

NLRB Advice Law Memo 7/10/2015
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NLRB - Office of General Counsel Advice Memo:

Dominion Transmission, Inc.
Case 06-CA-143530 - 4/22/2015
<http://case.lawmemo.com/advicememos/143530.pdf>

The Region submitted this case for advice regarding whether: (1) Blue Racer Midstream, LLC (“BRM”), a joint venture between Dominion Natrium Holdings, Inc. and Caiman Ohio Midstream, LLC, is the alter ego of Dominion Transmission, Inc., Dominion Resources, Inc., Dominion Natrium Holdings, Inc., and Dominion Resources Services, Inc., a single employer (“Dominion”) and therefore violated Section 8(a)(5) and (1) of the Act by refusing to honor and apply the collective-bargaining agreement between Dominion Transmission, Inc. and the Union; or (2) alternatively, whether BRM is a “perfectly clear” successor under the plain language of the “perfectly clear” caveat set forth in *NLRB v. Burns International Security Services, Inc*¹ and thus violated Section 8(a)(5) and (1) of the Act by refusing to recognize and bargain with the Union prior to setting initial terms and conditions of employment.

The Office of General Counsel concluded that BRM is not an alter ego of Dominion due to a lack of common ownership or the kind of substantial control by Dominion over BRM that the Board requires to establish an alter ego relationship. Also, because the unit employees formerly employed by Dominion do not constitute a majority of BRM’s workforce, the Office of General Counsel concluded that BRM is not a *Burns* successor and was not obligated to recognize the Union. Thus, the Region should dismiss the charge, absent withdrawal.

Employment Law Editor: Jennifer Jill Esmay, JD.
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