

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

ALLAN BROS., INC.

and

**TRABAJADORES UNIDOS POR
LA JUSTICIA**

Cases	19-CA-260601
	19-CA-267449
	19-CA-268891
	19-CA-271365
	19-RC-265331

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT AND NOTICE OF
HEARING AND ORDER FURTHER CONSOLIDATING CASES FOR HEARING**

Pursuant to § 102.33 of the Rules and Regulations of the National Labor Relations Board (the “Board”) and to avoid unnecessary costs or delay, **IT IS ORDERED THAT** Cases 19-CA-260601, 19-CA-267449, 19-CA-268891, and 19-CA-271365, which are based on charges filed by Trabajadores Unidos por la Justicia (“Union”) against Allan Bros., Inc. (“Respondent”), are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, based on these charges, is issued pursuant to § 10(b) of the National Labor Relations Act (the “Act”), 29 U.S.C. § 151 *et seq.*, and § 102.15 of the Board’s Rules and Regulations, and alleges Respondent has violated the Act as described below.

A Regional Director’s Decision and Order Directing Hearing in Case 19-RC-265331, in which Respondent and the Union are both parties, issued on February 26, 2021, directing a hearing on objections filed by the Union.

IT IS FURTHER ORDERED that, pursuant to § 102.33 of the Board’s Rules, Cases 19-CA-260601, 19-CA-267449, 19-CA-268891, and 19-CA-271365 and Case 19-RC-265331 are further consolidated for the hearing, ruling, and decision by an

administrative law judge and that, thereafter, Case 19-RC-265331 shall be transferred to and continue before the Board in Washington, DC, and that the provisions of §§ 102.46 and 102.69(e) of the Board's Rules shall govern the filing of exceptions.

1.

(a) The charge in Case 19-CA-260601 was filed by the Union on May 19, 2020, and a copy was served on Respondent by U.S. mail on about May 20, 2020.

(b) The amended charge in Case 19-CA-260601 was filed by the Union on February 8, 2021, and a copy was served on Respondent by U.S. mail on about February 9, 2021.

(c) The charge in Case 19-CA-267449 was filed by the Union on October 9, 2020, and a copy was served on Respondent by U.S. mail on about October 13, 2020.

(d) The first amended charge in Case 19-CA-267449 was filed by the Union on December 28, 2020, and a copy was served on Respondent by U.S. mail on about that date.

(e) The second amended charge in Case 19-CA-267449 was filed by the Union on February 8, 2021, and a copy was served on Respondent by U.S. mail on about February 9, 2021.

(f) The charge in Case 19-CA-268891 was filed by the Union on November 11, 2020, and a copy was served on Respondent by U.S. mail on about November 12, 2020.

(g) The charge in Case 19-CA-271365 was filed by the Union on January 13, 2021, and a copy was served on Respondent by U.S. mail on about January 14, 2021.

2.

(a) At all material times, Respondent, a State of Washington corporation with an office and place of business in Naches, Washington (“facility”), has been engaged in the business of packing and shipping fruit.

(b) In conducting its operations described above in paragraph 2(a) during the past 12 months, which is a representative period of time, Respondent derived gross revenue in excess of \$500,000.

(c) In conducting its operations described above in paragraph 2(a) during the past 12 months, which is a representative period of time, Respondent purchased and received goods valued in excess of \$50,000 from points directly outside the State of Washington.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act.

3.

At all material times, the Union has been a labor organization within the meaning of § 2(5) of the Act.

4.

(a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of § 2(11) of the Act, acting on Respondent’s behalf:

Juan Gaytan	-	Human Resources Director
Miles Kohl	-	Chief Executive Officer
Eric Orozco	-	Facilities Manager
Matt Miles	-	Process Improvement Manager
Ricardo Valencia	-	Supervisor

(b) At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of § 2(13) of the Act, acting on Respondent's behalf:

Sam Connaughton	-	Security Guard
Sherry Lucas	-	Security Guard
Erasmio Navarro	-	Consultant

5.

On or about May 8, 2020, Respondent, by Ricardo Valencia at the facility, threatened its employees with termination if they continued to pay attention to employees engaged in a strike due to working conditions during the COVID-19 pandemic.

6.

