

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

STERICYCLE, INC.	:		
	:		
	:	Cases:	04-CA-137660
Respondent,	:		04-CA-145466
	:		04-CA-158277 and
and	:		04-CA-160621
	:		
TEAMSTERS LOCAL 628,	:		
	:		
Charging Party	:		
	:		

**CHARGING PARTY'S BRIEF
TO THE ADMINISTRATIVE LAW JUDGE FOLLOWING
BOARD'S WORK RULES AND POLICY REMAND**

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**CHARGING PARTY’S BRIEF
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Charging Party, Teamsters Local 628 (Local 628), submits the following brief on the Respondent rules remanded to Administrative Law Judge Michael Rosas. Four rules remain at issue: a “Retaliation” work rule and three related “Personal Conduct/Conflict of Interest” work rules. Local 628 contends that each of the employer’s policies impermissibly intrude on employee Section 7 rights without a substantive employer justification. Consequently, the rules violate Section 8(a)(1) of the Act.

STATEMENT OF THE CASE

Charging Party Local 628 and Respondent are parties to separate collective bargaining agreements covering two medical waste facilities, one in Southampton, PA and the other in Morgantown, PA. The Southampton facility is a medical waste transfer station and the Morgantown facility is a medical waste collection and treatment plant. Employees at both facilities pick up “Regulated Medical Waste” (RMW) from hospitals, doctor and dentist offices, and other medical facilities. The waste includes disposed bandages, bodily fluids and “sharps” (used needles, syringes, lancets, auto injectors, infusion sets and connection sets). The RMW is eventually

transported to Morgantown, where it is processed, chemically treated, washed and shredded, placed in containers and sent to landfills for disposal.

Local 628 first organized Respondent employees in 1999 and has represented the employees in what now forms the Southampton bargaining unit since then. The unit includes:

All full-time and regular part-time drivers, driver techs, in house techs, helpers, dockworkers and long haul drivers of the Company at its Southampton, Pennsylvania location; but excluding all other employees, office clerical employees, guards, and supervisors as defined in the Act.

The parties have negotiated several successive collective bargaining agreements covering the Southampton unit. The one in effect during the events of this case covered the period November 1, 2013 through October 31, 2016.

The union organized Respondent's Morgantown employees in 2011 and became the certified bargaining agent there on September 1, 2011. The Morgantown unit includes:

All full-time and regular part-time regulated medical waste (RMW) plant workers, sharps plan workers, RMW Shift Supervisors, Sharps Shift Supervisors/quality control representatives, drivers, dispatchers, yard jockey, maintenance mechanics, Maintenance Supervisor and painters employed by Respondent at its Morgantown, Pennsylvania facility; but excluding all office employees, confidential employees, guards and supervisors as defined in the Act.

The applicable collective bargaining agreement covering the Morgantown unit commenced on September 6, 2013 and ran through February 29, 2016.

The rules at issue in this case stem Respondent's unilateral implementation of a Handbook at its Morgantown location. On or about November 12, 2014, at the height of the Ebola epidemic, Respondent conducted a PowerPoint training about how employees could recognize Ebola waste packaging and avoid packaging it. Notified by its members about the training, John Dagle, Local 628 Secretary Treasurer requested a copy of the training on November 13 and again on November 18. Carol Fox, Respondent's Labor Relations Manager, refused to provide the training materials on the grounds that the PowerPoint was "confidential and proprietary." Dagle responded that the

union would agree to confine the materials to the union's officers, representatives and agents but noted that the Morgantown employees were not instructed that the information in the training was confidential. Fox responded by contending that no such instruction was needed because Morgantown employees were subject to a confidentiality policy contained in the employer's Handbook that each employee signed upon employment. Dagle requested a copy of the Handbook. After discovering that there actually was no Handbook in effect at Morgantown, Respondent implemented the Handbook at the Morgantown location in late February 2015. Subsequently, Fox provided Dagle with a copy on March 2, 2015. The Handbook contained numerous policies that intrude on employee Section 7 rights, including the Retaliation and Personal Conduct/Conflict of Interest rules at issue in the Board's remand.

