

Summary Of NLRB Decisions For Week Of March 13 - 17

March 27, 2017 | [National Labor Relations Board, Labor Relations](#)

The summary of NLRB decisions for the week of March 13-17 is [now available](#). **Summarized Board Decisions *Taylor Motors, Inc.* (10-CA-141565, et al.; 365 NLRB No. 21)** Ft. Campbell, KY, March 13, 2017. The Board (Members Pearce and McFerran; Acting Chairman Miscimarra dissenting) remanded this case to the Administrative Law Judge, who had found that the Respondent violated Section 8(a)(1) when it suspended and discharged an employee for protected conduct he engaged in on the day of the 2014 election. The majority directed the judge to take into account all of the relevant record evidence and make a clear credibility determination of whether the General Counsel carried his burden under *NLRB v. Burnup & Sims*, 379 U.S. 21 (1964), to prove that the employee did not make the statement attributed to him. The majority also directed the judge to consider whether the 2015 election should be set aside based on all of the 8(a)(1) complaint allegations, including the Respondent's maintenance of a mandatory, overbroad confidentiality/nondisclosure agreement. In dissent, Acting Chairman Miscimarra found that a remand was unwarranted, giving the General Counsel an unjustified "second bite at the proverbial apple." In his view, the General Counsel had not met his burden of proving that the employee did not make the statement attributed to him. Charges filed by American Federation of Government Employees (AFGE), AFL-CIO, Local 2022. Administrative Law Judge Keltner W. Locke issued his decision on July 14, 2015. Acting Chairman Miscimarra and Members Pearce and McFerran participated. [Continue reading on the NLRB's website.](#)

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