

PMMc
Longview, TX

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

SOUTHERN STAR, INC.

and

Case 16-CA-168143

RICHARD L. WILLIS

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

This matter comes before the Board upon a joint motion by Respondent Southern Star, Inc., Charging Party Richard L. Willis, and the General Counsel to waive a hearing and decision by an administrative law judge and to transfer the proceedings to the Board for a decision based on the stipulated record.

On May 26, 2016, the General Counsel, through the Regional Director for Region 16, issued a complaint and notice of hearing alleging that, at all material times, the Respondent has maintained and enforced an employee handbook setting forth terms and conditions of employment, which includes a policy stating that all new hires must sign a separate Arbitration Agreement.¹ The Agreement requires employees to resolve all employment-related disputes by individual arbitration and forego any rights they have to resolution of employment-related disputes by collective or class action. The complaint further alleges that, by this conduct, the Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in

¹ Although the complaint appears to allege that the Respondent unlawfully enforced the Arbitration Agreement, the parties stipulated that the allegations at issue are only whether the Respondent unlawfully promulgated and maintained that Agreement.

Section 7 of the Act, in violation of Section 8(a)(1) of the Act. The Respondent filed its answer on June 7, 2016.

On August 2, 2016, the parties filed a joint motion and stipulation of facts with the Board. 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 issuance of 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 a stipulation of facts, Joint Exhibits 1 through 6, a statement of the issues presented, and statements of position by the Respondent and the General Counsel, is approved and made part of the record.

The parties may file initial briefs with the Board in Washington, D.C. on or before November 10, 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., October 20, 2016.

By Direction of the Board:

Gary Shinnors

Executive Secretary