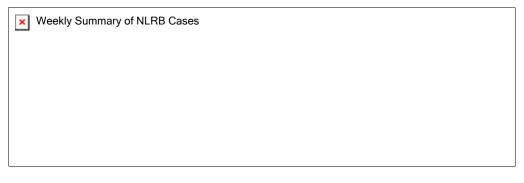
ABOUT THE WEEKLY SUMMARY

The Weekly Summary of NLRB cases, as the name implies, is a publication that summarizes each week all published NLRB decisions in unfair labor practice and representation election cases. except for summary judgment cases. It also lists all decisions of NLRB administrative law judges and direction of elections by NLRB regional directors. Links are established from the weekly summary index to the summaries and from the summaries to the full text of the decisions.



Index of Back Issues Online

October 13, 2000 W-2760

CASES SUMMARIZED

SUMMARIES CONTAIN LINKS TO FULL TEXT

Caruso Electric Corporation, Rochester, NY

Composite Energy Management Systems, Grand Rapids, MI

Debbie Reynolds Hotel, Las Vegas, NV

Electrical Workers (IBEW) Local 98, Philadelphia, PA

Fansteel VR/Wesson, Lexington, KY

Kaminski Electric & Service Co., Owensboro, KY

Lockheed Martin Astronautics, Littleton, CO

Mississippi Power Company, Gulfport, MS

Painters Local 466, South Glens Falls, NY

Ryan Iron Works, Inc., Raynman, MA

Taos Ski Valley, Inc., Taos, NM

USF Dugan, Inc., Omaha, NE

Woodman's Food Markets, Kenosha, WI

OTHER CONTENTS

<u>List of Decisions of Administrative Law Judges</u>

List of Test of Certification Cases

List of No Answer to Complaint Cases

Press Release:

(R-2407) Will Vance is Named Officer-in-Charge of NLRB's Subregional Office in Peoria

The Weekly Summary of NLRB Cases is prepared by the NLRB Division of Information and is available on a paid subscription basis. It is in no way intended to substitute for the professional services of legal counsel, or for the authoritative judgments of the Board. The case summaries constitute no part of the opinions of the Board. The Division of Information has prepared them for the convenience of subscribers.

If you desire the full text of decisions summarized in the Weekly Summary, you can access them on the NLRB's Web site (www.nlrb.gov). Persons who do not have an Internet connection can request a limited number of copies of decisions by writing the Information Division, 1099 14th Street NW, Suite 9400, Washington, DC 20570 or fax your request to 202/273-1789. Administrative Law Judge decisions, which are not on the Web site, also can be requested by contacting the Information Division.

All inquiries regarding subscriptions to this publication should be directed to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, 202/512-1800. Use stock number 731-002-0000-2 when ordering from GPO. Orders should not be sent to the NLRB.

Taos Ski Valley. Inc. (28-CA-14563; 332 NLRB No. 32) Taos, NM Sept. 28, 2000. The Board affirmed the administrative law judge's recommended dismissal of the complaint alleging that the Respondent violated Section 8(a)(3) and (1) of the Act by refusing to rehire Pavel Lukes for the 1997-1998 ski season. The Board emphasized that "the Respondent's stated basis for declining to bring Lukes back for another season--his continued obvious dissatisfaction and persistent complaints about the Respondent's temporary revocation of his son's ski pass--was credibly established and fully supported by the record evidence." It wrote: "Contrary to the General Counsel's arguments, Lukes' involvement in protected activities did not play any part in Respondent's decision. Instead, Lukes' relentless pursuit of this nonemployment-related issue provided the impetus for his termination." [HTML] [PDF]

(Chairman Truesdale and Members Liebman and Hurtgen participated.)

Charge filed by Pavel Lukes; complaint alleged violation of Section 8(a)(1) and (3). Hearing at Albuquerque on April 13, 1998. Adm. Law Judge William L. Schmidt issued his decision Sept. 18, 1998.

