

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

KITSAP TENANT SUPPORT SERVICES, INC.

and

WASHINGTON FEDERATION OF STATE
EMPLOYEES, AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL
EMPLOYEES, COUNCIL 28, AFL-CIO

Cases 19-CA-074715
19-CA-079006
19-CA-082869
19-CA-086006
19-CA-088935
19-CA-088938
19-CA-090108
19-CA-096118
19-CA-099659

NOTICE TO SHOW CAUSE

On June 4, 2014, Administrative Law Judge Jay R. Pollack issued a decision in this case. The General Counsel filed exceptions and a supporting brief, and the Charging Party adopted the General Counsel's exceptions and supporting brief as its exceptions and brief. The Respondent filed an answering brief, and the General Counsel filed a reply brief. The Respondent also filed cross-exceptions and a supporting brief, the General Counsel filed an answering brief, and the Respondent filed a reply brief.

On May 31, 2018, the Board issued a Decision and Order severing and retaining for further consideration certain complaint paragraphs.¹ The severed complaint paragraphs allege that several rules in the Respondent's employee handbook 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*

¹ 366 NLRB No. 98. The Board ruled on the other complaint allegations that were before it on exceptions.

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 the severed complaint allegations 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 29, 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., October 15, 2018.

By direction of the Board:

/s/ Roxanne L. Rothschild

Executive Secretary