

NOT INCLUDED IN
BOUND VOLUMES

PHMc
Englewood, CO

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

DISH NETWORK, LLC

and

Case 27-CA-158916

BRETT DENNEY

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

This matter comes before the National Labor Relations Board upon the joint motion of Respondent Dish Network, LLC, Charging Party Brett Denney, and the General Counsel to waive a hearing and decision by an administrative law judge and to transfer the proceeding to the Board for a decision based on the stipulated record.

On December 14, 2015, the General Counsel, through the Acting Regional Director for Region 27, issued a complaint a notice of hearing alleging that, on about March 3, 2015, the Respondent, by General Manager Emily Evans, prohibited employees from discussing their discipline with their co-workers. In addition, the complaint alleges that since about March 1, 2015, the Respondent has maintained, and since then enforced, a mandatory arbitration agreement with its current and former employees. The complaint alleges that, by the foregoing conduct, the Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

On March 25, 2016, the parties filed a joint motion and stipulation of facts with the

Board.¹ Pursuant to Section 102.35(a)(9) of the Board’s Rules and Regulations, the parties have waived a hearing before an administrative law judge and agreed to submit the record in this case directly to the Board for 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 the joint motion and stipulation of facts, statements of the issues presented, Joint Exhibits 1 through 15 (including the charge and amendments thereto, the Complaint and Notice of Hearing, the Answer, a Motion to Amend the Complaint, and statements of position by the General Counsel and Respondent), is approved and made part of the record.

The parties may file initial briefs with the Board in Washington, D.C., on or before June 17, 2016, and answering briefs within 14 days thereafter in accordance with Section 102.35(a)(9) of the Board’s Rules and Regulations.

Dated, Washington, D.C., May 27, 2016.

By direction of the Board:

Gary Shinnors

Executive Secretary

¹ In the joint motion, the General Counsel moves to amend the complaint to add that the Respondent’s arbitration agreement includes language stating that “all arbitration proceedings. . . shall be confidential.” The joint motion further states that the Respondent has not raised any objections to the General Counsel’s motion, and that it filed an answer to the amendment to the complaint.