

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NISTEL, INC.

Employer

and

Case 03-RD-130926

LISA LYDECKER

Petitioner

and

NEW YORK STATE NURSES
ASSOCIATION

Union

ORDER

The Union's Request for Review of the Acting Regional Director's Decision and Direction of Election is granted as it raises substantial issues warranting review. Having carefully considered the issues, we conclude that the proceeding should be remanded. We find that the Acting Regional Director erred by affirming the hearing officer's grant of the Employer's petition to revoke the Union's subpoena duces tecum only to the extent that the Union seeks documentation pertaining to whether and to what extent the Employer had – or presently has – imminent and certain plans to shut down its business, or to continue its operations into 2015 and beyond.¹

Accordingly, we remand this case to the Regional Director for further appropriate action, including a reopening of the hearing if necessary, and a supplemental decision. The Union's request for a stay of the election is denied.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

Dated, Washington, D.C., November 20, 2014.

¹ We do not pass on unresolved defenses asserted by the Employer in its petition to revoke, which we leave for resolution by the Regional Director in the first instance.