(a) On or about October 5, 2020, Respondent, by Sam Connaughton at the facility, denied its off-duty employees access to parking lots and other outside nonworking areas.

(b) On or about October 5, 2020, Respondent, by security guard Sam Connaughton at the facility, prohibited off-duty employees from distributing Union information while in outside nonworking areas.

7.

(a) On or about October 6, 2020, Respondent, by Matt Miles at the facility, denied its off-duty employees access to parking lots and other outside nonworking areas.

(b) On or about October 6, 2020, Respondent, by Matt Miles at the facility, prohibited its off-duty employees from distributing Union information while in outside nonworking areas.

8.

(a) On or about October 9, 2020, Respondent, by Sherry Lucas at the facility, denied its off-duty employees access to parking lots and other outside nonworking areas.

(b) On or about October 9, 2020, Respondent, by Sherry Lucas at the facility, prohibited its off-duty employees from distributing Union information while in outside nonworking areas.

(c) On or about October 9, 2020, Respondent, by Sherry Lucas at the facility, threatened to call law enforcement on employees for distributing Union literature and/or for not leaving the parking lot while off-duty and in outside nonworking areas.

9.

(a) On or about October 9, 2020, Respondent, by Sam Connaughton at the facility, denied its off-duty employees access to parking lots and other outside nonworking areas.

(b) On or about October 9, 2020, Respondent, by Sam Connaughton at the facility, by taking pictures of an employee's license plate at the entrance to the facility, engaged in surveillance of its employees engaged in Union activities and/or to discover their Union activities.

(c) On or about October 9, 2020, Respondent, by Sam Connaughton at the facility, threatened its employees that it would call law enforcement because they were engaging in Union activity while off-duty and in outside nonworking areas.

(d) On or about October 9, 2020, Respondent, by Sam Connaughton at the facility, called law enforcement because its employees were engaging in Union activity while off-duty and in outside nonworking areas.

10.

(a) On numerous dates better known to Respondent in September and October 2020, including but not limited on October 5, 2020, Respondent, by Erasmo Navarro at the facility, by telling employees that wages are frozen during negotiations, informed its employees that it would be futile for them to select the Union as their bargaining representative.

(b) On numerous dates better known to Respondent in September and October 2020, Respondent, by Erasmo Navarro at the facility, prohibited its employees from talking about the Union during working time, while permitting employees to talk about other non-work subjects.

11.

By the conduct described above in paragraphs 6 through 10, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in § 7 of the Act in violation of § 8(a)(1) of the Act.

12.

The unfair labor practices of Respondent described above affect commerce within the meaning of §§ 2(6) and (7) of the Act.

WHEREFORE, as a remedy to the objections set forth in the the Order Directing Hearing and Notice of Hearing on Objections in Case 19-RC-265331, should a rerun election be ordered, the Notice to Employees should include the following language:

The election held by mail from November 24 through December 23, 2020, was set aside by mutual agreement of the parties based upon alleged objectionable conduct of the Employer that interfered with the employees' exercise of a free and reasoned choice. Therefore, a new election will be held in accordance with the terms of this Notice of Election. All eligible voters should understand that the National

Labor Relations Act, as amended, gives them the right to cast their ballots as they see fit and protects them in the exercise of this right, free from interference by any of the parties.

The Acting General Counsel seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint. The answer must be **received by this office on or before March 12, 2021**. Respondent must serve a copy of the answer on each of the other parties.


The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the answer to a complaint is not a pdf file containing

the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT **at 9:00 a.m. on May 4, 2021**, in a location to be determined in or around Yakima, Washington, or via Zoom video teleconference, should the circumstances of the COVID-19 pandemic so require, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Consolidated Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Seattle, Washington, this 26th day of February, 2021.



Ronald K. Hooks, Regional Director
National Labor Relations Board, Region 19
915 Second Ave., Suite 2948
Seattle, WA 98174

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

ALLAN BROS., INC.

