

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

IGT d/b/a INTERNATIONAL GAME  
TECHNOLOGY

and

INTERNATIONAL UNION OF OPERATING  
ENGINEERS LOCAL UNION 501, AFL-CIO

Cases 28-CA-166915  
28-CA-173256  
28-CA-174003  
28-CA-174526

NOTICE TO SHOW CAUSE<sup>1</sup>

On November 15, 2016, Administrative Law Judge Jeffrey D. Wedekind issued a decision in this case. The Respondent filed exceptions and a supporting brief, the General Counsel filed an answering brief, and the Respondent filed a reply brief.

On August 24, 2018, the National Labor Relations Board issued a decision, 366 NLRB No. 170, ruling on the exceptions to several of the complaint allegations, but it severed and retained for future resolution the allegation involving a provision in the Respondent's Separation Agreement and General Release. The severed allegation alleges that the Respondent's maintenance of the provision violates Section 8(a)(1) of the Act 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).

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<sup>1</sup> Member Emanuel is recused and has taken no part in the consideration of this case.

Having duly considered the matter, the Board hereby issues the following notice to show cause why this allegation 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 complaint allegation 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 February 27, 2019 (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., February 13, 2019.

By direction of the Board:

/s/ Roxanne L. Rothschild

Executive Secretary