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July 1, 2020

File Number: 73TJ-318384

VIA ELECTRONIC FILING

Mori Rubin
Regional Director
National Labor Relations Board
Region 31
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Suite 600
Los Angeles, CA 90064
E-Mail: Mori.rubin@nlrb.gov

Re: Electronic Warfare Associates (EWA) - Electronic Warrior Services, LLC
Case 31-RC-261566

Dear Ms. Rubin:

The purpose of this letter is to request a brief postponement of the Pre-Election hearing in the above-referenced matter (for three business days) from the currently scheduled date of July 2, 2020, to Tuesday, July 7, 2020. This request is based on news that the NLRB General Counsel plans to issuance guidance on conducting in-person elections in light of the COVID-19 pandemic. News of the planned guidance was announced just this morning via the legal publication Law 360.¹ Briefly, the General Counsel has committed to issuing guidance to the Regions for safely staging union elections during the pandemic, following recent in-person voting agreements in various representation matters (most notably in *Hearthside Food Solutions, LLC*, 15-RC-258901, where the parties agreed to implement several safety measures, including erecting plexiglass barriers to separate workers, board employees and election overseers; using disposable pens and pencils; marking off spaces at 10-foot intervals; providing masks and gloves; and separating the entrance and exit so workers would not pass each other). According to the GC, the guidance should be posted to the board's website Thursday July 2, 2020, or Friday July 3, 2020. Unfortunately, given the timing of the hearing in this matter, the parties (and the

¹ The article can be accessed at https://www.law360.com/employment/articles/1288308/new-guidance-on-in-person-union-elections-coming-soon-?nl_pk=28762f1d-ec1c-43a0-b672-eac751481d71&utm_source=newsletter&utm_medium=email&utm_campaign=employment.

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Region) will be left unable to enjoy the benefit of the GC's guidance, as the hearing will have begun (and likely will have concluded) prior to the issuance of the guidance.

Given the soon-to-be-released guidance from the GC, this request constitutes good cause for postponement of the hearing of this matter.² If the Pre-Election hearing cannot be moved three business days to permit the parties to digest the new guidance and explore a potential stipulated election agreement, I request that the Hearing be rescheduled for Monday, July 6, 2020, to at least permit the parties the intervening weekend to digest the guidance, explore possible compliance with the guidance, and discuss a stipulated election agreement based on the guidance.

Counsel of record for the IAM, District Lodge 725 has been notified of this request via voice mail message and email, but given the need to urgently file this request, has not yet provided her position as to whether the petitioner consents to this request. Regardless, the assigned Board Attorney, Yaneth Palencia, and union counsel, Caren P. Sencer, Esq. of Weinberg, Roger & Rosenfeld, have both been copied on this letter and being sent a copy of this request by email.

Thank you in advance for your consideration.

Very truly yours,



John Bolesta
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
Counsel for Electronic Warfare Associates (EWA) - Electronic Warrior Services, LLC

cc: Yaneth Palencia, Field Attorney
Region 31, NLRB – via email

Caren P. Sencer, Esq.
Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, CA 94501- via email

² Under the recent 2019 Representation case rule amendments, effective for all petitions filed after May 31, 2020, the standards for evaluating requests to postpone pre-election hearings is “good cause” and Regions are no longer evaluating such requests under the “special circumstances” standard and may only apply the “extraordinary circumstances” standard to hearings not continuing day to day, extensions to file voter lists and reopening the record.