

National Labor Relations Board



Weekly Summary of NLRB Cases

Division of Information

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Tel. (202) 273-1991

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CASES SUMMARIZED
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University Moving & Storage Co.	Farmington Hills, MI	1
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OTHER CONTENTS

List of Decisions of Administrative Law Judges	1
List of Unpublished Board Decisions and Orders in Representation Cases <ul style="list-style-type: none">• Contested Reports of Regional Directors and Hearing Officers• Uncontested Reports of Regional Directors and Hearing Officers• Requests for Review of Regional Directors' Decisions and Directions of Elections and Decisions and Orders	2

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University Moving & Storage Co. (7-CA-47352, 47750; 350 NLRB No. 2) Farmington Hills, MI June 11, 2007. The Board ruled that the allegations regarding the Respondent's denial of sick leave and vacation pay to locked out employees after the expiration of the parties' contract are timely and adopted the administrative law judge's finding that the denial violated Section 8(a)(5) of the Act, without passing on the judge's finding that the denial also violated Section 8(a)(3) because it would not affect the remedy. Member Liebman would find that the Respondent's actions violated Section 8(a)(3) for the reasons stated by the judge. [\[HTML\]](#) [\[PDF\]](#)

The Board extended the limited remedy recommended by the judge to all unit employees who had accrued leave, regardless of whether they requested it. The judge found that employees who did not request vacation leave prior to the expiration of that leave had forfeited their rights to the leave under the contract. The Board disagreed, concluding that the Respondent created an impression of futility that reasonably would have discouraged employees from requesting the leave to which they were entitled. It noted that following the expiration of the contract, the Respondent ceased making payments for accrued sick leave, which had in previous years been paid to employees at the end of each contract year. The Board's remedy runs to all unit employees who had accrued vacation and sick leave at the time of the contract's expiration.

Chairman Battista and Member Schaumber, concluding that the Respondent acted consistent with its past practice, reversed the judge's finding that the Respondent's refusal to release Timothy Johns and John Nagel for long-distance driving certification with other employers during the lockout violated Section 8(a)(3). They noted the Respondent's consistently applied policy is to issue such releases only to employees who have terminated their employment. Member Liebman, dissenting on this issue, concluded that the Respondent's asserted reasons for denying Johns and Nagel a certification release were pretextual and that the denial was unlawfully motivated and violated Section 8(a)(3).

(Chairman Battista and Members Liebman and Schaumber participated.)

Charge filed by Teamsters Local 243; complaint alleged violation of Section 8(a)(1), (3), and (5). Hearing at Detroit, April 26-27, 2005. Adm. Law Judge Paul Bogas issued his decision Aug. 29, 2005.

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

Deco-Akal JV (an Individual) El Paso, TX June 13, 2007. 28-CA-21082, 28-CB-6508; JD(SF)-19-07, Judge Gregory Z. Meyerson.

High-Tech Interiors Inc. (Carpenters District Council of Kansas City & Vicinity) Overland Park, KS June 13, 2007. 17-CA-22916; JD(SF)-18-07, Judge Gerald A. Wacknov.

Ralphs Grocery Co., (Food & Commercial Locals 135, 324, 770, 1036, 1167, 1428 and 1442) Los Angeles, CA June 14, 2007. 31-CA-27160, et al.; JD(SF)-20-07, Judge Lana H. Parke.

Power Tech Services, Inc. (Electrical Workers [IBEW] Local 269) Hamilton, NJ June 15, 2007. 22-CA-27787; JD(NY)-27-07, Judge Joel P. Biblowitz.

**LIST OF UNPUBLISHED BOARD DECISIONS AND ORDERS
IN REPRESENTATION CASES**

*(In the following cases, the Board considered exceptions to
Reports of Regional Directors or Hearing Officers)*

DECISION AND CERTIFICATION OF REPRESENTATIVE

Los Angeles Times Communications, LLC, Los Angeles, CA, 21-RC-20939, June 11,
2007 (Chairman Battista and Members Liebman and Walsh)

**DECISION AND ORDER [remanding to Regional Director
for appropriate action]**

Marathon Baking/Personnel Coordinators, Inc., Fairlawn, NJ, 22-RC-12746, June 14,
2007 (Members Liebman, Schaumber, and Kirsanow)

*(In the following cases, the Board adopted Reports of
Regional Directors or Hearing Officers in the absence of exceptions)*

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

Tecstar, LLC, Fort Worth, TX, 16-RC-10558, June 13, 2007 (Members Liebman,
Schaumber, and Kirsanow)
Joro Carting, Inc., Brooklyn, NY, 29-RC-11427, June 11, 2007 (Member Liebman,
Schaumber, and Kirsanow)

**DECISION AND DIRECTION [that Regional Director open and
count ballots and issue appropriate certification]**

Millennium Maintenance & Electrical Contracting, Inc., Brooklyn, NY, 29-RC-11276,
June 15, 2007 (Members Liebman, Schaumber, and Kirsanow)

*(In the following cases, the Board denied requests for review
of Decisions and Directions of Elections (D&DE) and
Decisions and Orders (D&O) of Regional Directors)*

Snyder of Berlin, Div. of Birds Eye Foods, Inc., Berlin, PA, 6-RC-12583, June 14, 2007
(Members Liebman, Schaumber, and Kirsanow)
Throgs Neck Operating Co. LLC d/b/a Throgs Neck Extended Care Facility, Bronx, NY,
2-RD-1552, June 14, 2007 (Members Liebman, Schaumber, and Kirsanow)