On August 18, 2015, Local 628 the union filed an unfair labor practice alleging application of unlawful policies and rules to its Morgantown bargaining unit (Case No. 04-CA-158277). The General Counsel issued a Consolidated Complaint on May 16, 2016 and Respondent filed an answer on May 26, 2016. Administrative Law Judge Rosas heard the case on August 24-25, 2016 and issued a decision on November 10, 2016. The judge found that each of the three policies at issue violate Section 8(a)(1) of the Act.

As found by Judge Rosas, the rules in dispute in this remand are as follows:

Retaliation--"All parties involved in the investigation [of a harassment complaint] will keep complaints and the terms of their resolution confidential to the fullest extent practicable."

Personal Conduct--"In order to protect everyone's rights and safety, it is the Company's policy to implement certain rules and regulations regarding your behavior as a team member. Conduct that maliciously harms or intends to harm the business reputation of Stericycle will not be tolerated. You are expected to conduct yourself and behave in a manner conducive to efficient operations. Failure to conduct yourself in an appropriate manner can lead to corrective action up to and including termination."

The following are some examples of infractions which could be grounds for corrective action up to and including termination, however this list is not all-inclusive . . . Engaging in behavior that is damaging to Stericycle's reputation."

Conflict of Interest--"Stericycle will not retain a team member who directly or indirectly engages in the following: An activity that...adversely reflects upon the integrity of the Company or its management."

Stericycle, Inc. and Teamsters Local 628, 2016 NLRB LEXIS 813 *44-*50. Judge Rosas found that Respondent's Retaliation, Personal Conduct, and Conflict of Interest policies violated Section 8(a)(1) or the Act. Id. at *101-*103.

In December 2017, the Board changed its standard for evaluating employer policies and work rules that intrude on Section 7 rights. In *The Boeing Co.*, the Board overruled *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004) and adopted a new balancing test weighing a rule's intrusion on employee Section 7 rights against an employer's business justification for the rule. 365 NLRB No. 154 (2017) slip op. at 2. The Board decided to apply its new standard retroactively, and to all pending cases. Id. slip op. at 17. On May 8, 2020, the NLRB issued an order remanding six of Respondent policies to Judge Rosas for further consideration under *Boeing*. Order Remanding, Cases No. 04-CA-137660, 04-CA-145466, 04-CA-158277, 04-CA-160621, May 8, 2020. On June 8, 2020, the Region Four Assistant Regional Director (ARD) issued a letter, dismissing four of the six remanded policies: "Use of Personal Electronics Policy, "Electronic Communications Policy", "Camera and Video Policy" and "Use of Personal Electronics in the Workplace Policy." ARD, Decision to Partially Dismiss, June 8, 2020. Only Respondent's "Retaliation" and "Personal Conduct/Conflict of Interest" policies were left for consideration.

Local 628 contends that, if the *Boeing* standard, as elucidated in subsequent decisions, is applied, the Board will decide that Respondent's rules intrude on employee Section 7 rights and are not justified by the employer's legitimate business interests. Consequently, the Judge should

reinstate his finding that Respondents Retaliation, Personal Conduct and Conflict of Interest rules violate Section 8(a)(1) of the Act.

STATEMENT OF THE ISSUES

1. Whether Respondent's "Retaliation" policy impermissibly intrudes on employee Section 7 rights by prohibiting employee discussion of harassment complaints and the terms of their resolution.
2. Whether Respondent's Personal Conduct and Conflict of Interest policies impermissibly intrude on employee Section 7 rights by prohibiting employee activities that intend to or do harm the company's business reputation or adversely reflect on the integrity of the company and its management.

ARGUMENT

Respondent has unilaterally imposed rules on its employees that impermissibly intrude on employee rights. In its Employee Handbook, the employer promulgates investigative confidentiality rules, Personal Conduct rules and Conflict of Interest rules that restrict employees from engaging in activity protected under Section 7 of the Act. The employer lacks a substantial business justification for any of the rules. As a result, the rules violate Section 8(a)(1) of the Act.

A. Respondent's "Retaliation" rule impermissibly restricts employee rights to discuss workplace harassment complaints and how the employer resolves them.

An employer violates the Act by promulgating work rules and policies that unreasonably chill employees' Section 7 activities. *Lafayette Park Hotel*, 326 NLRB 824, 825 (1998), *enfd.* 203 F.3d 52 (D.C. Cir. 1999). Rules requiring investigative confidentiality, like the one here, that prohibit employees from revealing information about matters under investigation without a substantial business justification are unlawful. *Hyundai Am. Shipping Agency, Inc. v. NLRB*, 805 F.3d 309, 314 (D.C. Cir. 2015) (Board reasonably concluded that blanket confidentiality rule

applying to all investigations was so broad and undifferentiated as to lack legitimate business justification).