* * *

USF Dugan, Inc. (17-CA-19761; 332 NLRB No. 36) Omaha, NE Sept. 28, 2000. The Respondent discharged union supporter Bruce DiMartino because of his activities for Teamsters Local 554 in violation of Section 8(a)(3) and (1) of the Act, the Board held in agreement with the administrative law judge. The judge found that the General Counsel established by a preponderance of the evidence that DiMartino engaged in union activity, that the Respondent knew of his activities and had an antiunion animus toward his union support, and that the Respondent's animus was the real reason for the discharge. The judge found the Respondent's asserted reasons for DiMartino's discharge--his improper claim for 1 hour of delay pay--were a pretext. [HTML] [PDF]

(Chairman Truesdale and Members Liebman and Hurtgen participated.)

Charge filed by Teamsters Local 554; complaint alleged violation of Section 8(a)(1) and (3). Hearing at Omaha, Sept. 22-23, 1999. Adm. Law Judge Albert A. Metz issued his decision June 12, 2000.

* * *

Lockheed Martin Astronautics (27-CA-14557, et al.; 332 NLRB No. 37) Littleton, CO Sept. 28, 2000. In this supplemental decision, the Board agreed with the administrative law judge that the Respondent violated Section 8(a)(3) and (1) of the Act by suspending Lee Gutierrez for 3 days on May 1, 1996, and by discharging him on January 30, 1997. The judge found that Gutierrez' protected discussions of employee Jolene Conn's medical restrictions were a substantial motivating factor in the Respondent's decision to suspend him, that Gutierrez' discharge was based on his entire disciplinary record, including the unlawful suspension, and that the Respondent failed to demonstrate that it would have suspended and discharged Gutierrez even absent his protected activity. The Board had remanded the proceeding to the judge in January 2000 for further findings regarding the allegations that the Respondent unlawfully suspended and discharged Gutierrez. 330 NLRB No. 66. [HTML]

(Chairman Truesdale and Members Fox and Liebman participated.)

Adm. Law Judge Albert A. Metz issued his supplemental decision June 27, 2000.

* * *

Composite Energy Management Systems (7-CA-42398; 332 NLRB No. 39) Grand Rapids, MI Sept. 28, 2000. Affirming the

Weekly Summary, October 13, 2000 (W-2760)

Page 3 of 8

administrative law judge's recommendation, the Board dismissed complaint allegations that the Respondent violated Section 8 (a)(5) and (1) of the Act on and after July 22, 1999 by refusing to execute a plant-closing agreement negotiated with the Auto Workers UAW. The judge credited the testimony of Respondent attorney Nantz over that of Union attorney Fayette concerning their conversation on July 22, 1999 and found that the parties did not reach complete agreement. [HTML] [PDF]

(Chairman Truesdale and Members Liebman and Hurtgen participated.)

Charge filed by the Auto Workers UAW; complaint alleged violation of Section 8(a)(1) and (5). Hearing at Grand Rapids on Feb. 17, 2000. Adm. Law Judge C. Richard Miserendino issued his decision July 11, 2000.

Painters Local 466 (Skidmore College) (3-CB-6902, 6903; 332 NLRB No. 41) South Glens Fall, NY Sept. 29, 2000. Chairman Truesdale and Member Liebman, citing Office Employees Local 251 (Sandia National Laboratories), 331 NLRB No. 193 (2000), affirmed the administrative law judge's finding that the Respondent, through business manager DiFiore, violated Section 8(b)(1)(A) of the Act by making threats of unspecified reprisals against Maurice Victor and Thomas McGovern because of their protected intraunion dissident activity of challenging incumbent union leaders. They reversed the judge's finding that the internal union disciplinary actions against Victor and McGovern were unlawful. Member Hurtgen, dissenting in part, found that the Respondent additionally violated Section 8(b)(1)(A) by filing internal charges against Victor and McGovern, and by fining and expelling them from membership in response to their intraunion dissident activity. [HTML] [PDF]

In *Sandia*, issued subsequent to the judge's decision, the Board overruled the precedent which the judge followed in finding that the intraunion discipline of Victor and McGovern was unlawful. There, the Board said that it would "no longer proscribe intraunion discipline under Section 8(b)(1)(A) which involves a purely intraunion dispute, and does not interfere with the employer-employer relationship, or contravene a policy of the National Labor Relations Act." Id., slip op. at 10.

