

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

BROWNING-FERRIS INDUSTRIES
OF CALIFORNIA, INC., D/B/A BFI NEWBY
ISLAND RECYCLERY

Employer

and

Case 32-RC-109684

FPR-II, LLC, D/B/A LEADPOINT
BUSINESS SERVICES

Employer

and

SANITARY TRUCK DRIVERS AND
HELPERS LOCAL 350,
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS

Petitioner

NOTICE AND INVITATION TO FILE BRIEFS

On April 30, 2014, the Board (Members Hirozawa and Schiffer; Member Johnson, dissenting) granted the Petitioner's Request for Review of the Acting Regional Director's Decision and Direction of Election because it raised substantial issues warranting review, and indicated that it would establish a schedule for the filing of briefs on review and *amicus* briefs.

The Board invites the filing of briefs to afford the parties and interested *amici* the opportunity to address the issue raised in this case.

The parties and *amici* specifically are invited to address one or more of the following questions:

1. Under the Board's current joint-employer standard, as articulated in *TLLI, Inc.*, 271 NLRB 798 (1984), *enfd. mem.* 772 F.2d 894 (3d Cir. 1985), and *Laerco Transportation*, 269 NLRB 324 (1984), is Leadpoint Business Services the sole employer of the petitioned-for employees?
2. Should the Board adhere to its existing joint-employer standard or adopt a new standard? What considerations should influence the Board's decision in this regard?

3. If the Board adopts a new standard for determining joint-employer status, what should that standard be? If it involves the application of a multifactor test, what factors should be examined? What should be the basis or rationale for such a standard?

The parties may file briefs on review, not exceeding 50 pages in length, with the Board in Washington, D.C. on or before June 26, 2014. Interested *amici* may file briefs not exceeding 30 pages in length on or before the same date. The parties may file responsive briefs on or before July 10, 2014, which shall not exceed 25 pages in length. No other responsive briefs will be accepted. The parties and *amici* shall file briefs electronically by going to www.nlr.gov and clicking on "E-File Documents." Parties and *amici* are reminded to serve all case participants. A list of case participants may be found at <http://www.nlr.gov/case/32-RC-109684> under the heading "Service Documents." If assistance is needed in E-Filing on the Agency's website, please contact the Office of Executive Secretary at 202-273-1940 or the undersigned at 202-273-3737.

Dated, Washington, D.C., May 12, 2014.

By direction of the Board:

Gary Shinnors
Executive Secretary