

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

NATIONAL CAPTIONING INSTITUTE, INC.

and

Case 16-CA-182528
16-CA-183953
16-CA-187150
16-CA-188322
16-CA-188346

NATIONAL ASSOCIATION OF BROADCAST
EMPLOYEES & TECHNICIANS – COMMUNICATIONS
WORKERS OF AMERICA, AFL-CIO

NOTICE TO SHOW CAUSE¹

On September 18, 2017, Administrative Law Judge Robert A. Ringler issued a decision addressing complaint allegations that the Respondent violated Section 8(a)(1) by maintaining certain work rules or policies, and by directing employees not to discuss the impending closure of its Texas office without indicating how long this external discussion ban would remain in effect. The judge analyzed these allegations under the “reasonably construe” prong of the Board’s decision in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004) (*Lutheran Heritage*). The judge also addressed other alleged unfair labor practices. Recently, the Board overruled the *Lutheran 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). Having duly considered the matter,

¹ Member Emanuel is recused and did not participate in this proceeding.

NOTICE IS GIVEN that cause be shown, in writing, filed with the Board in Washington, D.C., on or before October 16, 2018 (with affidavit of service on the parties to this proceeding), why the complaint allegations involving the maintenance of allegedly unlawful work rules or policies and the directive not to discuss the closure of the Texas office should not be severed and remanded to the administrative law judge for further proceedings consistent with the Board's decision in *Boeing*, including reopening the record if necessary. Any response should address whether a remand would affect the Board's ability to resolve the remaining complaint allegations, including whether those allegations should be severed and retained or instead included in the remand. Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., October 2, 2018.

By direction of the Board:

Farah Z. Qureshi

Associate Executive Secretary