Chairman Truesdale and Member Liebman wrote in finding that the Respondent's intraunion disciplinary actions did not violate Section 8(b)(1)(A): "The disciplinary proceedings arose entirely within the confines of internal union affairs, had no impact on the relationship of those involved to any employer, and impaired no policy of the Act." However, noting that the Board in *Sandia* reaffirmed longstanding precedent holding that Section 8(b)(1)(A) proscribes threats of economic reprisals and physical violence by unions against employees, they found that DiFiore's statements at two union meetings were unlawful threats.

Member Hurtgen, noting that the discipline imposed by the Respondent included fines to Victor and McGovern of \$700 and \$500, respectively, wrote: "Thus, as I stated in *Sandia*, I would stay the Board's involvement only in situations where the 'underlying dispute is wholly intraunion, and the discipline is wholly internal and *nonmonetary*.' . . . Where, as here, the unfair labor practice has an economic consequence for the victims, I would redress that consequence under the remedial provisions of the NLRA."

(Chairman Truesdale and Members Liebman and Hurtgen participated.)

Charges filed by Maurice Victor and Thomas McGovern; complaint alleged violation of Section 8(b)(1)(A) and (2). Hearing at Albany on Aug. 23, 1996. Adm. Law Judge Howard Edelman issued his decision May 7, 1997.

4. 4. .

Kaminski Electric & Service Co. (25-CA-23807(1-2), 24059(1-3); 332 NLRB No. 42) Owensboro, KY Sept. 29, 2000. Relying on *FES (A Division of Thermo Power)*, 331 NLRB No. 20 (2000), which set the framework for analysis of refusal-to-consider and refusal-to-hire allegations, the Board remanded to the administrative law judge the issue presented on exceptions in this case--whether the judge correctly dismissed an allegation that the Respondent violated Section 8(a)(3) and (1) of the Act by refusing to hire union-affiliated applicants Gerald Frey and Gerald Snodgrass. [HTML] [PDF]

No exceptions were filed to the judge's findings that the Respondent violated Section 8(a)(1) by promulgating and maintaining a rule prohibiting employees from discussing their wages with other employees, admonishing and threatening employees with

discharge for discussing their wages with other employees, and admonishing an employee for discussing the Union with other employees while working. And, no exceptions were filed to the judge's finding that the Respondent violated Section 8(a)(3) and (1) by failing and refusing to consider applicants for hire because of their affiliation with the Union, changing its hiring procedures and practices to avoid receiving applications from union-affiliated applicants, disciplining employees for engaging in union activity, and discharging employees because of their union activity. The Board entered a final Order with respect to these findings.

(Chairman Truesdale and Members Fox and Liebman participated.)

Charges filed by Electrical Workers (IBEW) Local 1701; complaint alleged violation of Section 8(a)(1) and (3). Hearing at Owensboro, Jan. 8-10, 1997. Adm. Law Judge Robert T. Wallace issued his decision October 31, 1997.

4. 4.

