

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

REGISTRY OF INTERPRETERS FOR THE DEAF, INC.

and

Case 20-CA-164088

PACIFIC MEDIA WORKERS GUILD, LOCAL 39521

**NOTICE TO SHOW CAUSE**

On December 29, 2016, Administrative Law Judge Joel P. Biblowitz issued a decision addressing complaint allegations that the Respondent violated Section 8(a)(1) by maintaining and applying its civility and/or antitrust policies. The judge applied the Board’s decision in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004) (*Lutheran Heritage*). In support of his cross-exception arguing that the Respondent unlawfully maintained the civility policy, separately from its maintenance of the antitrust policy, the General Counsel relies on the “reasonably construe” prong of *Lutheran Heritage*. 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,

**NOTICE IS GIVEN** that cause be shown, in writing, filed with the Board in Washington, D.C., on or before November 16, 2018 (with affidavit of service on the parties to this proceeding), why the complaint allegations involving the maintenance of the allegedly unlawful civility and antitrust policies 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., November 2, 2018.

By direction of the Board:

/s/ Roxanne L. Rothschild

Acting Executive Secretary