



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658

July 15, 2019



Re: International Union Security, Police & Fire
Professionals of America SPFPA Local 506
(Comcast Spectacor)
Case 04-CB-237833



We have carefully investigated and considered your charge that International Union Security, Police & Fire Professionals of America SPFPA Local 506 (Local Union) has violated the National Labor Relations Act.

Decision to Partially Dismiss: As a result of the investigation, I find that the portions of your charge alleging that Local 506 violated Section 8(b)(1)(A) of the Act by blocking you and others from a private Facebook group and by threatening a member with discharge for being out of an assigned area lack merit. The investigation disclosed that the Local Union President maintains a private Facebook group for members who work at the Wells Fargo Center; this private group publishes both Local Union information and some work-related information that the Employer provided to the Local Union and employees. The evidence established that you and several other members were blocked from accessing that Facebook group because of your activities in opposition to the Union, while some other members also did not have access either because they did not sign up for the group or because they were not Facebook users. While that private Facebook group posts some employment-related information, the investigation disclosed that it did so as a supplemental source to the Employer's own publishing and dissemination of the same information to unit employees through email blasts and flyers, and as a supplement to the Union's bulletin board postings containing this information. In these circumstances, there is insufficient evidence to show that the Union is impacting your employment by denying you or the other employees access to that private Facebook group. With respect to your contention that the Union violated Section 8(b)(1)(A) on March 11, 2019 when the Local Union President threatened that a member could be discharged for being out of his or her assigned work area, the investigation disclosed insufficient evidence that such statement constituted an unlawful threat, particularly since being out of an assigned work area could indeed result in the Employer issuing discipline. Accordingly, I am refusing to issue Complaint with respect to these portions of your charge. The only other portion of the charge—where you allege the Union violated Section 8(b)(1)(A) on March 14, 2019 by threatening to retaliate against non-supporters through its implied threat to have an employee discharged in retaliation for the employee's protected activity—remains pending.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. 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.

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 **Monday, July 29, 2019**. 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 **Sunday, July 28, 2019**. **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 Monday, July 29, 2019**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.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 **Monday, July 29, 2019, 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/ Richard P. Heller

RICHARD P. HELLER
Acting Regional Director

Enclosure

cc:

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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

International Union Security, Police & Fire Professionals of America SPFPA Local 506
(Comcast Spectacor)

Case Name(s).

Case 04-CB-237833

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

(Signature)