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Tempe, AZ, Denver, CO,
Oakland and San Diego, CA

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

PURPLE COMMUNICATIONS, INC. and its
Successor and Joint Employer CSDVRS, LLC
d/b/a ZVRS

and

PACIFIC MEDIA WORKERS GUILD,
LOCAL 39521, THE NEWSPAPER GUILD,
COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO

Cases 21-CA-149635
28-CA-179794
21-CA-182016
32-CA-185337
21-CA-185343
27-CA-185377
27-CA-186448
28-CA-186509
21-CA-187642
28-CA-192041
27-CA-192084
28-CA-197009
27-CA-197062

CORRECTED NOTICE TO SHOW CAUSE

On August 3, 2018, Administrative Law Judge Mara-Louise Anzalone issued a decision addressing, among other things, allegations that the Respondents violated Section 8(a)(1) of the National Labor Relations Act by maintaining an unlawful electronic communications policy. The judge applied the standard set forth in *Purple Communications, Inc.*, 361 NLRB 1050 (2014), for determining the lawfulness of an employer’s rule restricting employee use of a company’s email system. Recently, in *Caesars Entertainment d/b/a Rio All-Suites Hotel and Casino*, the Board overruled *Purple Communications* and announced a new standard that applies retroactively to all pending cases. 368 NLRB No. 143, slip op. at 8-9 (2019). In *Caesars*, the Board held, in relevant part, that “an employer does not violate the Act by restricting the nonbusiness use of its IT resources *absent proof that employees would otherwise be deprived of*

any reasonable means of communicating with each other.” Id., slip op. at 8 (emphasis added).

The parties have not had an opportunity, on the facts of this case, to address this exception to the rule of *Caesars Entertainment*. Accordingly, having duly considered the matter,

NOTICE IS GIVEN that cause be shown, in writing, filed with the Board in Washington, D.C., on or before March 9, 2020 (with affidavit of service on the parties to this proceeding), why the complaint allegations involving the maintenance of the allegedly unlawful electronic communications policy should not be severed and remanded to the administrative law judge for further proceedings consistent with the Board’s decision in *Caesars Entertainment*, including reopening the record if necessary. Any response should address whether a remand would affect the Board’s ability to resolve the remaining complaint allegations, including whether those allegations should be severed and retained or instead included in the remand. Any briefs or statements in support of the response shall be filed on the same date.

Dated, Washington, D.C., February 28, 2020.

By direction of the Board¹:

Roxanne L. Rothschild

Executive Secretary

¹ Member Emanuel is a member of the panel but did not participate in the decision to issue this notice to show cause.