

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

TAYLOR MOTORS, INC.

and

Cases 10-CA-141565  
10-CA-141578  
10-CA-145467

AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES  
(AFGE), AFL-CIO, LOCAL 2022

NOTICE TO SHOW CAUSE

On July 14, 2015, Administrative Law Judge Keltner W. Locke issued a decision addressing complaint allegations that the Respondent violated Section 8(a)(1) of the National Labor Relations Act (Act) by maintaining a confidentiality/nondisclosure agreement. The judge applied 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 unfair labor practice allegations, finding, among other things, that the Respondent violated Section 8(a)(1) of the Act when it suspended and discharged employee Anthony Williams. The Respondent filed exceptions and a supporting brief, and the General Counsel filed an answering brief.

On March 13, 2017, the National Labor Relations Board remanded the case to the judge for further consideration of his finding concerning Williams’ suspension and discharge.<sup>1</sup> On September 29, 2017, Judge Locke issued a supplemental decision, reaffirming all of his Section 8(a)(1) findings. The Respondent filed exceptions and a supporting brief, and the General Counsel filed an answering brief.

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<sup>1</sup> 365 NLRB No. 21.

On December 14, 2017, when the Respondent's exceptions were pending before the Board, 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 at slip op. 14-17. On April 20, 2018, the Board issued a Supplemental Decision and Order, severing and retaining for further consideration the complaint's allegations regarding the Respondent's confidentiality/nondisclosure agreement.<sup>2</sup>

Having duly considered the matter, the Board hereby issues the following notice to show cause why this proceeding 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

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<sup>2</sup> 366 NLRB No. 69. The Board ruled on the other complaint allegations that were before it on exceptions.