

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

CHARTER COMMUNICATIONS, LLC

and

Case 07–CA–140170

JONATHAN FRENCH

and

Case 07–CA–145726

RAYMOND SCHOOF

and

Case 07–CA–147521

JAMES DEBEAU

NOTICE TO SHOW CAUSE

On November 10, 2016, Administrative Law Judge Arthur J. Amchan issued the attached decision. The Respondent and the General Counsel each filed exceptions and supporting, answering, and reply briefs. On March 27, 2018, the National Labor Relations Board issued a Decision and Order reported at 366 NLRB No. 46 (2018), in which it severed complaint paragraph 6 and retained it for further consideration.¹

Complaint paragraph 6 alleges that several provisions of the Respondent's Professional Conduct policy violate Section 8(a)(1) of the National Labor Relations Act, based on the prong of the analytical framework set forth in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004), that held an employer's maintenance of a facially neutral work rule would be unlawful if "employees would reasonably construe the language to prohibit Section 7 activity." *Id.* at 647. Recently, the Board overruled the *Lutheran*

¹ The Board ruled on the other complaint allegations that were before it on exceptions. On June 6, 2018, the Board denied the Respondent's motion for reconsideration of the Board's Decision and Order reported at 366 NLRB No. 46 in an unpublished Order.

Heritage “reasonably construe” test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. at 14–17 (2017).

Accordingly, the Board hereby issues the following notice to show cause why this case should not be remanded to the judge for further proceedings in light of *Boeing*, including, if necessary, the filing of statements, reopening the record, and issuance of a supplemental decision.

NOTICE IS GIVEN that any party seeking to show cause why this case should not be remanded to the administrative law judge must do so in writing, filed with the Board in Washington, D.C., on or before October 12, 2018 (with affidavit of service on the parties to this proceeding). Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C. September 28, 2018.

By direction of the Board:

Farah Z. Qureshi

Associate Executive Secretary