

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

JKJ WORKFORCE AGENCY, INC.

and

Case 01-CA-129948

FRIENDS OF FARMWORKERS, INC.

ORDER¹

The petition of JKJ Workforce Agency, Inc. to revoke subpoena duces tecum B-739120 is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena.² See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir.

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² We observe that the Employer raises no objection to the subpoena relating to Sec. 10(b) of the Act, and that it is well established that events preceding the 10(b) period may be relevant as background to events within the 10(b) period. See *International Ass'n of Machinists v. NLRB*, 362 U.S. 411, 416 (1960); *Regency House of Wallingford, Inc.*, 356 NLRB No. 86, slip op. at 5 fn. 14 (2011).

Member Johnson would grant the petition to revoke the subpoena in part, in terms of reducing the temporal scope of all document requests to seek only those documents dated January 1, 2014 and later. In this regard, he notes that: (1) the Employer contends that the subpoena is "breathhtaking in scope" and overbroad and has articulated that it is a small employer which only has three employees and the original scope of the document collection would be too burdensome for those individuals to perform while still running the business (Sequiera letter at 2, 7); (2) the Region did not present any evidence or argument contravening this point other than offering to narrow the request to January 1, 2013 for most but not all of the requests; and (3) modification to January 1, 2014 would comport with the fairness policies underlying Sec. 10(b) of the Act, as the charge was not filed until June 2, 2014. He would deny the petition to revoke in all other regards.

1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., October 29, 2014.

KENT Y. HIROZAWA, MEMBER

HARRY I. JOHNSON, III, MEMBER

NANCY SCHIFFER, MEMBER