Ryan Iron Works, Inc. (1-CA-33353, et al.; 332 NLRB No. 49) Raynman, MA Sept. 29, 2000. The Board, in a 2-1 opinion (with Chairman Truesdale and Member Fox in the majority and Member Hurtgen dissenting), held that a direct dealing/bypassing violation by the Respondent on Oct. 23, 1995 converted an economic strike that began on Sept. 11, 1995 into an unfair labor practice strike. The Board further found that the Respondent unlawfully refused to reinstate unfair labor practice strikers following their unconditional offers to return to work. [HTML] [PDF]

The judge had found that the strike was an economic strike in its inception but that certain of the Respondent's unfair labor practices prolonged the strike and converted it to an unfair labor practice strike. He rejected the argument that this conversion took place on October 23, when the Respondent's president, Howard Shea, unlawfully bypassed the Union and engaged in direct dealing during a lengthy conversation with striking unit-employee Wallace Penniman about the contract negotiations. Instead, the judge found that the strike converted on November 14 when the Union learned about the Respondent's unlawful unilateral changes through its failure to make pension payments for the month of October. He further found that the Respondent's December 7 withdrawal of recognition was also sufficient to have converted the strike.

The majority cited *Safeway Trails*, 233 NLRB 1078, 1082 (1977), enfd. 641 F. 2d 930 (D.C. Cir. 1979) and *Beaumont Glass Co.*, 310 NLRB 710, 719 (1993), in finding the economic strike had converted to an unfair labor practice strike due to the Respondent's unlawful direct dealing incident on Oct. 23. It stated:

In this regard, the Board has several times held that an employer's unlawful efforts to bypass the union representative and to deal directly with bargaining unit employees is objectively 'such as could not help but prevent and inhibit good-faith bargaining, thereby prolonging the strike.' ... We find that objective inference to be applicable here to President Shea's unlawful conduct. Furthermore, the inference is supported by credible subjective evidence of the divisive effect of this conduct on the strikers and their union negotiators, after Shea's remarks were quickly disseminated among them.

Dissenting, Member Hurtgen agreed with the judge that the Oct. 23 violation did not convert the strike. He asserted: "This was an isolated incident in which the Respondent questioned a single employee as to what employees wanted in negotiations, and explained the Respondent's bargaining proposals. While violative of Section 8(a)(5), I cannot find that this single incident prolonged the strike."

The Board concluded that an affirmative bargaining order is warranted in this case as a remedy for the Respondent's unlawful withdrawal of recognition from the Union.

(Chairman Truesdale and Members Fox and Hurtgen participated.)

Charges filed by Iron Workers complaint alleged violation of Section 8(a)(5). Hearing at Boston, July 15-16, 1996. Adm. Law Judge James L. Rose issued his decision Oct. 27, 1996.

* * *

Weekly Summary, October 13, 2000 (W-2760)

Page 5 of 8

Chairman Truesdale and Member Fox, applying *FES*, 331 NLRB No. 20 (2000), affirmed the administrative law judge's finding that antiunion animus contributed to the Respondent's decision not to hire four electrician applicants in violation of the Act. In dissent, Member Hurtgen would dismiss the complaint because the General Counsel had not established, in his view, the element of animus on the basis of the Respondent having back-dated employment applications. The majority pointed out the judge had credited employee Michael Mawn's testimony that the Respondent's president, Jerry Caruso, directed him to alter the date on his employment application from January 8, 1996, to October 8, 1995, because, in September and October 1995, the Respondent "had union people coming by filling out applications." [HTML] [PDF]

Caruso Electric Corp. (3-CA-19704, 19777; 332 NLRB No. 50) Rochester, NY Sept. 29, 2000. The Board majority of

(Chairman Truesdale and Members Fox and Hurtgen participated.)

Charges filed by Electrical Workers (IBEW) Local 86; complaint alleged violation of Section 8(a)(1) and (3). Hearing at Rochester, Oct. 15-16, 1996. Adm. Law Judge Judith Ann Dowd issued her decision March 21, 1997.

-1- -1- -1

Electrical Workers (IBEW) Local 98 (Honeywell Inc.) (4-CD-991; 332 NLRB No. 51) Philadelphia, PA Sept. 29, 2000. In this Section 10(k) proceeding, the Board concluded that Honeywell, Inc. installers represented by the Respondent Union are entitled to the security system installation work in dispute. The charge alleged that the Union violated the Act by engaging in proscribed activity with an object of forcing the Employer (Honeywell) to assign certain work to electricians it represents who are employed by various contractors rather than to installers it represents who are employed by Honeywell. [HTML] [PDF]

(Members Fox, Liebman, and Hurtgen participated.)

