

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WYNDHAM VACATION OWNERSHIP, INC.
Employer

and

Case 05-RD-385547

MIGUEL RAMIREZ
Petitioner

and

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 99
Union

ORDER

The Employer's Request for Review of the Regional Director's Order Granting the Union's Request to Block is denied as it raises no substantial issues warranting review.¹

¹ 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. We also note that we are not relying on Case 05-CA-337950, given the absence of any indication in the record that the Union had previously requested that the Regional Director use that case to block the election. See Case Handling Manual (Representation Cases) Sec. 11730 ("The filing of a charge does not automatically cause a petition to be held in abeyance. When a party to a representation proceeding files an unfair labor practice charge and desires to block the processing of the petition, the party must file a request that the petition be blocked and must simultaneously file a written offer of proof in support of the charge that contains the names of the witnesses and a summary of each witness's anticipated testimony.").

Member Prouty would rely on the Regional Director's reference to Case 05-CA-337950 as additional support for the request to block based on Cases 05-CA-385769 and 05-CA-386142.

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 policy was correctly determined.

Member Mayer notes that the Board's current blocking charge procedures contemplate that regional directors will continue to evaluate a blocking determination throughout the steps of processing the charge and the petition. See 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."); Sec. 103.20(e) of the Board's Rules and Regulations ("[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

JAMES R. MURPHY,	CHAIRMAN
DAVID M. PROUTY,	MEMBER
SCOTT A. MAYER,	MEMBER

Dated, Washington, D.C., August 24, 2026

resume processing the petition.”). In Member Mayer’s view, the Board should consider whether its current blocking charge policy gives sufficient weight to the passage of time since the petition was filed for the purpose of making that determination. He further stresses that unfair labor practice cases should be prioritized insofar as the case is currently blocking an election petition.