



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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

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

October 21, 2019



Re: US Steel Clairton Works
Cases 06-CA-245468, 06-CA-245845, and
06-CA-245844



We have carefully investigated and considered your charge that US Steel Clairton Works has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

In Case 06-CA-245468 you allege that the Employer threatened you in retaliation for your activities as a union representative. The investigation showed that the alleged threat in this case was sent directly to you by text message and was not further disseminated to any other members of the bargaining unit. Additionally, the supervisor alleged to have made the threat apologized for the comment shortly thereafter, and the Employer provided assurances that the supervisor's conduct was unacceptable and would be addressed. Based on the foregoing, I have determined that formal proceedings on this matter would not effectuate the purposes of the Act.

In Case 06-CA-245845 you allege that the Employer unlawfully failed to provide the bargaining unit with copies of the collective bargaining agreement. The investigation adduced insufficient evidence to establish a violation of the Act. The Employer distributed the contract book across departments once it was printed and available. There was no evidence provided during the course of the investigation to establish which, or even how many, employees had not received a copy. Furthermore, there is no evidence to suggest that the Employer has refused to provide a copy of the contract upon request to any employee that did not receive one during the initial distribution.

In Case 06-CA-245844 you allege that the Employer made certain slanderous comments about you to other bargaining unit members. The investigation uncovered insufficient evidence to establish a violation of the Act. Specifically, no direct evidence was provided concerning the allegedly unlawful statements. Furthermore, Section 8(c) of the Act protects "the expressi[on] of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form . . . if such expression contains no threat of reprisal or force or promise of benefit." Here, there is insufficient direct evidence to establish that any of the alleged comments made by supervisors were violative of the Act.

Based on the foregoing, I find that no further processing of the charges in Cases 06-CA-245468, 06-CA-245844, and 06-CA-245845 is warranted and I am accordingly dismissing these charges.

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 **November 4, 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 November 3, 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 November 4, 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 November 4, 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: US Steel Clairton Works
400 State Street
Clairton, PA 15025

nm

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)