Employer

and

Case 19-RC-265331

**TRABAJADORES UNIDOS POR
LA JUSTICIA**

Petitioner

ORDER DIRECTING HEARING AND NOTICE OF HEARING ON OBJECTIONS

Based on a petition filed on August 27, 2020, and pursuant to a Decision and Direction of Election, an mail-ballot election was conducted from November 24 through December 23, 2020 (“election”), to determine whether a unit of employees of Allan Bros., Inc. (“Employer”), wish to be represented for purposes of collective bargaining by Trabajadores Unidos por la Justicia (“Petitioner”). That voting unit consists of:

Included: All full time and regular part-time non-professional and nonadministrative employees, including all production employees, including apple warehouse employees, facilities operators, facilities assistant, and facilities lead; facilities sanitation lead, facilities sanitation team members, operators, and leads; facilities repair and maintenance lead, technicians and operators, facilities repair and maintenance fruit storage technician, lead, and operator; quality control technicians and leads; receiving and shipping department forklift operators, truck driver, clerks, technicians and leads employed by the Employer at its facility located at 31 Allan Road, Naches, Washington.

Excluded: All office clerical employees, seasonal cherry warehouse employees, accounting employees, professionals, confidential employees, guards and supervisors as defined in the Act.

The tally of ballots prepared on December 29, 2020, at the conclusion of the election shows that of the approximately 417 of eligible voters, 25 votes were cast for

and 234 votes were cast against the Petitioner, with 11 challenged ballots, a number that is not sufficient to affect the results of the election.

OBJECTIONS

On January 6, 2021, the Petitioner filed 13 timely Objections to the conduct of the election and to conduct affecting the results of the election. A copy of the Objections is attached to this Order.

On February 9, 10, and 17, 2021, by telephone, the Petitioner withdrew Objections 3, 5, 6, and 7 in their entirety. I hereby approve the withdrawal of those Objections. Additionally, on those same dates, Petitioner withdrew portions of Objections 1, 4, and 8. I hereby approve the withdrawals of those portions of the Objections, and restate, for clarity, the remaining, outstanding portions of Objection 1, 4, and 8:

Objection 1 – The Employer interfered with and deprived Petitioner’s officers of access to the Employer’s property to provide information to other workers, has engaged in surveillance of the officers’ protected concerted activity, including taking photographs of license plates, and has engaged in harassing and threatening behavior including threatening to have Petitioner’s officers removed from the property with the assistance of law enforcement and summoning law enforcement to investigate Petitioner’s officers’ presence on and nearby the Employer’s property.

Objection 4 – A threat of discipline to an employee for talking to coworkers

Objection 8 – The Employer offered to assist employees in physically completing their mail ballots.

I have concluded that the evidence submitted by the Petitioner in support of Objections 2, 9, 10, 11, 12, and 13 and the remaining portions of Objections 1, 4, and 8 could be grounds for overturning the election if introduced at a hearing.

Additionally, evidence of certain other Employer conduct was disclosed by the investigation and has been considered inasmuch as the Regional Director is not limited to the specific issues raised by the objections. *White Plains Lincoln Mercury*, 288 NLRB 113 (1988); *American Safety Equipment Corp.*, 234 NLRB 501 (1978); *International Shoe Co.*, 123 NLRB 682 (1959). In the Consolidated Complaint that issued in Cases 19-CA-260601 *et al.*, paragraph 10(b) alleges that the Employer engaged in additional conduct prior to the election, specifically that the Employer prohibited its employees from talking about the Union during working time, while permitting employees to talk about other non-work subjects. Because conduct alleged as an unfair labor practice may be considered in determining whether an election should be set aside, and because the conduct described in the above paragraph of the Consolidated Complaint may have coerced employees and impacted the results of the election, a hearing, as described below, will be conducted concerning the conduct alleged.

ORDER CONSOLIDATING CASES AND DIRECTING HEARING

IT IS ORDERED that, pursuant to § 102.33 of the Board's Rules, that Cases 19-CA-260601, 19-CA-267449, 19-CA-268891, and 19-CA-271365 and Case 19-RC-265331 are further consolidated for the hearing, ruling, and decision by an Administrative Law Judge and that, thereafter, Case 19-RC-265331 shall be transferred to and continue before the Board in Washington, DC, and that the provisions of §§ 102.46 and 102.69(e) of the Board's Rules shall govern the filing of exceptions.

Upon the conclusion of the hearing, the Administrative Law Judge shall submit serve on the parties a report containing resolutions of the credibility of witnesses, findings of fact and recommendations as to the disposition of the objections.

