

EXHIBIT B

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Washington, DC**

**CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS**

and

**Cases 21-CA-075867
21-CA-098442**

**COMMUNICATIONS WORKERS OF
AMERICA DISTRICT 9, AFL-CIO;
COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO
AIRTOUCH CELLULAR**

and

Case 21-CA-115223

**COMMUNICATIONS WORKERS OF
AMERICA DISTRICT 9, AFL-CIO;
COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO**

**GENERAL COUNSEL'S RESPONSE
TO NOTICE TO SHOW CAUSE**

Counsel for the General Counsel files this response to the Notice to Show Cause that issued on March 26, 2019, on why the complaint allegations involving the maintenance of allegedly unlawful work rules or policies should not be severed and remanded to the administrative law judge (ALJ) for further proceedings consistent with the Board's decision in *The Boeing Co.*, 365 NLRB No. 154, slip op. at 14-17 (2017), including reopening the record if necessary. In addition, the Board stated:

Any response should address whether a remand would affect the Board's ability to resolve the complaint allegations to which the judge applied *Register Guard*, including whether those allegations should be severed and retained or instead included in the remand.

Cellco Partnership d/b/a Verizon Wireless (Respondent Verizon) operates retail stores nationwide; while its wholly-owned subsidiary AirTouch Cellular (Respondent AirTouch) operates in Southern California. Respondent Verizon and Respondent AirTouch (collectively Respondents), maintain an employee rule book entitled "Your Code of Conduct," which rule book is applicable to all Respondents' employees in Southern California and nationwide.

The allegations in question involve the Respondent's employee rule book Section 1.8 Employee Privacy (paragraph 5(b)); Section 1.8.2 Use of Recording Devices (paragraph 6(a)); Section 3.2.1 Protecting Non-public Company Information (paragraph 6(b)); Section 3.7 Handling External Communications (paragraph 6(d)); and Section 4.6 Relationships with and Obligations of Departing and Former Employees (paragraph 6(e)). The Region has reviewed these rules in light of the Board's decision in *Boeing*, and the Region has concluded that these rules, viewed in context, are not unlawful under *Boeing*. Accordingly, counsel for the General Counsel urges the Board to sever complaint paragraphs 5(b), 6(a), 6(b), 6(d) and 6(e)), and requests that the Board remand those paragraphs of the complaint to the Region so that the Region can withdraw the allegations from the complaint and dismiss them from the charge.

Finally, counsel for the General Counsel does not believe that the foregoing remand would affect the Board's ability to resolve the complaint allegations to which the judge applied *Register Guard*, specifically the allegations involving Respondent's employee rule book Section 1.6 Solicitation and Fundraising (paragraph 5(a)); and Section 3.4.1 Prohibited Activities (paragraph 6(c)). Accordingly, counsel for the General Counsel urges the Board to retain complaint paragraphs 5(a) and 6(c) for further consideration by the Board. In this regard,

counsel for the General Counsel incorporates by reference the arguments made in counsel for the General Counsel's brief in *Caesars Entertainment Corporation d/b/a Rio All-Suites Hotel and Casino*, Case 28-CA-060841, dated September 14, 2018.

Respectfully submitted

_____/s/ Lisa E. McNeill
Lisa E. McNeill
Counsel for the General Counsel
National Labor Relations Board, Region 21

Dated at Los Angeles, California this 9th day of April, 2019.

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**AFFIDAVIT OF SERVICE OF GENERAL COUNSEL'S RESPONSE TO
NOTICE TO SHOW CAUSE**

I hereby certify that a copy of the above-entitled document(s) has been submitted by E-filing to the Executive Secretary of the National Labor Relations Board, on April 9, 2019, and that each party was served with a copy of the same document addressed to them as indicated below:

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