

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

AMERICAN RED CROSS BLOOD SERVICES,
WESTERN LAKE ERIE REGION

and

Case 08-CA-090132

THE UNITED FOOD AND COMMERCIAL WORKERS
UNION, LOCAL 75

JOINT MOTION TO WITHDRAW EXCEPTIONS AND CROSS-EXCEPTIONS

Counsel for the General Counsel (General Counsel) and the American Red Cross Blood Services, Western Lake Erie Region (the Respondent) respectfully submit this Joint Motion to Withdraw Exceptions and Cross-Exceptions, for the reasons explained below.

I. Procedural Background

The United Food and Commercial Workers Union, Local 75 (the Union) alleged in the original charge that the Respondent violated Section 8(a)(1) of the Act by maintaining certain unlawful rules.¹ A Second Order Consolidating Cases, Amended Consolidated Complaint and Notice of Hearing issued on November 30, 2012. A hearing was held on February 4, 2013 in Toledo, Ohio, before Administrative Law Judge Mark Carissimi. ALJ Carissimi rendered his decision on June 4, 2013 in JD-38-13 (ALJD), finding that some, but not all, of the alleged rules were unlawful.

On August 2, 2013, Counsel for the Acting General Counsel and Respondent filed Exceptions to the ALJD. Both the Acting General Counsel and Respondent filed separate Answering Briefs on August 16, 2013. Counsel for the Acting General Counsel filed a Reply to Respondent's Answering Brief on August 30, 2013.

¹ The original charge was filed on September 27, 2012. The charge was amended on November 29, 2012.

While the Exceptions have been pending before the Board, the Board issued its decision in *The Boeing Co.*, 365 NLRB No. 154 (2017), overruling the “reasonably construe” test in *Lutheran Heritage Village – Livonia*, 343 NLRB 646 (2004). The Board issued a Notice to Show Cause on October 2, 2018. The General Counsel filed a Response on October 16, 2018. The Respondent and the Union filed a Joint Response that same date, requesting that the Board hold the case in abeyance, pending a request by the Union to withdraw the charge, and for the Region to file a Motion with the Board to have the matter remanded to the Regional Director for processing consistent with the Union’s withdrawal request.

II. The Board Should Grant the Instant Joint Motion

Subsequent to the filing of the Joint Response by the Respondent and the Union to the Notice to Show Cause, the Parties have, through their respective Counsel, communicated to the General Counsel the current status of the work rules that were the subject of the litigation, as well as their respective positions regarding their desired resolution of the matter. As such, should the instant Motion be granted, Counsel for the General Counsel shall request that the instant case be remanded to the Regional Director for action consistent with the Parties’ representations regarding the current status of the work rules at issue and desired resolution of the case.²

III. Conclusion

For the reasons stated above, the undersigned respectfully request that the Board grant this Joint Motion to withdraw the pending Exceptions and Cross-Exceptions.

² Counsel for the General Counsel will file a separate Motion seeking remand of the case back to the Regional Director for Region 8.

Dated this 29th day of January, 2019.

/s/ Gregory M. Gleine

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically and served by electronic mail on the following parties, this 29th day of January, 2019:

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