

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES, SAN FRANCISCO BRANCH OFFICE**

SSA PACIFIC, INC.

and

Cases 20-CA-151433  
20-CA-156741  
20-CA-156786

RONI SIMISOLA, an Individual  
JOHN STUBBE, an Individual  
ALAN COUCH, an Individual

PACIFIC MARITIME ASSOCIATION

and

Cases 20-CA-153169  
20-CA-156732  
20-CA-156792

RONI SIMISOLA, an Individual  
JOHN STUBBE, an Individual  
ALAN COUCH, an Individual

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 18

and

Cases 20-CB-151490  
20-CB-156767  
20-CB-156787

RONI SIMISOLA, an Individual  
JOHN STUBBE, an Individual  
ALAN COUCH, an Individual

**ORDER SETTING TELEPHONIC HEARING**

Today, the parties participated in a telephonic status conference regarding this matter, which has been remanded to me to determine whether, pursuant to the Board's standard set forth in *The Boeing Company*, 365 NLRB No. 154 (2017), 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, in each case by maintaining a hiring hall dispatch rule known as "ID Casual Rule 12" (Rule 12). Specifically, the Board remanded this matter to me "for the purpose of reopening the record, if necessary, and the preparation of a supplemental decision addressing the complaint allegations affected by *Boeing* and setting forth credibility resolutions, findings of fact, conclusions of law, and a recommended Order." *SSA Pacific, Inc., et al.*, Cases 20-CA-151433, et al., Order Remanding (Nov. 22, 2018).

During today’s conference, Counsel for the General Counsel indicated that the Region did not intend to present evidence in support of either of the remanded allegations and further took the position that Rule 12 constitutes a “Category 1” rule, as defined in the *Boeing* decision. As the Board in that case announced, in order to provide greater clarity and certainty in cases considering the lawfulness of facially neutral employment policies, rules and handbook provisions, it intends in future decisions to designate them into categories. “Category 1,” the Board explained:

will include rules that the Board designates as lawful to maintain, either because (i) the rule, when reasonably interpreted, does not prohibit or interfere with the exercise of NLRA rights; or (ii) the potential adverse impact on protected rights is outweighed by justifications associated with the rule.

365 NLRB No. 154, slip op. at 4. During today’s conference, Counsel for the General Counsel offered to stipulate with the parties that Rule 12 constitutes a “Category 1” rule as defined by *Boeing*, but nonetheless indicated that the General Counsel did *not* intend to withdraw the two remanded complaint allegations challenging the rule’s lawfulness.

In the interest of adjudicating this remanded case in an expeditious manner with a full and fair opportunity for all parties to be heard, I will reopen the record via telephonic conference as set forth below. The Region will provide a court reporter, and the Division of Judges will provide the parties with dial-in instructions for the conference. In the event that any of the Charging Parties is not available to appear for this conference, Counsel for the General Counsel is expected, prior to the conference, to solicit that person’s position on stipulations and other relevant issues and be prepared to state any such position on the record.

Accordingly, it is **ORDERED** that the record will be opened telephonically at 2:00 p.m. (PST) on January 24, 2019. Dial-in instructions will be sent to all parties by the Division of Judges, and all parties are expected to appear. The parties are encouraged to pursue a resolution of this matter that dispenses with the need for further litigation; Counsel for the General Counsel will notify the Division of Judges, with a copy to the parties, if the matter has been successfully resolved prior to the scheduled conference.

Dated: January 18, 2019, San Francisco, California.



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Mara-Louise Anzalone  
Administrative Law Judge

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**From:** Lee, Vanise J.

**Sent:** Friday, January 18, 2019 3:10 PM

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**Subject:** Subject: SSA Pacific, Inc. Cases 20-CA-151433 et al. Judge's Order Setting Telephonic Hearing.

**Importance:** High

Counsel, my apologies. I am sending this again to assure you that emailed Order is from our office as I realize the header had some typos and may appear as spam.

Thank you

*Vanise J. Lee, Legal Tech.*

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**“Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.” – James Madison**

**From:** Lee, Vanise J.

**Sent:** Friday, January 18, 2019 2:58 PM

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**Subject:** [NASS] Scan-to-EMail Delivery - Subject: SSA Pacific, Inc. Cases 20-CA-151433 et al. Judge's Order Setting Telephonic Hearing

Counsel, attached please find Administrative Law Judge Mara-Louise Anzalone's Order setting the telephonic hearing in the above matter. Regards, Vanise Lee, Legal Tech. NLRB, Division of Judges San Francisco.

Please find, attached, the document, "vlee-20195718055753.PDF," which was processed by the NLRB automated scan-to-email system.