UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL UNION #611

and

Case 28-CA-273757

RAQUEL VASQUEZ

ORDER 1

On March 17, 2022, Administrative Law Judge Dickie Montemayor, over the objections of the General Counsel, issued an on-the-record oral ruling accepting a non-Board settlement of the above unfair-labor-practice case, approving the Charging Party’s request to withdraw the charge, and dismissing the Amended Complaint. Thereafter, the General Counsel filed a timely request for special permission to appeal the judge’s rulings, which the Respondent opposed.

The General Counsel’s request for special permission to appeal is granted. On the merits, the appeal is denied. We find that, on balance, the non-Board settlement satisfies the standards set forth in Independent Stave Co., 287 NLRB 740, 743 (1987). 2 Therefore, the judge did not err in approving the settlement, and his rulings are affirmed. 3

1 The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

2 In so finding, we rely on the Respondent’s assertions that inclusion of the term “Confidential” was erroneous and that it neither intended nor expects the terms of the agreement to remain confidential.

3 Despite the absence of an enforcement mechanism in the settlement, should there be a breach of the agreement or allegations of post-settlement violations of the Act, it remains within the Board’s power not only to consider any new allegations, but also to reinstate the charge and complaint which are the subjects of this settlement. See, e.g., NLRB v. Arrow Specialties, Inc., 437 F.2d 522 (8th Cir. 1971); NLRB v. Southeastern Stages, Inc., 423 F.2d 878 (5th Cir. 1970). This practice is not restricted to settlements in which the Board is a party, but also applies in

JOHN F. RING, MEMBER
GWYNNE A. WILCOX, MEMBER
DAVID M. PROUTY, MEMBER