1. The Board’s *Boeing* balancing test

In *Boeing Co*, 365 NLRB No. 154 (2017), the Board established a new standard for determining whether a facially neutral work rule or policy, reasonably interpreted, would unlawfully interfere with, restrain, or coerce employees in the exercise of their Section 7 rights. Under the new standard, “the Board will evaluate two things: (i) the nature and extent of the potential impact on NLRA rights, and (ii) legitimate justifications associated with the rule.” *Id.*, slip op. at 3. In conducting this evaluation, the Board will balance the employer’s asserted business justifications for a rule or policy against the extent to which the rule or policy interferes with employees’ rights as viewed from the objectively Personal Conduct and Conflict of Interest reasonable employee’s perspective. *Id.* The Board applied its *Boeing* balancing test retroactively to “all pending cases in whatever stage.” *Id.*, slip op. at 16.

Under *LA Specialty Produce*, the General Counsel has the initial burden under *Boeing* to prove that a facially neutral rule or policy would, when read in context, be interpreted by a reasonable employee as potentially interfering with the exercise of Section 7 rights. 368 NLRB No. 93, slip op. at 2 (2019). If the General Counsel fails to meet this burden, then the Board need not consider the employer’s justifications for the rule; the rule is lawful. *Id.* If the General Counsel meets the burden of proving that a reasonable employee would interpret a rule as potentially interfering with the exercise of Section 7 rights, the Board will balance that potential interference against the employer’s legitimate justifications for the rule. *Id.*, slip op. at 3. If the balance favors employer interests, the rule at issue will be lawful. But where the potential interference with Section 7 rights outweighs the employer’s justification, the rule is not lawful. *Id.*

In *Apogee Retail LLC*, the Board held that investigative confidentiality rules should be evaluated under the *Boeing* framework. 368 NLRB No. 144, (2019) slip op. at 7; see also, *Watco Transloading, LLC*, 369 NLRB No. 93, slip op. at 8 (2020). Rules that by their terms apply only to **ongoing** investigations are generally categorically lawful but investigative confidentiality rules **not** limited on their face to an open investigation require individualized scrutiny. *Apogee*, 368 NLRB No. 144, slip op. at 10. That scrutiny requires balancing of the rule’s potential to interfere with the exercise of Section 7 rights against the legitimate justifications associated with the rule. *Id.*, slip op. at 9. The Board cautioned, however, that its holding for “open investigation” rules applied **only** to rules “that require participants in an investigation to maintain the confidentiality of an investigation and/or prohibit participants from discussing the investigation or interviews conducted in the course of the investigation.” *Id.*, slip op. at 2 n.3. It did not extend “to rules that would apply to nonparticipants or that would prohibit employees—participants and nonparticipants alike—from discussing the **event** or **events** giving rise to an investigation ...” *Id.*; emphasis in original.

In *Apogee*, the Board proceeded to apply its *Boeing* scheme to two investigative confidentiality rules of a retail industry employer. The first provision required **participating** employees to cooperate fully in investigations, answer questions truthfully and stated: “*Reporting persons and those who are interviewed are expected to maintain confidentiality regarding these investigations.*” *Id.*, slip op. at 1; (emphasis in original). The second provision was part of the employer’s Loss Prevention policy, which listed “examples of behaviors that can have an adverse effect on the company and may lead to disciplinary action, up to and including termination: Refusing to courteously cooperate in any company investigation. *This includes, but is not limited to, unauthorized discussion of investigation (sic) or interview with other team members*” *Id.*;

(emphasis in original). The Board held that when applied to open investigations, the employer's rules may affect the exercise of Section 7 rights but the justifications associated with investigative confidentiality rules applicable to open investigations outweigh the "comparatively slight potential of such rules to interfere with the exercise of Section 7 rights." *Id.*, slip op. at 8.

