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February 26, 2018

ORDER VACATING DECISION AND ORDER AND GRANTING MOTION FOR RECONSIDERATION IN PART

BY CHAIRMAN KAPLAN AND MEMBERS PEARCE AND MCFERRAN

On December 14, 2017, the National Labor Relations Board issued a Decision and Order in this proceeding. 365 NLRB No. 156 (2017). The Board’s Decision and Order overruled *Browning-Ferris Industries of California, Inc. d/b/a BFI Newby Island Recyclery (Browning-Ferris)*, 362 NLRB No. 186 (2015), which had established a new legal standard for determining whether two employers are joint employers under the National Labor Relations Act.

Thereafter, the Charging Parties filed a motion for “reconsideration, recusal, and to strike,” asking the Board to reconsider its earlier Decision and Order and seeking the recusal of Board Member Emanuel. The Respondents filed an opposition to the motion. The