

**Regency Electronics, Inc., and International Union of Electrical, Radio and Machine Workers, AFL-CIO-CLC, Petitioner. Case 25-RC-4811**

August 1, 1972

**SUPPLEMENTAL DECISION AND CERTIFICATION OF REPRESENTATIVE**

BY CHAIRMAN MILLER AND MEMBERS  
FANNING AND PENELLO

Pursuant to a Decision, Order, and Direction of Second Election issued February 25, 1972,<sup>1</sup> the Board adopted the Regional Director's recommendation to set aside the stipulated election conducted December 17, 1971, and directed that a second election be held. A motion for reconsideration was filed on March 6, 1972, and denied by the Board on March 13, 1972.

On March 24, 1972, a second election was conducted under the direction and supervision of the Regional Director for Region 25 among the employees in the appropriate unit. At the conclusion of the balloting, the parties were furnished a tally which showed that of the approximately 257 eligible voters, 133 votes were cast in favor of the Petitioner, 112 were cast against the Petitioner, and 10 votes were challenged. The challenges were not sufficient in number to affect the outcome of the election. Thereafter, on March 31, 1972, the Employer filed

<sup>1</sup> Not printed in NLRB volumes

<sup>2</sup> The Employer's request for oral argument in this case is hereby denied as its exceptions and briefs adequately present the contentions of the Employer

<sup>3</sup> The Employer's exceptions 1 and 2 allege, in the main, that the Acting Regional Director's investigation was erroneously limited to questioning only employees whose names the Employer supplied. We find no merit in the Employer's contentions. It is well established that a party seeking to have the Board overrule a Regional Director's finding and recommendations to an election must supply specific evidence which *prima facie* would warrant setting aside the election before the Board will direct a hearing or require the Regional Director to pursue his investigation further. *Buflor-Petzner Division, Inc.*, 169 NLRB 998. The Employer has failed to establish the presence of sufficiently extraordinary circumstances which would

timely objections to the conduct affecting the second election. On April 27, 1972, the Acting Regional Director issued his report to the Board wherein he recommended that the objections be overruled and a certification of representative issue. Thereafter, the Employer filed timely exceptions to the Acting Regional Director's report on objections and a supporting brief.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the Acting Regional Director's report, the Employer's exceptions thereto, and its brief in support thereof, and the entire record in this case<sup>2</sup> and hereby adopts the Acting Regional Director's findings and recommendations.<sup>3</sup>

**CERTIFICATION OF REPRESENTATIVE**

It is hereby certified that a majority of the valid ballots have been cast for International Union of Electrical, Radio and Machine Workers, AFL-CIO-CLC, and that, pursuant to Section 9(a) of the National Labor Relations Act, as amended, the said labor organization is the exclusive representative of all employees in the unit found appropriate herein for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, or other conditions of employment.

warrant our deviating from that rule in this case. We further find that none of the Employer's exceptions to the Acting Regional Director's rulings raise any substantial or material issues of fact requiring a hearing in this case.

With respect to Objection 5, we need not and do not reach the merits inasmuch as the conduct on which that objection rests did not occur within the critical period for the second election. See *Singer Company, Wood Products Division*, 161 NLRB 956, fn. 2.

With respect to Objection 7, we agree to its rejection solely because the proffered evidence showed no more than that Petitioner advised a single employee it paid strike benefits of \$12 a week. We do not adopt or pass upon the Acting Regional Director's gratuitous comment that even if Petitioner had stated, as the Employer apparently claimed, that employees would lose no income during a strike, such a statement would, nonetheless, afford no ground for setting aside the election