



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 06  
1000 Liberty Ave Rm 904  
Pittsburgh, PA 15222-4111

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (412)395-4400  
Fax: (412)395-5986

October 17, 2019

Re: International Union of Operating Engineers  
- Local 95  
Case 06-CB-245014



We have carefully considered your charge that International Union of Operating Engineers - local 95 has violated the National Labor Relations Act.

**Decision to Dismiss:** In view of your lack of cooperation in investigating this case, I have determined that further proceedings are not warranted at this time and I am dismissing your charge.

I have decided to dismiss your charge because of your continuing lack of cooperation with the investigation of this matter. More specifically, in your initial charge you alleged that the Union violated Section 8(b)(1)(A) of the Act by refusing to process a grievance on your behalf, and Section 8(b)(3) of the Act by failing to bargain in good faith with the Employer. While you submitted to the Region a multitude of documents in connection with your charge, you have failed to make arrangements to meet with the Board Agent assigned to investigate your charge for the purpose of explaining the documents that you submitted, and to provide a sworn statement in support of your charge. In addition to multiple requests from the Board Agent by phone to schedule a meeting, by letter dated October 11, 2019, you were given a deadline of October 15, 2019 to contact the Board Agent to schedule an affidavit, absent which a recommendation to dismiss the charge would be made. When you failed to schedule an appointment with the Board Agent by October 15, 2019, you were given a second deadline of October 16, 2019 to make necessary arrangements.

To date, you have not responded to the Board Agent's efforts to schedule an appointment to meet with you. In these circumstances and noting that it is the Charging Party's responsibility to cooperate with a Board investigation by promptly providing evidence in support of a charge, I am dismissing the charge in its entirety based on your continuing lack of cooperation.

If you wish to refile this charge later when you can cooperate in the investigation, you may do so. However, your attention is directed to Section 10(b) of the Act which provides that a charge must be filed with the NLRB and served on the charged party within six months of the conduct alleged to be unlawful.

**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](http://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](http://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 **October 31, 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 October 30, 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 October 31, 2019**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://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 October 31, 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,



NANCY WILSON  
Regional Director

Enclosure

cc: Keith Turner, Business manager  
International Union of Operating  
Engineers - Local 95  
300 Saline Street  
Pittsburgh, PA 15027

Richard P. Gilardi, Esquire  
Gilardi Oliver & Lomupo, P.A.  
The Benedum Trees Building  
223 Fourth Avenue 10th Floor  
Pittsburgh, PA 15222

Keith Madreshin, Manager  
Allegheny Health Network (Allegheny  
General Hospital)  
320 North Ave  
Pittsburgh, PA 15202

Michael P. Robic II, Associate General  
Counsel  
Allegheny Health Network  
Fifth Avenue Place  
120 Fifth Avenue, 21st Floor Mail Code  
FAPHM 214A  
Pittsburgh, PA 15222

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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

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Case Name(s).

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

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*(Signature)*