In applying *Boeing* to the two rules, the Board emphasized the narrow scope of the two rules. The Board acknowledged that the rules would "potentially interfere" with employees' rights to discuss terms and conditions of employment and admitted that employees "have a Section 7 right to discuss their own or their fellow employees' discipline, or incidents that may lead to discipline" Slip op. at 8. But it found the impingement on those rights to be "slight:"

The rules at issue do **not** broadly prohibit employees from discussing either discipline or incidents that could result in discipline. Rather, they narrowly require that employees not discuss investigations of such incidents or interviews conducted in the course of an investigation. Employees **not involved** in an investigation are free to discuss such incidents **without limitation**, and employees who are involved may also discuss them, provided they do not disclose information they either learned or provided in the course of the investigation.

Id.; (emphasis added.) The Board further noted that the rules did not restrict discussion of disciplinary policies or procedures or prohibit a union represented employee from requesting representation during an investigation. *Id.*

The Board found that the employer had asserted "several substantial and compelling business justifications for the rules." *Id.* The justifications included preventing theft, responding quickly to misconduct with timely investigations, protecting employee privacy, preventing retaliation by management and other employees, and ensuring the integrity of the investigation. *Id.*

Nevertheless, the Board did not find that the employer's rules passed muster. It noted that most of the asserted justifications for requiring investigative confidentiality "apply while the investigation is ongoing." *Id.*, slip op. at 9. The Board admitted that "employees would reasonably

interpret a rule that is silent with regard to the duration of the confidentiality requirement (like the rules [under consideration]) not to be limited to the duration of the investigation” Id. Allowing that there might be a basis for extending such investigative confidentiality rules beyond the life of an investigation, the Board remanded the employer’s rules. Id. It determined that rules that are “not limited on their face to open investigations ... requir[e] individualized scrutiny in each case as to whether any post-investigation adverse impact on NLRA protected conduct is outweighed by legitimate justifications.” Id. Because the parties had not differentiated between open-investigation and post-investigation rules and because the stipulated facts were inadequate, the Board remanded the rules for further consideration. Id., slip op. at 9-10.

2. Respondent’s “retaliation” rule prohibits employee discussion of working conditions and interferes with employee Section 7 rights.

Under *Apogee*, Respondent’s investigative confidentiality rule is unlawful. First, the rule broadly prohibits any party to a harassment complaint —muzzling complainant(s), respondent(s) and any witnesses—from discussing a complaint with coworkers at any point during the employer’s investigation. Unlike in *Apogee*, Respondent’s rule does not limit its confidentiality requirement to the formal parts of an investigation, that is to “discussion of [the] investigation or interview.” Instead, Respondent extends its confidentiality beyond what occurs during its investigation to include the complaint and all underlying facts. In contrast to the rule in *Apogee*, Respondent’s rule would prohibit any party “from discussing the event or events giving rise to an investigation” regardless of whether they “disclose[d] information that they either learned or provided in the course of [an] investigation.” See, e.g. *Apogee*, slip op. at 2 n. 3. (“[O]ur holding does not extend to rules that ... would prohibit employees—participants and nonparticipants alike—from discussing the event or events giving rise to an investigation (provided that

participants do not disclose information they either learned or provided in the course of the investigation).”); *Watco Transloading, LLC*, 369 NLRB No. 93 (2020) slip op. at 8.

Thus, without materially impacting the speed or integrity of its investigation of alleged harassment, Respondent’s rule unlawfully intrudes on employees Section 7 rights to discuss discipline or ongoing disciplinary investigations involving themselves or their coworkers. See, e.g., *Fresh & Easy Neighborhood Market*, 361 NLRB 151, 155–156 (2014); *Hyundai America Shipping Agency, Inc.*, 357 NLRB 860, 874 (2011), *enfd.* in pertinent part 805 F.3d 309 (D.C. Cir. 2015). Moreover, the Act also specifically protects an employee’s right to discuss sexual harassment complaints with coworkers. *Phoenix Transit System*, 337 NLRB 510, 513-514 (2002) (stating that “[e]mployees have a right protected by the Act to discuss among themselves their sexual harassment complaints” and holding that Section 7 protected employee’s right to discuss an employer’s repeated failure to redress sexual harassment complaints after investigation); *All American Gourmet*, 292 NLRB 1111, 1130 (1989) (Employer’s instruction preventing employee from discussing sexual harassment complaint with her coworkers violates Section 8(a)(1).)