* * *

Mississippi Power Company (15-CA-13436; 332 NLRB No. 52) Gulfport, MS Sept. 29, 2000. The Board agreed with the administrative law judge's finding that the Respondent violated the Act by announcing its planned retirement benefit changes for future retirees to the Union locals on April 21, 1995 and that it thereafter by refusing to bargain with the locals over these changes. The Respondent had attempted, in its exceptions, to extend the Board's holding in Pittsburgh Plate Glass (i.e. that presently retired former employees are not employees under the Act) to exclude active employees from the Act's coverage on the ground that they are "future retirees." As the Board pointed out in the instant case: "Assuming that all active employees are future retirees, we question whether anyone, under the Respondent's proposed analysis, would be covered by the Act." [HTML] [PDF]

(Chairman Truesdale and Members Fox and Liebman participated.)

Charge filed by Electrical Workers (IBEW) Locals 1204, 1209, 1210, and 1211; complaint alleged violation of Section 8(a)(5). Hearing at New Orleans, LA, Oct. 10-11, 1996. Adm. Law Judge William N. Cates issued his decision Jan. 16, 1997.

7. 7. 7.

Debbie Reynolds Hotel (28-CA-14127, 28-RC-5468; 332 NLRB No. 46) Las Vegas, NV Sept. 29, 2000. The Board affirmed the administrative law judge's recommended Gissel cateory II bargaining order, concluding that the possibility of erasing the effects of the Respondent's unfair labor practices and of conducting a fair second election were unlikely. NLRB v. Gissel Packing Co., 395 U.S. 575 (1969). It applied M.J. Metal Products, 328 NLRB No. 170 (1999), and, as mandated by the Supreme Court in Gissel, examined the extensiveness of the Respondent's unfair labor practices and the likelihood of their recurrence in the future. The Board also considered, as required by some circuit courts, the appropriateness of a bargaining order at the present time and the inadequacy of other remedies. Concluding that its traditional remedies are inadequate to erase the coercive effects of the Respondent's misconduct involving high-management officials, the Board wrote: [HTML] [PDF]

[T]he Respondent took drastic, immediate, and persistent measures to thwart its employees' support for the Union in the representation election. This unlawful course of conduct began even before the petition was filed and

escalated quickly after the filing. It reached its peak with the commission of several 'hallmark' violations, including subcontracting out most of the unit work and laying off most of the unit employees, discharging [employees] Brister and Guilkey, and repeatedly threatening job loss and closing, and continued even after the election. 'Such action can only serve to reinforce employees' fear that they will lose employment if they persist in union activity.' [Consec Security, 325 NLRB 453, 454 (1989), enfd. 185 F.3d 862 (3d Cir. 1999).] In view of the severity and unit-wide scope of the Respondent's actions, as well as the small size of the unit, comprising 13 employees who work in close proximity to one another, the Respondent's unlawful conduct would predictably have a severe and lasting coercive effect on each unit employee.

(Chairman Truesdale and Members Fox and Liebman participated.)

Charge filed by Theatrical Stage Employees Local 720; complaint alleged violation of Section 8(a)(1), (3), and (5). Hearing at Las Vegas, May 28-29 and July 1-2, 1997. Adm. Law Judge Albert A. Metz issued his decision Sept. 18, 1997.

* * *

Fansteel VR/Wesson (9-CA-36083; 332 NLRB No. 38) Lexington, KY Sept. 29, 2000. The administrative law judge found, and the Board agreed, that the Respondent violated Section 8(a)(3) and (1) of the Act by discharging Gary Vinegar; and violated Section 8(a)(1) by threatening employees with plant closure if Teamsters Local 651 organizes the shop, telling an employee that he is being harassed because of his union activity, and promising employees benefits in order to discourage union activity. [HTML] [PDF]

(Chairman Truesdale and Members Liebman and Hurtgen participated.)

