

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

E.I. Du Pont De Nemours, Louisville Works,

and

09-CA-040777,
09-CA-041634

Paper, Allied-Industrial, Chemical and
Energy Workers International Union
and its Local 5-2002.

E.I. Du Pont De Nemours and Company,

and

04-CA-033620

United Steel, Paper and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial
and Service Workers International Union
(USW) and its Local 4-786.

CHARGING PARTIES' MOTION FOR RECONSIDERATION

Charging Parties Local 5-2002 and Local 4-786 of the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (collectively, "the Union") move for reconsideration of the National Labor Relations Board's Decision and Order in this case, reported at 367 NLRB No. 12 (Oct. 11, 2018), pursuant to Section 102.48(c) of the NLRB Rules & Regulations.

As explained in detail in the brief that accompanies this motion, the Board mistakenly treated this case as identical to *Raytheon Network Centric Systems*, 365

NLRB No. 161 (Dec. 15, 2017), rather than applying the legal standard set forth in *Raytheon* to the distinct facts at issue here. The Board's failure to apply the legal standard set forth in *Raytheon* to the undisputed record evidence at issue here constitutes a material error since it is determinative of the outcome of this case. Because of this extraordinary circumstance, the Board should vacate its decision and either issue a new decision or, in the alternative, call for position statements from the parties regarding the proper disposition of this case under *Raytheon*.

WHEREFORE, Charging Parties Local 5-2002 and Local 4-786 of the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union respectfully request that the Board grant this motion for reconsideration.

Dated: November 7, 2018

Respectfully submitted,

/s/ Matthew J. Ginsburg
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CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2018, the foregoing Charging Parties' Motion for Reconsideration was electronically filed via the NLRB E-Filing System with the National Labor Relations Board and served on the following in the manner specified below:

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