Respondent’s rule also clearly extends well beyond the duration of an open investigation. The rule requires parties to keep “complaints and the terms of their **resolution** confidential to the fullest extent possible.” In *Apogee*, the Board held that employees would reasonably interpret an investigative policy, like this one, that was silent on the duration of a confidentiality requirement to extend beyond the closing of an investigation. 368 NLRB No. 144, slip op. at 9; see also *Watco Transloading, supra*, 369 NLRB No. 93 at slip op. 9 n. 25. Respondent’s rule, however, is both silent as to duration and it specifically precludes employees from discussing a complaint’s “resolution.”

Rules preventing employees from discussing the “resolution” of a harassment have been held to be unlawful. In *Phoenix Transit System*, for example, employees complained about a supervisor’s repeated sexual harassment (“groping or rubbing himself in the area of his groin”). *Supra*, 337 NLRB at 513 The employer’s Personnel Services Manager held a meeting with affected employees to hear their complaints. *Id.* At the close of the meeting, the manager told the employees that the meeting was confidential and was not to be discussed even among themselves. *Id.* The manager finished her investigation into the employee complaints in two weeks, concluded that the supervisor had engaged in offensive conduct alleged and directed the supervisor to undergo counseling. *Id.* But, the respondent never informed any of the affected employees that it had conducted an investigation, that it had concluded the investigation or had reached a result. *Id.* In short, respondent never informed employees that it had taken corrective action. *Id.* The next year a different employee complained that the supervisor had resumed his prior behavior. *Id.* A few months later, the editor of the union’s newsletter published articles detailing his and other employees experience in reporting sexual harassment. *Id.* The editor reported the respondent’s instruction not to discuss the issue and complained that management had done nothing, that the supervisor had resumed his offensive behavior and alleged that management was covering up the problem. *Id.* The respondent terminated him. *Id.* The Board held that confidentiality instruction was unlawful, and that the respondent violated the Act by enforcing it and discharging the newsletter editor. *Id.* at 510. The Board specifically “affirm[ed] the judge's finding that the Respondent violated Section 8(a)(1) of the Act by maintaining a confidentiality rule prohibiting employees from discussing their sexual harassment complaints among themselves. As found by the judge, employees have a protected right to do so, and Respondent's confidentiality rule clearly restricted the exercise of that right.” *Id.* In so holding the Board noted that it was not passing on

the issue of whether an employer could have a rule requiring confidentiality when an employee speaks to their employer in the course of an investigation but noted that “the rule here forbids employees from speaking among themselves or to third parties about such complaints In this respect, the rule is overly broad.” Id. at n. 3.

Respondent’s rule would also discourage its employees from reporting a suspect investigation to the union and to the NLRB. An employee accused of, or victimized by, workplace misconduct has a statutory right to speak about the matter with third parties, including the Board or a union representative. See, e.g., *NLRB v. Scrivener*, 405 U.S. 117, 121-122 (1972); *Cintas Corp.*, 344 NLRB 943, 943 (2005), *enfd.* 482 F.3d 463 (D.C. Cir. 2007). The Board has found confidentiality rules that restrict these rights to be unlawful. See, e.g., *DirectTV U.S. DirectTV Holdings, LLC*, 359 NLRB 545, 546–547 (2013) (confidentiality rule found unlawful where it did not exempt protected communications with third parties, such as union representatives, Board agents, or other governmental agencies concerned with workplace matters); *Kinder-Care Learning Centers, Inc.*, 299 NLRB 1171, 1171-1172 (1990).

3. Employee Section 7 rights to discuss employer disciplinary investigations and their disposition outweigh Respondent’s justifications for its rule restricting employee discussion of workplace harassment complaints.

Respondent has offered no substantive justifications supporting its rule. Instead it has argued that it is not really a rule of conduct, but “merely a pledge to employees.” *Stericycle*, 2016 NLRB LEXIS 813 *72. The ALJ properly rejected that argument finding that, given the way the provision is written employees would interpret as a rule under which they could be disciplined. Id. However, even if it were to make the arguments that the Board found to be weighty in *Apogee*, those justifications, as the Board noted, are not sufficient to support an investigative confidentiality rule that limits discussions of events giving rise to an investigation, discussions after an

investigation concludes or an employees right to seek aid from a union representative, the Board or another governmental agency.