NOTICE OF HEARING

Starting at **9:00 a.m.** on **Tuesday, May 4, 2021**, in a **location to be determined in or around Yakima, Washington**, or via zoom video teleconference due to the COVID-19 pandemic, and on consecutive days thereafter until concluded, the hearing on objections as described above will be conducted before an Administrative Law Judge of the National Labor Relations Board. The hearing will continue on consecutive days thereafter until completed unless I determine that extraordinary circumstances warrant otherwise.

Dated at Seattle, Washington, this 26th day of February, 2021.



Ronald K. Hooks, Regional Director
National Labor Relations Board, Region 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

TRABAJADORES UNIDOS POR LA
JUSTICIA

Petitioner,

v.

ALLAN BROS. FRUIT., CO.

Employer.

Case No. 19-RC-265331

PETITIONER'S OBJECTIONS TO
ELECTION

I. INTRODUCTION

Petitioner Trabajadores Unidos por la Justicia ("TUJ"), pursuant to Section 102.31 of the Board's Rules hereby submits this objection to the election results that took place on December 29, 2020.

II. OBJECTIONS TO THE ELECTION

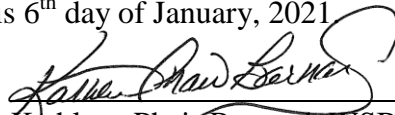
1. The Employer interfered with and deprived TUJ officers of access to the Employer's property to provide information to other workers, has engaged in surveillance of the officers' protected concerted activity, including taking photographs of license plates and inquiring about the purpose of their presence on the property, and has engaged in harassing and threatening behavior including threatening to have TUJ officers removed from the property with the assistance of law enforcement and summoning law enforcement to investigate TUJ officers' and volunteers' presence on and nearby the Employer's property.

2. The Employer informed employees that it would be futile for them to elect a union to represent them because the employer would not comply with its obligation to negotiate in good faith with a union elected by the employees.
3. The Employer has imposed restrictions on union supporters' movement within the Employer's facility and property.
4. The Employer implemented a no talking rule prohibiting employees from speaking with each other during working time, which it enforced disparately against those it knows to be union supporters by threatening and isolating them from other workers.
5. The Employer sponsored circulation of a petition among employees seeking to discourage union organizing and has allowed the anti-union petition to be circulated during work-time in work location and coordinated the timing and manner of delivery of the anti-union petition to follow the Region's acceptance of the Union's showing of interest in the expanded unit designated by the Regional Director.
6. The Employer interfered with the employees' protected concerted activity by instigating complaints against employees who are engaged in protected concerted activities.
7. The Employer solicited complaints against employees to discourage exercise of protected concerted activity.
8. The Employer held mandatory group meetings during work hours in a management office during which managers promise to work to resolve grievances if the union is not elected, employees were promised benefits if they declined to elect a union and threatened with loss of benefits if the employees did elect a union and during which the Employer offered to assist employees in physically completing their mail ballots.

9. Within the last six months the Employer has instituted an on-going surveillance of Cesar Traverzo because of his protected concerted activity.
10. The Employer announced that it would provide a benefit in the form of higher wages in order to discourage voting for the Union.
11. The Employer conducted a raffle during the election period in order to discourage voting for the Union.
12. The Employer gave each employee in the proposed bargaining unit a \$100.00 gift card during the election period in order to affect employees' choice during the election.
13. The Employer intimidated employees into voting against the Union by soliciting mail ballots against the union, supervising the filling out of mail ballots with no votes, and the mailing of those ballots.

The above actions unlawfully deprived the voters of their free choice in the election. TUJ seeks a new election free from the unlawful conduct as described above, with the notice of election containing a *Lufkin* statement.

RESPECTFULLY SUBMITTED this 6th day of January, 2021



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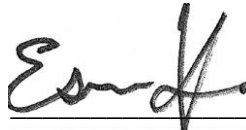
*Attorneys for Trabajadores Unidos por la
Justicia*

CERTIFICATE OF SERVICE

I hereby certify that on the date noted below, I electronically filed the foregoing **Petitioner's Objections to Election** with the Regional Director and served the same document on counsel for the Employer via electronic email as follows:

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Dated this 6th day of January, 2021 in Seattle, WA



Esmeralda Valenzuela, Paralegal

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the

responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases 19-CA-260601 et al

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

E-service

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