

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

JOHNSON CONTROLS, INC.
Employer

and

16-RC-256972

SMART - SOUTHWEST GULF COAST
REGIONAL COUNCIL
Petitioner

ORDER

The Employer's Request for Review of Regional Director's Amended Order and Request for Review of Regional Director's Denial of Joint Motion are denied as they raise no substantial issues warranting review.¹

JOHN F. RING,	CHAIRMAN
MARVIN E. KAPLAN,	MEMBER
WILLIAM J. EMANUEL,	MEMBER

Dated, Washington, D.C., May 8, 2020

¹ In his Amended Order Revoking Stipulated Election Agreement and Notice Rescheduling Representation Order and his Order Denying Joint Motion to Proceed with Manual Election, the Regional Director relied on the Covid-19 pandemic and the need "to ensure the safety of all parties, Board personnel, voting employees and the general public." In denying review of those orders, we rely on *Super Valu Stores, Inc.*, 179 NLRB 469, 469 (1969) ("Implicit in the Regional Director's authority to approve consent election agreements is his authority to revoke that approval when he determines that changed circumstances, discovered prior to the counting of ballots, warrant such revocation.").

We recognize that conducting an election during the Covid-19 pandemic raises unprecedented challenges. The question of whether, when, and how an election will be held is among the issues to be resolved in the first instance at the hearing scheduled by the Regional Director and are thus not before us at this time.

On May 1, 2020, the Employer filed a "Request for Review of Regional Director's Order," which seeks to vacate the Regional Director's order rescheduling the election hearing for Monday, May 4, 2020 and to stay the hearing. We are treating this filing as a request for extraordinary relief under Sec. 102.67(j) of the Board's Rules and Regulations and deny it as moot. The Employer retains the right to renew its contentions in connection with any request for review of any subsequent action taken in this case.