

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 31

PULAU Corporation,

Employer

and

Case 31-RC-153856

TEAMSTER, CHAUFFEURS,  
WAREHOUSEMEN, INDUSTRIAL AND  
ALLIED WORKERS OF AMERICA,  
LOCAL 166, INTERNATIONAL BROTHERHOOD OF TEAMSTERS,

Petitioner

**REQUEST FOR REVIEW**

Pursuant to Section 102.67(a) of the National Labor Relations Board's Rules & Regulations, 29 C.F.R. §102.69(a), PULAU Corporation ("Pulau" or the "Company"), by and through undersigned counsel, submits the following Request for Review of the Regional Director's Decision and Direction of Election in the above captioned matter. In support of its Request for Review, Pulau states as follows:

1. Review is necessary because the Decision and Direction of Election raises a substantial question of law or policy and because the conduct of the union representation election in this case based on the Decision and Direction of Election has resulted in prejudice to Pulau. Moreover, there are compelling reasons for the Board to reconsider its current representation case rules.

2. For the reasons articulated by the Plaintiffs in their Complaints and other filings in *Chamber of Commerce of the United States v. NLRB*, 1:15-cv-00009 (D. D.C. 2015), *Assoc. Builders and Contractors of Texas, Inc. v. NLRB*, 1:15-cv-00026 (W.D. Tex. 2015), and *Baker DC, LLC v. NLRB*, 1:15-cv-00571 (D. D.C. 2015), Pulau Corporation objected in its Statement of Position (attached as Exhibit A) to the application of the new Rule entitled "Representation - Case Procedures; Final Rule," 29 C.F.R. Parts 101, 102, 103, 79 Fed. Reg. 74308, 74,439,

effective April 14, 2015 (“the new Rule”) in this proceeding. Pulau incorporates by reference each and every objection to the new Rule raised by the Plaintiffs in those proceedings, which objections were articulated in the Company’s Statement of Position and which were made a part of the stipulated record in this proceeding in the Joint Stipulation accepted by the Regional Director on June 18, 2015, such that those objections and arguments shall be deemed to be set forth fully herein.

3. Among other things, the imposition of the new Rule in this proceeding violated Pulau’s due process rights because its passage and imposition in representation proceedings was arbitrary and capricious under the Administrative Procedure Act. Imposition of the new Rule also unlawfully compelled Pulau to violate the personal privacy rights of its employees by forcing the disclosure of employees’ personal e-mail addresses and phone numbers. The new Rule also unconstitutionally compelled Pulau speech. The new Rule further compelled an election timeframe based on the Decision and Direction of Election that interfered with Pulau’s rights under Section 8(c) of the National Labor Relations Act, as the Company did not have adequate opportunity to exercise its right to free speech in the artificially compressed timeframe imposed by the new Rule. This resulted in frustration of bargaining unit employees’ Section 7 rights, as the lack of a full and fair debate on the relative merits of unionization frustrated their right to refrain under the Act.

4. The Company submits that the imposition of the new Rules in this matter materially affected the outcome of the election. Thus, the Company respectfully requests that the Board overturn the Regional Director’s Decision and Direction of Election on the grounds set forth herein. Pulau requests the opportunity to file briefs so that it may more fully explicate the grounds set forth in this Request.

Respectfully submitted,

/s/ Kurt G. Larkin

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