining in bad faith after unilaterally changing the terms of a ratified collective bargaining agreement. Two unions are certified as collective bargaining representatives for the unit employees, and the appointed chairman and representative of both unions is permitted to sign on behalf both unions. The investigation revealed no evidence that the Employer bargained exclusively with the Utility Workers or deviated from the past practice. Further, the allegation that the Employer made a unilateral change is without merit: the Employer negotiated the side agreements with the committee through which both unions negotiate, and the agreements were signed only after that committee agreed to do so. Further, the evidence showed that the collective bargaining agreement allows for continued bargaining and negotiation of issues and new proposals, even during the course of the contract.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the

detailed instructions. To file an appeal by mail or delivery service, address the appeal 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.

Appeal Due Date: The appeal is due on **March 14, 2016**. 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 March 13, 2016. **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 March 14, 2016**. 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 March 14, 2016, **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 any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/OLIVIA GARCIA
Regional Director

Enclosure

cc: (See next page.)

cc: SUE BOSWORTH, MANAGER OF LABOR RELATIONS
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OG/cw