

NOT INCLUDED IN
BOUND VOLUMES

Milwaukee, WI

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SPECIALTY HEALTHCARE AND REHABILITATION
CENTER OF MOBILE

Employer

and

Case 15-RC-8773

UNITED STEELWORKERS, DISTRICT 9

ORDER MODIFYING BRIEFING SCHEDULE AND
GRANTING EXTENSION OF TIME TO FILE SUPPLEMENTAL BRIEFS

On December 22, 2010, the Board issued a Notice and Invitation to File Briefs in this case on certain questions set forth in the Notice and Invitation. The deadline for filing briefs was February 22, 2011.

On February 7, 2011, the Board extended the time to file briefs until March 8, 2011, granting, in part, the unopposed requests of the Employer and prospective amicus curiae Coalition for a Democratic Workplace. The Board applied that extension of time to briefs filed by all other parties and any interested amici, and correspondingly extended the time for parties to file responsive briefs to March 22, 2011.

By letter dated March 2, 2011, as amended and filed on March 8, 2011, United States Senators Michael B. Enzi, Orrin G. Hatch and Johnny Isakson requested that the Board make public certain NLRB representation case data that had been requested by

private persons under the Freedom of Information Act (FOIA) and requested that the Board extend the time for filing briefs by 60 days.¹

By letter dated March 7, 2011, Congressmen John Kline and Darrell Issa requested that the Board post, on its website, representation case (RC) data responding to specific enumerated questions in that letter. The Congressmen also requested that the Board grant an extension of time for the filing of briefs to 60 days after the website posting.

In their briefs filed in response to the Notice and Invitation to File Briefs, various amici argued that the Board's representation case data would have been helpful to inform their submissions.

The Board now has posted on its website the representation case data made available in response to FOIA requests, which data may be accessed on the Board's website at: <http://www.nlr.gov/node/392>. Other representation case data is available through the Board's website at: <http://www.nlr.gov/opengov/nlr-data-datagov>. The Board has decided to grant, in part, the unopposed requests for an extension of time made by Senators Enzi, Hatch, and Isakson and by Congressmen Kline and Issa.²

Accordingly, those parties and amici who *previously* filed briefs by March 8, 2011, as well as Congressmen Kline and Issa, if they so choose, may file supplemental briefs *solely* addressing the representation case data recently posted on the Board's website in response to FOIA requests and other data available through the Board's website, as mentioned above. Such briefs shall not exceed 10 pages in length and shall be filed with the Board in Washington, D.C. on or before March 29, 2011. By March 22, the

¹ Senators Enzi, Hatch, and Isakson timely filed an amicus brief on March 8, 2011.

² Member Hayes took no part in the consideration of these requests.


parties shall file responsive briefs to the briefs previously filed by March 8, 2011. The parties shall file responsive briefs to supplemental briefs by April 8, 2011. The parties' responsive briefs shall not exceed 10 pages in length. No other responsive briefs will be accepted. No further extensions of time for the filing of briefs or responsive briefs in this proceeding will be granted.

The parties and amici shall file briefs electronically at <http://mynlrb.nlrb.gov/efile>. Service of briefs on the parties shall be made in accordance with Section 102.114(a) and (i) of the Board's Rules and Regulations.

If assistance is needed in filing through <http://mynlrb.nlrb.gov/efile>, please contact the undersigned.

Dated, Washington, D.C., March 15, 2011

By direction of the Board:


Lester A. Heltzer
Executive Secretary