

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED STATES POSTAL SERVICE

and

Case 05–CA–287508

DAVID COVARRUBIAS

ORDER DENYING MOTION FOR RECONSIDERATION

The Respondent's motion for reconsideration of the Board's Decision and Order reported at 374 NLRB No. 132 (2026) is denied. The Respondent has not identified any material error or demonstrated extraordinary circumstances warranting reconsideration under Section 102.48(c)(1) of the Board's Rules and Regulations.¹

Dated, Washington, D.C., July 30, 2026.

¹ We reject the Respondent's contentions that the Board conflated Postal Operations Manual § 124.54 with 39 C.F.R. § 232.1(h)(1) and that the lawfulness of the latter was not placed at issue by the underlying unfair labor practice charge and the complaint. The charge in this case asserts that the Respondent "maintain[ed] a bad rule in its solicitation policy." Paragraph 4 of the complaint, without expressly citing 39 C.F.R. § 232.1(h)(1), quotes the language of that provision, including the heading "Soliciting, Electioneering, Collecting Debts, Vending, and Advertising" and the prohibition against "collecting signatures on petitions, polls, or surveys" on the Respondent's property. Accordingly, the question as to whether 39 C.F.R. § 232.1(h)(1) violates Sec. 8(a)(1) of the Act was properly before the Board.

Furthermore, the Respondent argues that the Board has ordered the outright rescission of an entire federal regulation, i.e., 39 C.F.R. § 232.1(h)(1), including the prohibition on employees engaging in conduct that violates the Hatch Act, 5 U.S.C. §§ 7321-7326. That is not correct. The Respondent can comply with the Board's Order by either rescinding the unlawful portion of the rule "or revis[ing] it to make clear to employees that the rule does not bar or restrict employees' Section 7 rights." 374 NLRB No. 132, slip op. at 2. Thus, the Respondent is free to maintain a rule restricting any of the conduct in the current 39 C.F.R. § 232.1(h)(1), so long as the rule does not prohibit employees from engaging in conduct protected by the Act. The current iteration is overbroad and violates the Act by chilling the rights of the Respondent's employees, while at their workplace, to collect the signatures of their coworkers on a union petition or a petition regarding their terms and conditions of employment.

James R. Murphy, Chairman

David M. Prouty, Member

Scott A. Mayer, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD