Starbucks Corporation *and* Workers United, a/w Service Employees International Union. Case 10–RC–369790

July 17, 2026

ORDER[1]

BY CHAIRMAN MURPHY AND MEMBERS PROUTY AND MAYER

The Employer's Request for Review of the Regional Director's determination to hold the petition in abeyance is denied as it raises no substantial issues warranting review.[2] In denying review, we note that regional directors should assess, throughout the steps of processing the charge and the petition, whether the petition should continue to be held in abeyance.[3] This includes assessing whether special circumstances have arisen or whether employee free choice has become possible notwithstanding the pending unfair labor practice charge.[4]

Our review here, however, is limited to whether the Regional Director abused his discretion by placing the petition in abeyance based on the information available to him at the time that he decided to block the petition.[5] As such, our denial of review is without prejudice to the Employer's ability to file with the Regional Director a motion to unblock the petition based on events occurring after the issuance of the Regional Director's blocking letter.[6]

Dated, Washington, D.C. July 17, 2026

James R. Murphy, Chairman

David M. Prouty, Member

Scott A. Mayer, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

[1] The Employer asserts that Member Prouty should recuse himself, claiming that his "past, present and perceived relationships with the Service Employees International Union (SEIU) International Union, SEIU Local Unions, and their affiliates, including Workers United" create a conflict of interest. Member Prouty has determined, in consultation with the NLRB Designated Agency Ethics Official, that there is no basis to recuse himself from the adjudication of this case.

[2] In denying review, we note that the Regional Director acted in accordance with Sec. 103.20 of the Board's Rules and Regulations, which sets out the Board's blocking-charge policy. Section 103.20(b) of the Rules and Regulations states that "[i]f the regional director determines that the party's offer of proof describes evidence that, if proven, would interfere with employee free choice in an election, the regional director shall, absent special circumstances, hold the petition in abeyance and notify the parties of this determination." Although the Regional Director erroneously stated in his blocking letter that the Union's offer of proof describes evidence that "could" interfere with employee free choice if an election were held, we deny review because the Employer's alleged violation of Sec. 8(a)(3) by discharging a lead union organizer hours before the Union filed the petition, if proven, "would" interfere with employee free choice. See generally *Excel Case Ready*, 334 NLRB 4, 5 (2001) (finding that discharges of union supporters are "likely to have a long-term coercive impact because it is among the most flagrant forms of interference with employees' Section 7 rights," which "is particularly true where, as here, the leaders of the union movement were targeted for termination") (internal quotations and alterations omitted).

[3] Sec. 11730.4 of the Board's Casehandling Manual (Part 2), Representation Proceedings ("[T]he Regional Director should assess, throughout the steps of processing the charge and the petition, whether the charge blocks the petition.")

[4] In this regard, the Board's Rules and Regulations provide that "[i]f, after holding a petition in abeyance, the regional director determines that special circumstances have arisen or that employee free choice is possible notwithstanding the pendency of the unfair labor practices, the regional director may resume processing the petition." Sec. 103.20(e) of the Board's Rules and Regulations. We additionally note that the Board's Rules provide that "[i]f, upon completion of investigation of the charge, the regional director determines that the charge lacks merit and is to be dismissed, absent withdrawal, the regional director shall resume processing the petition, provided that resumption of processing is otherwise appropriate." Sec. 103.20(f) of the Board's Rules and Regulations.

[5] Contrary to the Employer's argument, we need not grant review to explain what constitutes a "special circumstance" within the meaning of Sec. 103.20(b) and (c) of the Rules and Regulations. As explained in the 2024 Final Rule, "the term 'special circumstances' is merely intended to recognize the longstanding reality that regional directors have discretion to continue to process petitions notwithstanding the pendency of charges that would otherwise result in a petition being held in abeyance. In this way, regional directors will continue to have discretion to engage in a balancing of relative hardships concerning the blocking of an election . . . ." *Representation–Case Procedures: Election Bars; Proof of Majority Support in Construction Industry Collective-Bargaining Relationships*, 89 Fed. Reg. 62952, 62988 & fn. 169 (Aug. 1, 2024) (quoting *Representation-Case Procedures*, 79 Fed. Reg. 74308, 74419 fn. 488 (Dec. 15, 2014)); see also Sec. 11731 of the Board's Casehandling Manual (Part 2), Representation Proceedings. Furthermore, the Employer has failed to identify any special circumstances that would have warranted processing the petition at the time of the Regional Director's blocking letter.

For institutional reasons, Chairman Murphy and Member Mayer apply extant law in denying the Employer's Request for Review and express no opinion on whether the extant blocking charge policy was correctly determined.

[6] Member Prouty concurs in denying the Employer's Request for Review as it raises no substantial issues warranting review. In addition, he joins in fns. 1 and 2 above but no other part of this Order. As the majority recognizes, our review here is limited to whether the Regional Director abused his discretion by placing the petition in abeyance. Member Prouty agrees that he did not.