

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

**UNITED STATES POSTAL SERVICE**

**Respondent**

**and**

**Case 18-CA-142795**

**STEFAN GUSTAF RONNKVIST, an Individual**

**Charging Party**

**and**

**Cases 16-CA-150064  
16-CA-161476**

**BRUCE EDWARD FREEMAN, JR., an Individual**

**Charging Party**

**and**

**Cases 15-CA-172429**

**SCHWAYN BRADLEY, an Individual**

**Charging Party**

**and**

**Cases 01-CA-169707**

**NATIONAL POSTAL MAIL HANDLERS  
UNION, BRANCH 83, LOCAL 301**

**Charging Party**

**and**

**Case 16-CA-181431**

**ARSENIO MANANSALA, an Individual**

**Charging Party**

**Before:** Andrew S. Gollin, Administrative Law Judge

**COUNSEL FOR GENERAL COUNSEL’S MOTION TO  
REMAND CASES TO REGIONAL DIRECTOR**

Pursuant to Section 102.45 and 102.47 of the National Labor Relations Board’s Rules and Regulations, Series 8, as amended, Counsel for General Counsel respectfully moves that the above-captioned cases be remanded to the Regional Director of Region 16. In support of this motion, Counsel for General Counsel avers as follows:

On May 19, 2017, Administrative Law Judge Andrew S. Gollin (ALJ) issued his decision finding various Postal policies would reasonably be construed by employees as chilling their protected, concerted activity, in violation of Section 8(a)(1) of the Act. The ALJ in evaluating the lawfulness of these policies, applied the analytical framework set forth in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004). Under *Lutheran Heritage*, if the work rule does not explicitly restrict protected activities, it nonetheless will violate Section 8(a)(1) if: (1) employees would reasonably construe the language to prohibit Section 7 activity; (2) the rule was promulgated in response to union activity; or (3) the rule has been applied to restrict the exercise of Section 7 rights.” Id. at 647.

On December 14, 2017, the Board issued its decision in *The Boeing Company*, 365 NLRB No. 154 (2017), overturning the first prong of *Lutheran Heritage Village-Livonia* and establishing a new standard aimed at balancing employees’ Section 7 rights and employers’ business justifications for maintaining the policy or rule.

On November 21, 2018, in light of the holding in *Boeing*, the Board remanded these cases to the ALJ “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.” The

limited purpose of the remand is to reconsider the lawfulness of the aforementioned rules in light of *Boeing*.

On January 9, 2019, the Deputy Chief Administrative Law Judge Arthur J. Amchan issued an Order granting Counsel for General Counsel's Motion for Extension of Deadlines until March 14, 2019.

Counsel for the General Counsel has made multiple attempts to contact the Charging Parties in efforts of getting their position on this Motion. Despite these efforts, only the Charging Party in 18-CA-142795 responded and has no objection to this Motion. The intervening parties promptly responded and have no objection to this Motion.

Counsel for General Counsel having considered the Board's decision in *Boeing*, respectfully requests the cases be remanded to the Regional Director of Region 16 for further action consistent with *Boeing*. Respondent was advised of Counsel for General Counsel intent to request remand and attempts have been made to advise all other parties.

**DATED** at Fort Worth, Texas, this 12<sup>th</sup> day of March 2019.

*/s/ Art A. Laurel*

Arturo A. Laurel, Counsel for the General Counsel  
National Labor Relations Board  
Region 16  
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## CERTIFICATE OF SERVICE

I hereby certify that the GENERAL COUNSEL'S MOTION TO REQUEST REMAND TO THE REGIONAL DIRECTOR was served via E-Gov, E-Filing, and electronic mail, on this 12<sup>th</sup> day of March 2019, on the following:

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