Charge filed by Teamsters Local 651; complaint alleged violation of Section 8(a)(1) and (3). Hearing at Lexington, Jan. 5-7, 1999. Adm. Law Judge Nancy M. Sherman issued her decision Dec. 1, 1999.

* * *

Woodman's Food Markets (30-RC-5935; 332 NLRB No. 48) Kenosha, WI Sept. 29, 2000. The Board, in determining whether an employer has substantially complied with the Excelsior requirements, will consider the number of names omitted from the Excelsior list as a percentage of the electorate and other factors, including the potential prejudicial effect on the election as reflected by whether the omissions involve a determinative number of voters and the employer's reasons for omitting the names. After reexamining its prior approach in deciding whether an employer's noncompliance with the Excelsior rule warranted setting aside an election, i.e., looking to whether, under the circumstances of a particular case, the employer has "substantially complied" with the Excelsior requirements, the Board said: [HTML] [PDF]

We find this approach--which focuses solely on the percentage of omissions relative to the number of employees in the unit--fails to adequately effectuate the purposes of the *Excelsior* rule. Accordingly, while we will continue to consider the percentage of omissions, we will consider other factors as well, including whether the number of omissions is determinative, i.e., whether it equals or exceeds the number of additional votes needed by the union to prevail in the election, and the employer's explanation for the omissions.

With respect to whether the omissions involve a determinative number of voters, we note that the Board's *Excelsior* policy was designed to enhance the availability of information and arguments both for and against union representation to employees so that they might render a more informed judgment at the ballot. Thus, the proper focus in determining whether an employer has complied with the requirements of the Excelsior rule should be on 'the degree of prejudice to these channels of communication, and not the degree of employer fault.' *Avon Products*, 262 NLRB 46, 48 (1982). Obviously, the potentially prejudicial effect on the election is most clear where the number of omissions may have compromised the union's ability to communicate with a determinative number of voters. To ignore this circumstance, therefore, is not only inconsistent with the rule's purpose but makes little sense. Accordingly, we overrule our prior cases to the extent they have done so and hold that whether omissions involve a determinative number of names must be considered in determining whether to set aside the election.

With respect to the employer's explanation for the omissions, we note that omissions may occur, notwithstanding an employer's reasonable good-faith efforts to comply, due to uncertainties about who is an eligible unit employee or other factors. Thus, we will consider the employer's explanation for the omissions.

Turning to the instant case, the *Excelsior* list originally submitted by the Employer on September 8, 1997 omitted the names of 12 eligible employees. Four of the names were omitted based on the Employer's admittedly incorrect interpretation of the payroll eligibility requirement. The Employer's human resources representative, Kathy Klein, testified that the remainder of the omitted names "could have been [the result of] errors within the payroll department." The Employer submitted another list on September 21 or 22, which deleted the names of some employees who had been terminated since the September 8 list, but it still omitted the 12 eligible employees.

aside the election, it found that the Union "may have suffered substantial prejudice" by its inability to communicate with the 12 employees since their ballots could have affected the election results. The Board wrote: "We recognize that the Union lost the election by 13 votes. However, in view of the additional challenged voters, David Keesey and Theresa Keesey (whose names were also omitted from the eligibility list because the Employer believed they were supervisors), the 12 omitted names could be determinative in this case." The Board found that the Employer failed to present a legally sufficient justification for its omission of the 12 names.

Although the Board found that the percentage of omissions was relatively small, and standing alone, might not warrant setting

The Board remanded the proceeding to the Regional Director for a determination as to the Keeseys' eligibility. If they are ineligible, the omitted names are not determinative, and the results of the election should be certified. If the Keeseys are eligible voters, the omission of the 12 names from the Excelsior list could have affected the outcome of the election and the direction of a second election is warranted.

