

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

AMAZON.COM SERVICES LLC

Employer

and

Case 29-RC-288020

AMAZON LABOR UNION

Petitioner

**ORDER DENYING MOTION TO CLOSE THE HEARING AND REFERRING
MOTION TO SEQUESTER WITNESSES TO THE HEARING OFFICER**

On June 7, 2022, the Employer filed its Motion for Sequestration of Witnesses and for a Closed Hearing (Employer’s Motion) seeking that the “Hearing Officer close the hearing to the general public, permitting only the trial team of the [Employer] and a[n] [Employer] representative; the trial team of the [Petitioner] and a [Petitioner] representative; the Hearing Officer from Region 28 of the National Labor Relations Board; and the testifying witness (collectively, the “Hearing Participants”), to attend the entirety of the virtual hearing.” The Employer’s Motion also requests to have all witnesses for the hearing sequestered.

In support of its position, the Employer speculates that it will be “virtually impossible to ensure the proper sequestration of witnesses ... unless access is limited.” The Employer further contends that the hearing in this matter has garnered national and international attention from almost every major media outlet and that potential attendees could impair the Hearing Officer’s control of the hearing.

The Board's hearings are not secret. Accordingly, preventing the public from viewing its important processes is not an option. *See* Section 102.34 of the Board's Rules ([h]earings will be public ...) and Section 102.64(b) ("[h]earings shall be ... open to the public ..."); Section 101.10(a) of the Board's Statements of Procedure ("except in extraordinary situations the hearing is open to the public."). That this case has garnered national and international attention from outside parties only further solidifies the importance of allowing public observation, as employees and members of the public can be better informed of the purposes and policies of the Act.

I do not find that the Employer has put forward any compelling reason for departing from the Board's longstanding policy of holding public hearings. *See Laborers Int'l Union of North America*, 331 NLRB 259, 264 fn.3 (2000) (administrative law judge denied motion to exclude non-witness individuals from the hearing as no cause existed to prohibit her listening to testimony or viewing evidence even if she would not have been allowed to access the evidence in other contexts). I further note that the Hearing Officer has issued instructions and protocols for the conduct of the hearing, which include that non-party observers must have their audio and video turned off throughout the hearing and that disruptions of any manner will subject the observer to removal and/or sanctions from the Hearing Officer.

Moreover, the Hearing Officer has issued instructions that the hearing is not to be recorded in any way, except by the official court reporter, and a violation of this protocol may result in removal of the observer and other sanctions. Based on the foregoing, I am satisfied that the Hearing Officer has implemented appropriate safeguards to maintain the integrity of the hearing, and there exists no extraordinary circumstances to deviate from the Board's long-standing policy of allowing public observation of the Board's proceedings. To the extent that

other issues may arise during the hearing which would require limited access to certain non-party observers, I refer those to timely rulings by the Hearing Officer. Accordingly,

IT IS ORDERED that the Employer's Motion request that the hearing be closed to the general public be, and the same is, denied.

IT IS FURTHER ORDERED that pursuant to Section 102.65(a) of the Board's Rules, the Employer's Motion to sequester witnesses be, and the same is, referred to the Hearing Officer designated to conduct the hearing in this matter for consideration and ruling.

Dated in Phoenix, Arizona on the 9th day of June, 2022.

/s/ Cornele A. Overstreet

Cornele A. Overstreet, Regional Director
National Labor Relations Board, Region 28