

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

---

WOLF CREEK NUCLEAR OPERATING )  
CORPORATION, )

Employer, )

and )

UNITED GOVERNMENT SECURITY )  
OFFICERS OF AMERICA, INTERNATIONAL )  
UNION AND ITS LOCAL 252, )

Petitioner. )

---

Case No. 14-RC-160836

**EMPLOYER'S STATEMENT IN OPPOSITION TO IBEW LOCAL 225'S  
MOTION REQUESTING PERMISSION TO FILE AMICUS BRIEF**

Wolf Creek Nuclear Operating Corporation, (hereinafter the "Employer"), by and through its undersigned counsel, submits this Statement in Opposition to the International Brotherhood of Electrical Workers, Local 225's (hereinafter "IBEW Local 225") motion requesting the Board to allow the IBEW Local 225 to file an amicus brief in the above-captioned case.

1. IBEW Local 225 is neither the appellant nor a party to this case, and thus has no right to file a brief in this case pursuant to Section 102.67(h) of the Board's Rules and Regulations.

2. IBEW Local 225 previously petitioned to represent the precise unit in this case, in case 14-RC-158769, and the Regional Director, by Decision and Order dated September 11, 2015, held that IBEW Local 225 was statutorily precluded from representing the unit under Section 9(b)(3) of the Act.

3. IBEW Local 225 did not timely request review of the Regional Director's action, pursuant to Section 102.67(c) of the Board's Rules and Regulations, and is now barred from doing so. Indeed, "the Regional Director's actions are final unless a request for review is granted." 29 C.F.R. § 102.67(g).

4. In its Motion Requesting Permission to File Amicus Brief, IBEW Local 225 asserts that the Regional Director's decision in the instant case "has the potential to directly affect a number of employees currently represented" by IBEW Local 225 "at Employer's facility, thereby causing [IBEW Local 225] to be an interested party." However, as discussed above, the Regional Director previously issued a Decision and Order holding that IBEW Local 225 is statutorily barred from representing the petitioned-for unit; IBEW Local 225 did not timely seek to appeal such Decision and Order; and the Regional Director's actions are final as it pertains to IBEW Local 225. Moreover, IBEW Local 225 did not seek to intervene in the instant case; and thus IBEW Local 225 is not and cannot be an "interested party" in this proceeding.

5. IBEW Local 225, in its Motion Requesting Permission to File Amicus Brief, also claims that it "has a unique perspective as to the work *these employees* do." However, The Board's review in this case is limited to the record below, 29 C.F.R. § 102.67(g), and any extraneous "perspectives" IBEW Local 225 claims to have should not be considered, would only cloud the record and be overly confusing, and would not be beneficial to the Board.

WHEREFORE, Employer respectfully requests the Board deny IBEW Local 225's request for file an amicus brief in this case.

Respectfully submitted,

/s/ Brian J. Christensen

Brian J. Christensen  
Richard L. Connors  
Jackson Lewis P.C.  
7101 College Boulevard, Suite 1150  
Overland Park, KS 66210  
Tel: 913-981-1018  
Fax: 913-981-1019  
[Brian.Christensen@jacksonlewis.com](mailto:Brian.Christensen@jacksonlewis.com)  
[Richard.Connors@jacksonlewis.com](mailto:Richard.Connors@jacksonlewis.com)

Attorneys for the Employer

**CERTIFICATE OF SERVICE**

The foregoing Employer's Statement in Opposition to IBEW Local 225's Motion Requesting Permission to File Amicus Brief, was electronically served on the following on February 10, 2016:

**Parties**

Robert B. Kapitan  
General Counsel  
United Government Security  
Officers of America, International Union  
8670 Wolff Court, Suite 210  
Westminster, CO 80031  
*Counsel for UGSOA and its Local 252*

Daniel L. Hubbel  
Regional Director  
Region 14  
1222 Spruce Street  
Room 8.302  
St. Louis, MO 63103-2829

**Amicus Petitioner**

William R. Lawrence IV  
Fagan Emert & Davis, L.L.C.  
730 New Hampshire Street, Suite 201  
Lawrence, KS 66044  
*Counsel for IBEW Local 224*

/s/ Brian J. Christensen

Attorneys for Employer  
Wolf Creek Nuclear Operating Corporation