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Everon, LLC and Anthony Cavallo and Road Sprinkler Fitters UA Local 669. Case 01–RD–379428

September 30, 2026

ORDER

BY CHAIRMAN MURPHY AND MEMBERS PROUTY
AND MAYER

The Employer’s and Petitioner’s Requests for Review of the Acting Regional Director’s letter blocking the petition are denied as they raise no substantial issues warranting review.¹

Dated, Washington, D.C. September 2026

James R. Murphy, Chairman

David M. Prouty, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

MEMBER MAYER, concurring.

The Board’s current blocking-charge policy allows regional directors to hold the processing of a representation petition in abeyance when a party has filed unfair labor practice charges alleging conduct that, if proven, would either interfere with employee free choice in an election (Type I charges) or would be inherently inconsistent with the petition itself (Type II charges), “absent special circumstances.” See Section 103.20 of the Board’s Rules and Regulations. The Board’s rules require the regional director to “notify the parties of this determination.” Id. Section 11730.7 of the Board’s Case Handling Manual states that “[t]he Board agent handling the matter should

inform the parties of any determinations made with regard to concurrent charges and petitions and the reasons therefor. If any party requests the reasons in writing, the regional director should promptly provide them. If the determination is to hold the petition in abeyance, the letter should also inform the parties of their right to obtain review by the Board of this determination under Sec. 102.71 of the Rules and Regulations.”¹

On January 29, 2026, the Regional Director informed the parties that he was blocking the petition that was filed in this case on January 21. The blocking letter stated: “This is to notify you that the petition in the above-captioned case will be held in abeyance pending the investigation of the unfair labor practice charges in Cases 01–CA–341513, 01–CA–341514, 01–CA–359772, 01–CA–371395, and 01–CA–379981, which allege unlawful conduct affecting employees covered by this petition, including, but not limited to, allegations of bad faith bargaining during the certification year.” The blocking letter did not identify which of the allegations in those various charges formed the basis of the decision to block the election, nor did it indicate whether the Regional Director had found that the allegations were Type I or Type II charges or the reasons for that determination. Among other things, the Regional Director’s letter did not explain the basis for his determination that the charges in Cases 01–CA–341513 and 01–CA–341514 would interfere with a fair election now, when those charges allege that the Employer unlawfully refused to hire union “salts” in **2024**, months **before** a majority of the unit employees voted for the Union on December 5, 2024.

The Board reviews a regional director’s decision to block an election under an abuse of discretion standard. *Mark Burnett Productions*, 349 NLRB 706, 707 (2007). But how can the Board decide whether the Regional Director has abused his discretion based on the cursory information provided here? I realize that prior Board decisions have denied review of blocking determinations under similar circumstances. In my view, however, the Board should, at a minimum, require that blocking letters identify the specific allegations on which the blocking

¹ The National Labor Relations Board has delegated its authority in this matter to a three-Member panel.

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. Furthermore, at least some of the charges relied on in the blocking determination allege conduct that, if proven, “would be inherently inconsistent with the petition itself” under Sec. 103.20(c). See also NLRB Casehandling Manual (Part Two) Representation Proceedings, Sec. 11730.3 and 11730.3(b) (specifying that Sec. 8(a)(5) charges that seek to establish or to reestablish a bargaining relationship and for which the remedy is an affirmative bargaining order may require blocking a petition during the charges’ investigation).

In Member Prouty’s view, the Regional Director’s blocking letter in this case satisfies the requirement under Sec. 103.20 of the Board’s Rules and Regulations that regional directors “notify the parties” of their blocking determinations, and the plain text of Sec. 103.20 does not support requiring regional directors to communicate their blocking determinations in more detail.

For institutional reasons, Chairman Murphy and Member Mayer apply extant law in denying the Requests for Review and express no opinion on whether the policy was correctly determined.

¹ While the Casehandling Manual is not binding authority, I believe that it provides useful guidance here.

determination is based and indicate whether the regional director finds them to be Type I or Type II charges. If a party contends that specific special circumstances within the meaning of Section 103.20 permit the processing of the petition notwithstanding the pending unfair labor practice charges, the blocking letter should address the circumstances that the party identified. While I concur in the denial of review in this case for institutional reasons, I would be willing to reconsider this issue in a future appropriate case.

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

Scott A. Mayer,

Member

NATIONAL LABOR RELATIONS BOARD