

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE
WORKERS UNION INTERNATIONAL,
LOCAL 1192, AFL-CIO, CLC
(BUCKEYE FLORIDA CORPORATION,
a Subsidiary of BUCKEYE TECHNOLOGIES,
INC., and GEORGIA PACIFIC, LLC)

and

JIMMIE RAY WILLIAMS

Case 12-CB-109654

and

BUCKEYE FLORIDA CORPORATION,
a Subsidiary of BUCKEYE TECHNOLOGIES,
INC., and GEORGIA PACIFIC, LLC

NOTICE AND INVITATION TO FILE BRIEFS

On March 24, 2014, Administrative Law Judge William Nelson Cates issued a decision in the above-captioned case, finding that the Respondent violated Section 8(b)(1)(A) by maintaining and implementing a “Fair Share Policy” requiring nonmember bargaining-unit employees to pay a grievance-processing fee. Excepting, the Respondent asks the Board to adopt a rule allowing unions to charge nonmembers a fee for grievance processing, so long as that fee does not exceed the amount a union could charge nonmember objectors under *Beck*¹ and *California Saw*.²

To aid in the consideration of this issue, the Board now invites the filing of briefs in order to afford the parties and interested *amici* the opportunity to address the following questions.

1. Should the Board reconsider its rule that, in the absence of a valid union-security clause, a union may not charge nonmembers a fee for processing grievances? Should it adhere to or overrule *Machinists, Local No. 697 (H.O. Canfield Rubber Co.)*, 223 NLRB 832 (1976), and its progeny?
2. If such fees were held lawful in principle, what factors should the Board consider to determine whether the amount of such a fee violates Section 8(b)(1)(A)? What actions could a union lawfully take to ensure payment?

¹ *Communication Workers of America v. Beck*, 487 U.S. 735 (1988).

² *California Saw*, 320 NLRB 224 (1995), *enfd. sub nom. Machinists v. NLRB*, 133 F.3d 1017 (7th Cir. 1998), *cert. denied sub nom Strong v. NLRB*, 525 U.S. 812 (1998).

In answering these questions, the parties and *amici* are invited to submit empirical and other evidence.

Briefs not exceeding 25 pages in length may be filed with the Board in Washington, DC on or before June 1, 2015. The parties may file responsive briefs on or before June 15, 2015, which shall not exceed 15 pages in length. No other responsive briefs will be accepted. The parties and *amici* shall file briefs electronically at <http://mynlrb.nlr.gov/efile> and serve all case participants. A list of case participants may be found at <http://www.nlr.gov/case/12-CB-109654> under the heading "Service Documents." If assistance is needed in filing through <http://mynlrb.nlr.gov/efile>, please contact Gary W. Shinnors, Executive Secretary, National Labor Relations Board.

Dated, Washington, D.C., April 15, 2015

By direction of the Board:

Gary W. Shinnors
Executive Secretary