

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MILLER & ANDERSON, INC.
Employer

and

Case 05-RC-079249

SHEET METAL WORKERS
INTERNATIONAL ASSOCIATION, LOCAL
UNION NO. 19, AFL-CIO
Petitioner

NOTICE AND INVITATION TO FILE BRIEFS

On May 18, 2015, the Board granted the Petitioner's Request for Review of the Regional Director's administrative dismissal of the petition and indicated that it would establish a schedule for the filing of briefs on review and *amicus* briefs.

The Board invites the filing of briefs by the parties and interested *amici* addressing issues raised in this case.

The parties and *amici* specifically are invited to address one or more of the following questions:

1. How, if at all, have the Section 7 rights of employees in alternative work arrangements, including temporary employees, part-time employees and other contingent workers, been affected by the Board's decision in *Oakwood Care Center*, 343 NLRB 659 (2004), overruling *M.B. Sturgis*, 331 NLRB 1298 (2000)?
2. Should the Board continue to adhere to the holding of *Oakwood Care Center*, which disallows inclusion of solely employed employees and jointly employed employees in the same unit absent the consent of the employers?
3. If the Board decides not to adhere to *Oakwood Care Center*, should the Board return to the holding of *Sturgis*, which permits units including both solely employed employees and jointly employed employees without the consent of the employers? Alternatively, what principles, apart from those set forth in *Oakwood* and *Sturgis*, should govern this area?

The parties may file briefs on review, not exceeding 50 pages in length, with the Board in Washington, D.C. on or before August 5, 2015. Interested *amici* may file briefs not exceeding 30 pages in length on or before the same date. The parties may file responsive briefs, not exceeding 25 pages in length, on or before August 17, 2015. No other responsive briefs will be

accepted. The parties and *amici* shall file briefs electronically by going to www.nlr.gov and clicking on “E-File Documents.” Parties and *amici* are reminded to serve all case participants. A list of case participants may be found at <https://www.nlr.gov/case/05-RC-079249> under the heading “Service Documents.” If assistance is needed in E-Filing on the Agency’s website, please contact the Office of Executive Secretary at 202-273-1940 or the undersigned at 202-273-3737.

Dated, Washington, D.C., July 6, 2015.

By direction of the Board:

Gary Shinnors
Executive Secretary