

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SSA PACIFIC, INC.

and

RONI SIMISOLA	Cases	20-CA-151433
JOHN STUBBE		20-CA-156741
ALAN COUCH		20-CA-156786

PACIFIC MARITIME ASSOCIATION

and

RONI SIMISOLA	Cases	20-CA-153169
JOHN STUBBE		20-CA-156732
ALAN COUCH		20-CA-156792

INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION, LOCAL 18

and

RONI SIMISOLA	Cases	20-CB-151490
JOHN STUBBE		20-CB-156767
ALAN COUCH		20-CB-156787

NOTICE TO SHOW CAUSE

On April 3, 2018, the National Labor Relations Board issued a Decision and Order in this proceeding, reported at 366 NLRB No. 51, in which it affirmed the judge's dismissals of certain unfair labor practice allegations and severed other allegations. Specifically, the Board severed and retained for further consideration the complaint allegations that Respondents SSA Pacific, Inc., and Pacific Maritime Association violated Section 8(a)(1) of the Act, and Respondent International Longshore and

Warehouse Union, Local 18, violated Section 8(b)(1)(A) of the Act, by jointly maintaining Rule 12 of the Identified Casuals Dispatch Rules, which provides that “[c]asuals causing a disturbance at the Dispatch Hall or at any other job-related area shall have their dispatch privileges permanently revoked.”

The administrative law judge addressed these allegations 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 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 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 November 5, 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 22, 2018.

By direction of the Board:

Associate Executive Secretary

Farah Z. Qureshi