

From: (b) (6), (b) (7)(C)
To: [King, Kathy Drew](#); [O'Rourke, Tara](#); [Mickley, John](#); [SM-Region 29, Brooklyn](#)
Cc: [Bock, Richard](#); [Szapiro, Miriam](#); [Dodds, Amy L.](#); [Shorter, LaDonna](#)
Subject: El Sol Contracting and Construction Co., 29-CA-260786 (COVID case closing email)
Date: Thursday, October 8, 2020 2:11:05 PM

The Region submitted this case for advice as to whether the Employer violated Section 8(a)(3) or (4) by laying off the charging party in the midst of a purported downturn in business due to COVID-19 and failing to recall (b) thereafter. We agree with the Region's determination that the charge lacks merit for the reasons outlined in the submission and Agenda Minute. Further reinforcing this determination is the fact that the temporary assignment—for which the Employer rehired a former employee to complete rather than recalling the charging party—ended in September 2020 and that other employee's employment did not continue thereafter.

This email closes this case in Advice. Please contact us with any questions or concerns.

(b) (6), (b) (7)(C)
Supervisory Attorney
NLRB Division of Advice
T: (b) (6), (b) (7)(C)