

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WESTROCK SERVICES, INC.
Employer

and

JOE PIKE
Petitioner

Case 10-RD-195447

and

GRAPHIC COMMUNICATIONS CONFERENCE,
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL 197-M
Union

ORDER

The Employer and Petitioner's joint Request for Review of the Acting Regional Director's administrative dismissal of the petition is denied as it raises no substantial issues warranting review.¹

LAUREN McFERRAN, MEMBER

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

¹ In denying review, we find that the Acting Regional Director's dismissal of the petition was fully consistent with the Board's blocking charge policy, insofar as the unfair labor practice charge at issue alleges conduct that, if proven, may invalidate the petition or some or all of the showing of interest submitted in support of the petition. See NLRB Casehandling Manual Part Two, Secs. 11730.3(a) and 11733.2(a)(1). Shortly after the petition was dismissed, the Acting Regional Director found merit to the charge at issue here and issued a complaint in Case 10-CA-195617, which is currently scheduled for a hearing before an administrative law judge. Although the Acting Regional Director's letter dismissing the petition contains language suggesting that the conduct alleged in the charges had already been proven, we find that this was an inadvertent error. Further, consistent with the blocking charge policy, the petition is subject to reinstatement, if appropriate, upon final disposition of the unfair labor practice proceedings, and the Petitioner is made a party in interest to Case 10-CA-195617 solely for the purpose of receiving notification of the final outcome of that case. See generally NLRB Casehandling Manual Part Two, Sec. 11733.2(b).

Member Kaplan agrees with the decision to deny review here. He notes, however, that he would consider revisiting the Board's blocking charge policy in a future appropriate case. Member Emanuel agrees that the dismissal of the petition in this case was permissible under the Board's current blocking charge policy, but he believes that the policy should be changed. Specifically, he believes that an employee's petition for an election should generally not be dismissed based on contested and unproven allegations of unfair labor practices.

Dated, Washington, D.C., October 27, 2017.