



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-2027

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341

October 25, 2018

Meron T. Kebede, Counsel  
Communications Workers  
of America, AFL-CIO

Matthew R. Harris, District Counsel  
Communications Workers of America, AFL-CIO

Re: AT&T Services, Inc.  
Case 13-CA-220124

Dear Ms. Kebede and Mr. Harris:

We have carefully investigated and considered your charge that AT&T Services, Inc. has violated the National Labor Relations Act.

**Decision to Dismiss:** You have alleged that the Employer violated Section 8(a)(1) and (5) of the Act by refusing to provide requested information that is necessary and relevant. The evidence, however, is insufficient to establish a violation because the Union has failed to show that the information it requested is relevant and necessary to the performance of its statutory function. While the Union is free to pursue its goal of ensuring that the tax savings the Employer has realized under the Tax Cut and Jobs Act of 2017 (TCJA) results in the creation of good paying jobs and the end to its offshoring of work, these goals go beyond the Union's statutory role. Given that these goals are not sufficiently related to the Union's collective-bargaining relationship with the Employer, there is no duty to furnish the requested information. It should also be noted that the mere fact that the Union seeks to achieve its goals through bargaining does not entitle the Union to the information because the Employer's decisions about how to spend its tax savings are not a mandatory subject of bargaining. Rather, the Employer's decisions are akin to those matters within its core entrepreneurial control such that the Union would still not be entitled to the information. Finally, to the extent that the Employer has made any public statements about its plans to create good paying jobs with better benefits, there is no evidence that the Employer has asserted that its ability to grant better wages and

benefits to its unit employees is limited by the amount of its tax savings or its plans for the money.

**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.

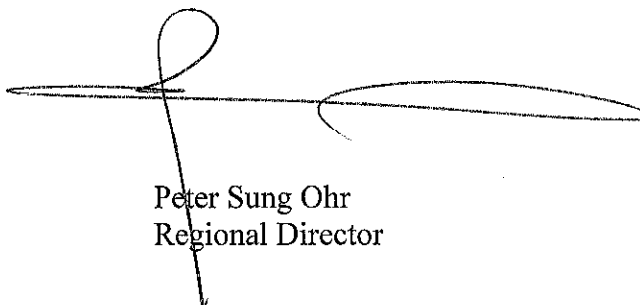
**Appeal Due Date:** The appeal is due on **November 8, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 7, 2018. **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 8, 2018**. 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 November 8, 2018, **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,



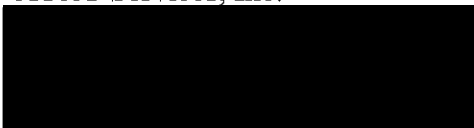
Peter Sung Ohr  
Regional Director

Enclosure

cc: John M. Phelan, Assistant VP Senior  
Legal Counsel  
AT&T Services, Inc., et al, D/B/A  
AT&T Midwest



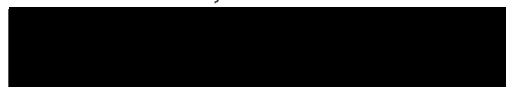
Randall S. White, VP - Labor Relations  
AT&T Midwest  
AT&T Services, Inc.



Stephen J. Sferra, Attorney.  
Littler Mendelson PC



Linda L. Hinton, Vice President  
Communications Workers of America,  
AFL-CIO/CLC, District 4





UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, DC 20570

December 7, 2018

[REDACTED]  
COMMUNICATIONS WORKERS OF  
AMERICA, AFL-CIO  
20525 CENTER RIDGE RD STE 700  
ROCKY RIVER, OH 44116-3453

Re: AT&T Services, Inc.  
Case 13-CA-220124

Dear [REDACTED]

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of October 25, 2018.

After a thorough review of the investigative files, the evidence disclosed insufficient evidence to establish that the Employer unlawfully refused to provide the requested information to the Union. To the extent that you contend that the Regional Office investigation was inadequate, in the absence of any indication as to what specific probative evidence, not already considered, it was determined that further investigation was not warranted. Rather, a review of the investigatory file disclosed that the investigation was conducted in accordance with Board procedures and was both adequate and proper to resolve the issues raised by the instant charges.

Accordingly, further proceedings are unwarranted.

Sincerely,

Peter Barr Robb  
General Counsel

A handwritten signature in black ink that reads "Mark E. Arbesfeld".

By: \_\_\_\_\_

Mark E. Arbesfeld, Director  
Office of Appeals

cc: PETER SUNG OHR  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS  
BOARD  
DIRKSEN FEDERAL BUILDING  
219 S DEARBORN ST STE 808  
CHICAGO, IL 60604-2027

[REDACTED]  
[REDACTED]  
AT&T SERVICES, INC.  
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LOCATION 02A56  
ARLINGTON HEIGHTS, IL 60005-4451

[REDACTED]  
COMMUNICATIONS WORKERS OF  
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[REDACTED]  
[REDACTED]  
AT&T SERVICES, INC., ET AL, D/B/A  
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[REDACTED]  
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[REDACTED]  
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1100 SUPERIOR AVE E 20TH FL  
CLEVELAND, OH 44114

kf