

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

VELOX EXPRESS, INC.

and

Case 15-CA-184006

JEANNIE EDGE

NOTICE AND INVITATION TO FILE BRIEFS

On September 25, 2017, Administrative Law Judge Arthur Amchan issued a decision in the above-captioned case, finding, *inter alia*, that the Respondent violated Section 8(a)(1) of the Act by classifying drivers who are employees as independent contractors. In excepting to the judge's decision, the Respondent argues that the mere misclassification as an independent contractor, without more, is not a violation of Section 8(a)(1).

To aid in the consideration of this issue, the Board invites the parties and interested *amici* the opportunity to file briefs addressing the following question:

Under what circumstances, if any, should the Board deem an employer's act of misclassifying statutory employees as independent contractors a violation of Section 8(a)(1) of the Act?

Supplemental briefs by the parties not exceeding 25 pages in length and briefs by *amici* not exceeding 15 pages shall be filed with the Board in Washington, D.C. on or before April 16, 2018. The parties may file responsive briefs, not exceeding 25 pages in length, on or before April 30, 2018. The parties and *amici* shall file briefs electronically by going to www.nlr.gov and clicking "E-File Documents." Parties and *amici* are

reminded to serve all case participants. A list of case participants may be found at <https://www.nlr.gov/case/15-CA-184006> under the heading “Service Documents.” If assistance is needed in E-Filing on the Agency’s website, please contact the Office of the Executive Secretary at 202-273-1940 or the undersigned at 202-273-2917.¹

Dated, Washington, D.C., February 15, 2018.

By direction of the Board:

Gary Shinnors
Executive Secretary

¹ On December 4, 2017, the Coalition for a Democratic Workplace and the Chamber of Commerce of the United States of America jointly filed a Motion for the National Labor Relations Board to Solicit Briefs in this case. They also filed an application for leave to file an amicus brief on the question presented, with an accompanying *amicus* brief. That motion is granted subject to the terms of this Notice, including that any brief submitted comply with the specified page limit.