

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNWIRED BROADBAND, INC.
Employer

and

Case 32-RC-363784

COMMUNICATIONS WORKERS OF
AMERICA
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision on Objections and Certification of Representative is denied as it raises no substantial issues warranting review.¹

¹ In denying review of the Regional Director's decision, we do not rely on *Patient Care*, 360 NLRB 637 (2014), because that case involved Board agent misconduct that was not alleged here.

In denying review of the Regional Director's overruling of Objection 1, we find that the Regional Director properly applied the factors from *Taylor Wharton Division*, 336 NLRB 157, 158 (2001) (citing *Avis Rent-a-Car*, 280 NLRB 580, 581 (1986)) in concluding that the conduct of certain pickets, and the existence of the picket itself, did not warrant setting aside the election. We emphasize that the Employer did not claim, in its offer of proof, that any of the alleged picket line misconduct was disseminated to any eligible voter. *Crown Bolt, Inc.*, 343 NLRB 776, 779 (2004) ("Where proof of dissemination of coercive statements, including threats [], is required, the objecting party will have the burden of proving it and its impact on the election by direct and circumstantial evidence."). We further find that the conduct in question would not warrant setting the election aside even if it were disseminated to a potentially-dispositive number of voters in light of the other circumstances discussed by the Regional Director. Similarly, although the Employer is correct that the Regional Director incorrectly stated that this conduct occurred two weeks before the election began (it was in fact only a week before the election began), this circumstance does not change the result.

With respect to Objections 2-4, which alleged that statements made by union agents in a private conversation with the Employer's supervisors constituted objectionable threats, we find that the Employer did not proffer evidence that any misconduct occurred, insofar as the alleged threats were not directed at, and did not implicate any potential Petitioner conduct towards, eligible voters. But even applying the *Taylor Wharton* factors, nothing that the union agents are alleged to have said appears sufficiently severe or calculated to coerce any eligible voters into supporting the Petitioner; rather, they appeared to address circumstances that were unique to the supervisors in the room. Further, the Employer did not allege, or proffer any evidence, that the statements were disseminated to eligible voters or, indeed, that any eligible voter was aware the statements were made. The margin of the vote tally was 10-1 in favor of the Petitioner, which

The Counsel for the General Counsel’s Request for Leave to File Motion that Respondent’s Request for Review in Case 32-RC-363784 Be Denied or Placed in Abeyance is also denied.²

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

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

further weighs against setting aside the election absent specific evidence that eligible voters were made aware of or otherwise subjected to the alleged threatening statements. *Avis*, 280 NLRB at 582 (“Because the election was not close and because there is no evidence from which we can infer that a substantial number of [eligible voters] knew of or were affected by the [misconduct], . . . the Employer’s election objections should be overruled[.]”).

² We have construed the Counsel for the General Counsel’s request—which the Counsel for the General Counsel purported to file under Sec. 102.24(a) of the Board’s Rules and Regulations—as a request to file an opposition to the Employer’s request for review under Sec. 102.67(f). Pursuant to that rule, “[a]ny party may, within 5 business days after the last day on which the request for review must be filed, file with the Board a statement in opposition” to the request for review. As the General Counsel is not a party to this proceeding, and the Counsel for the General Counsel’s request was filed well outside of the deadline prescribed in Sec. 102.67(f), there is no basis to grant this request.