Thus Respondent's investigative confidentiality rule restricts participant discussions about the event or events giving rise to an investigation with non-participant co-workers, extends well beyond the termination of an investigation and restricts employees rights to discuss harassment investigations with union representatives, Board agents and other administrative agencies concerned with workplace matters. As a result, the rule violates Section 8(a)(1) of the Act.

B. Respondent's rules against conduct that is harmful to its reputation violate Section 8(a)(1) of the Act.

Respondent's Personal Conduct and Conflict of Interest policies threaten employees with termination if they engage in activities that harm its reputation. These policies unlawfully intrude on employee's Section 7 rights to challenge the employer's terms and conditions of employment, its approach to collective bargaining and its enforcement of federal, state and local regulations. Because these rules directly impede Section 7 conduct, Respondent's rules violate Section 8(a)(1) of the Act.

1. Respondents' Personal Conduct and Conflict of Interest directly restrict employee Section 7 conduct.

Employees have a Section 7 right to discuss among themselves, and with the public, information about their terms and conditions of employment for the purpose of mutual aid and protection. See *Eastex, Inc. v. NLRB*, 437 U.S. 556, 565–566 (1978). Respondent's rules stating that it will not tolerate “[c]onduct that ... intends to harm the business reputation of Stericycle,” threatening “corrective action up to and including termination” for “[e]ngaging in behavior which is harmful to Stericycle's reputation” and asserting that the employer “will not retain a team member who directly or indirectly engages” in “[a]n activity that ... adversely reflects upon the

integrity of the Company or its management” all directly impact protected employee activity. The Board has long held that work rules that interfere with employees’ ability to engage in activities with fellow employees about their terms and condition of employment are unlawful. See, e.g., *Chipotle Servs., LLC*, 364 NLRB No. 72 (2016) enfd. 690 Fed. Appx. 277 (2017); *Boch Honda*, 362 NLRB 706 (2015); *Quicken Loans, Inc.*, 361 NLRB 904 (2014), enfd. 830 F.3d 542 (D.C. Cir. 2016); *Kinder-Care Learning Centers, supra* 299 NLRB 1171.

2. Respondent’s Personal Conduct and Conflict of Interest rules have no substantial business justification.

Each of Respondent’s rules is directed first and foremost at employee conduct on the job. As a result, each rule potentially interferes with the exercise of the right to engage in activities that lie at the core of Section 7 of the Act. See *Union Tank Car Co.*, 369 NLRB No. 120 (2020) slip op. at 2; *GHR Energy Corp.*, 294 NLRB 1011, 1012 (1989) (employer’s policy restricting “actions and statements” interfering with its ability to expand and grow” unlawfully interfered with Activities protected under the Act). Respondent’s rules do not focus on acts damaging its reputation with customers and third parties but target any and all “conduct” that damages its business reputation. Since the rules target employee on the job conduct, there can be no justification that outweighs the rules significant impairment of Section 7 rights. *Union Tank Car Co. supra* 369 NLRB No. 120 (2020) slip op. at 2.

Consequently, the judge should find that Respondent’s Personal Conduct and Conflict of Interest rules violate Section 8(a)(1) of the Act.

C. Since Respondents’ investigative confidentiality, Personal Conduct or Conflict of Interest rules violate Section 8(a)(1) of the Act an order for nationwide posting in keeping with *MasTec Advance Technologies*, 357 NLRB 103 (2011) is appropriate.

As found by the judge, the record establishes that Respondent’s rules are maintained or in effect in all of the company’s facilities in the United States. *Stericycle*, 2016 NLRB LEXIS 813

*103-*104. Consequently, a nationwide posting is appropriate. *MasTec Advanced Technologies*, 375 NLRB 103, 109 (2011), enfd. sub nom *DirecTV, Inc. v. NLRB*, 837 F.3d 25 (D.C. Cir. 2016)

CONCLUSION

For the reasons elaborated above, Local 628 respectfully requests that the judge find that Respondent's investigative confidentiality rule, Personal Conduct rules and Conflict of Interest rule violate Section's 8(a)(1) of the Act and order the suggested remedy.

Respectfully submitted,

Dated: August 5, 2020

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This is to certify that a true and correct copy of the foregoing Charging Party's Brief To The Administrative Law Judge Following Board's Work Rules and Policy Remand was electronically filed with the NLRB e-filing system, and by email to the parties listed below:

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