



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  
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April 15, 2020



Re: Duquesne Light Company  
Case 06-CA-256528

International Brotherhood of Electrical  
Workers, Local Union 29, AFL-CIO (Duquesne  
Light Company)  
Case 06-CB-256539



We have carefully investigated and considered your charges that Duquesne Light Company and International Brotherhood of Electrical Workers, Local Union 29, AFL-CIO have violated the National Labor Relations Act.

**Decision to Dismiss:** Based on the investigation, I have determined that further proceedings are not warranted at this time and I am dismissing your charge.

In Case 06-CA-256528, you allege that the Employer violated Section 8(a)(3) of the Act by rescinding its job offer made to you for the position of Asset Analyst, as a result of the Union's demand. In Case 06-CB-256539, you allege that the Union violated Sections 8(b)(1)(A) and 8(b)(2) of the Act by attempting to cause, and causing, the Employer to rescind its job offer, and by refusing to file a grievance over the offer being rescinded.

The investigations of these charges revealed that in 2017, through discussions with the Union, the Employer formulated qualifications for the position of Asset Analyst, which included experience in specific job classifications. In 2017, employees who bid on the Asset Analyst position, but did not possess the requisite experience in those specific job classifications, were deemed disqualified and were not awarded the position, regardless of seniority. After posting an Asset Analyst position in December 2019, the Employer assigned the task of filling that position to a Human Resources Representative who did not have knowledge of the 2017 union and internal discussions. Lacking knowledge of the classifications deemed acceptable to meet the experience requirement, although in error, the position was awarded to you. After the announcement that you were awarded the position, the Union sought to represent all employees by seeking clarification of your experience qualifications from the Employer. The evidence established that the Employer, on realizing its departure from the qualifications developed in 2017, independently, and not on request of the Union, determined rescinding its offer to be its best course of action. Although you allege unlawful motives in the position being awarded to a representative of the Union, the evidence obtained in the investigation does not support such a conclusion.

Regarding your allegation that the Union failed to file and process a grievance on your behalf, the evidence showed that a union steward represented you by investigating the matter. Thereafter, the Union determined that a grievance would be inappropriate under the circumstances.

Given these facts, there is insufficient evidence to support a conclusion that the Employer

violated Section 8(a)(3) of the Act, or that the Union violated Sections 8(b)(1)(A) and 8(b)(2) of the Act.

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.

**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](http://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](http://www.nlrb.gov). If you require additional assistance with E-Filing, please contact [E-File@NLRB.gov](mailto:E-File@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 **April 29, 2020**. 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 April 28, 2020. **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 April 29, 2020**. The request may be filed electronically through the **E-File Documents** link on our website [www.nlrb.gov](http://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 April 29, 2020, **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: Mark Ferguson, Labor Relations  
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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)*