

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNIFI AVIATION, LLC
Employer

and

Case 19-RC-364995

INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO
Petitioner

ORDER

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

DAVID M. PROUTY,

MEMBER

SCOTT A. MAYER,

MEMBER

JAMES R. MACY,

MEMBER

Dated, Washington, D.C., October 21, 2026.

¹ In denying review, we find that the Employer's communication was not a mere "prediction as to the precise effects [the Employer] believes unionization will have on his company" that is protected by the First Amendment under *NLRB v. Gissel Packing Co.*, 395 U.S. 575, 618 (1969), but instead consisted of a threat of adverse consequences under the Employer's control should the employees choose unionization, and is therefore objectionable conduct warranting a rerun election. See *Systems West LLC*, 342 NLRB 851, 851-852 (2004). Here, the Employer's election-day text to nearly half of the bargaining unit conveyed that if a majority of employees voted for the Union, employees would likely lose their current schedule flexibilities that made it possible for most of them to maintain full-time outside employment. Although the Employer argues in its Request for Review that the text was protected by Sec. 8(c) of the Act, that provision only applies as a defense in unfair labor practice proceedings, and "therefore provides no direct guidance for representation election conduct." *Hahn Property Management Corp.*, 263 NLRB 586, 586 (1982). In any event, Sec. 8 (c) does not protect threatening statements, like the kind the Regional Director found objectionable here. *Id.* at fn.2.