

NOT INCLUDED IN
BOUND VOLUMES

PGB
Calera, AL

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MURPHY OIL USA, INC.

and

Case 10-CA-038804

SHEILA M. HOBSON

**ORDER APPROVING STIPULATION, GRANTING MOTION, AND
TRANSFERRING PROCEEDING TO THE BOARD**

This matter comes before the Board upon a joint motion by Respondent Murphy Oil USA, Inc., Charging Party Sheila M. Hobson, and the Acting General Counsel to waive a hearing and decision by an administrative law judge and to transfer the proceedings to the Board for a decision based on the stipulated record.

On October 25, 2012, the Acting General Counsel of the National Labor Relations Board, through the Regional Director for Region 10, issued an amended complaint and notice of hearing alleging that, since on or about July 28, 2010, the Respondent has unlawfully required employment applicants to sign a document entitled "Binding Arbitration Agreement and Waiver of Jury Trial (Applicant)" (Agreement) that unlawfully prohibits employees from engaging in protected concerted activities and leads employees to reasonably believe that they are prohibited from filing charges with the Board. The amended complaint further alleges that the Charging Party engaged in protected concerted activities by participating in a collective civil action in a United States district court alleging that the Respondent violated the Fair Labor Standards Act,

that on July 26, 2010, the Respondent filed in that civil action a Motion to Compel Arbitration and Dismiss Collective Action pursuant to the Agreement, and that at all material times since September 3, 2010, the Respondent has maintained its motion, thereby enforcing the allegedly unlawful Agreement and unlawfully prohibiting employees from engaging in protected concerted activities. The amended complaint alleges that, by the foregoing conduct, the Respondent has been interfering with, restraining, and coercing employees in the exercise of their Section 7 rights in violation of Section 8(a)(1) of the Act.

On November 29, 2012, the parties filed a Joint Motion and Stipulation of Facts with the Board. Pursuant to Section 102.35(a)(9) of the Board's Rules and Regulations, the parties have waived a hearing by an administrative law judge and agreed to submit the record in this case directly to the Board for issuance of findings of fact, conclusions of law, and a Decision and Order. The parties have requested that the Board set a time for the filing of briefs.

The Board having considered the matter,

IT IS ORDERED that the Joint Motion is granted and the case is transferred to and continued before the Board in Washington, D.C. for the purpose of issuing findings of fact, conclusions of law, and a Decision and Order.

IT IS FURTHER ORDERED that the stipulated record, which includes a stipulation of facts, a statement of issues presented, statements of position by the Acting General Counsel, the Charging Party, and the Respondent, and Exhibits A through Z, is approved and made a part of the record.

The parties may file briefs with the Board in Washington, D.C. on or before
March 4, 2013.

Dated, Washington D.C., February 11, 2013.

By Direction of the Board:

Gary W. Shinnors

/s/ Gary W. Shinnors
Acting Executive Secretary