SPIEGEL & MCDIARMID LLP

Utility Workforce



Spiegel & McDiarmid LLP represents the interests of unions whose members work in the electric, gas and water industries before state utility commissions throughout the nation. The interests of these workers are directly implicated by utility mergers, restructuring proceedings and rate change filings. We advocate for the protection of employee interests and, by direct extension, the interests of the consumers they serve.

The issues that arise in this representation typically involve ensuring the adequacy of staffing levels and related maintenance practices. Our efforts have informed state commissions of the linkages among utility rates, employee protections and the continued receipt by customers of safe and high quality services. We have fought utility employee layoffs and have successfully challenged proposed job reductions on the ground that they pose undue service risks.

The nature of this work can vary with industry changes. Well?documented concerns have been raised that the demographics of the aging workforce may result in a national shortage of skilled utility workers. Our firm has assisted unions in raising “graying workforce” issues before state commissions, urging them to ensure that regulated utilities are engaging in needed workforce planning activities.

Utility workers have legal needs that go beyond collective bargaining negotiations and employee grievance procedures. Unprecedented changes in the utility industry during the past few decades have had significant impacts on the working men and women who provide customers with safe and reliable utility services. Our firm is proud to represent worker interests in utility regulatory proceedings, and to help to ensure that essential utility services are provided to customers in a safe and reliable manner.

- Examples of our litigation on behalf of utility workers include: The Utility Workers Union of America Local 1-2 in a challenge to Consolidated Edison Company of New York’s July 2012 lockout of 8,500 utility workers. The matter was resolved by settlement. *Request for Investigation of Utility Workers Union of America, AFL-CIO, Local 1-2*, Docket No. 12-M-0306 (N.Y. Pub. Serv. Comm’n).

- The Utility Workers Union of America Local 537 in a challenge to proposed staffing reductions. The water company was required to rescind proposed layoffs of union personnel. *West Virginia American Water Co.*, Case No. 11-0740-W-GI, 293 P.U.R.4th 107 (W.Va. Pub. Serv. Comm'n 2011).
- The International Brotherhood of Electrical Workers Local 1245 in a request for the initiation of an investigation into "graying workforce" concerns. *Investigation Regarding Whether the Workforce of Sierra Pacific Power Co. d/b/a NV Energy ("SPPC") Is, or in the Future Will Be, Experiencing a Significant Amount of Aging, and the Potential Impact, If Any, That Such Aging May Have on the Reliability of SPPC's Service*, Docket No. 11-02015 (Nev. Pub. Utils. Comm'n Jan. 30, 2014).
- The Utility Workers Union of America Local 369 in a successful challenge to Commission rejection of a complaint alleging that the employer was engaging in political contribution "solicitation." *Utility Workers Union of America, Local 369, AFL-CIO v. Federal Election Commission*, 691 F. Supp. 2d 101 (D.D.C. 2010).

In addition, we are written several policy-oriented pieces focusing on the growing intersection between labor and energy law. These include Scott Strauss's and Katie Mapes's paper, *The Role of State Utility Commissions in Setting Policy for Responsible Contracting,* prepared for the Laborers International Union of North America (2018).