(Chairman Truesdale and Members Fox, Liebman, and Hurtgen participated.)

~ ~

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

Best Driver Resources (an Individual) Hialeah, FL Sept. 29, 2000. 12-CA-20556; JD(ATL)-52-00, Judge William N. Cates.

Wye Electric Co., Inc. (Electrical Workers (IBEW) Locals 480, 576, and 446) Monroe, LA Sept. 29, 2000. 15-CA-11993, et al.; JD(ATL)-50-00, Judge Pargen Robertson.

McKesson Drug Company (Teamsters Local 667) Memphis, TN Sept. 29, 2000. 26-CA-18721; JD(ATL)-53-00, Judge Pargen Robertson.

Metro Health, Inc. d/b/a Hospital Metropolitano (Unidad Laboral de Enfermeras(os) y Empleados de la Salud) Rio Piedras, PR Sept. 29, 2000. 24-CA-8149; JD-112-00, Judge George Aleman.

Masiongale Electrical-Mechanical Inc. (Indiana State Pipe Trades Association Locals 172 and 661) Muncie, IN Oct. 2, 2000. 25-CA-25119, et al.; JD-125-00, Judge Bruce D. Rosenstein.

Yuker Construction Co. (Teamsters Local 247) Gaylord, MI Oct. 5, 2000. 7-CA-42275, et al.; JD-126-00, Judge Benjamin Schlesinger.

Sun Transport, Inc., a wholly owned subsidiary of Maine Investment Corp., which is in turn a wholly owned subsidiary of Sunoco, formerly known as Sun Company, Inc. (Sun Marine Licensed Officers Association) Philadelphia, PA Oct. 3, 2000. 4-CA-26705; JD-128-00, Judge Robert A. Giannasi.

Muskegon Cast Production, Inc. (PACE Local 6-720) Grand Rapids, MI Oct. 3, 2000. 7-CA-42853; JD-129-00, Judge Paul Bogas.

- Sproule Construction Co. (Operating Engineers Locals 139, 150, and 234) Galena, IL Oct. 3, 2000. 33-CA-12381; JD-130-00, Judge Arthur J. Amchan.
- Tradesmen International, Inc. et al. (Central Indiana District Council of Carpenters, et al.) Indianapolis, IN Oct. 6, 2000. 25-CA-24108 et al.; JD-131-00, Judge Richard H. Beddow, Jr.
- Donald Sullivan & Sons, LLC (Individuals) Hartford, CT Oct. 6, 2000. 34-CA-8799-1-2; JD-132-00, Judge Margaret M. Kern.
- Waremart Foods d/b/a Winco Foods, Inc. (Food & Commercial Workers Local 588) Chico & Redding, CA Sept. 25, 2000. 20-CA-29332; JD(SF)-62-00, Judge William L. Schmidt.
- Eckart Trucking, Inc. (an Individual) Elko, NV Sept. 25, 2000. 32-CA-17765-1; JD(SF)-63-00, Judge Albert A. Metz.
- Wolfe Electric Company, Inc. (Electrical Workers (IBEW) Local 265) Sept. 29, 2000. 17-CA-18957; JD(SF)-64-00, Judge Albert A. Metz.
- Oscar Serrano, a sole Proprietor d/b/a Serrano Painting (Painters Local 86) Mesa, AZ Sept. 29, 2000. 28-CA-15273; JD(SF)-67-00, Judge William L. Schmidt.

TEST OF CERTIFICATION

(In the following case the Board granted the General Counsel's motion for summary judgment on the ground that the respondent has not raised any representation issues that are litigable in the unfair labor practice proceeding.)

Detroit Free Press (Newspaper Guild of Detroit Local 22) (7-CA-41284; 332 NLRB No. 43) Detroit, MI Sept. 29, 2000.

NO ANSWER TO COMPLAINT

(In the following cases, the Board granted the General Counsel's motion for summary judgment based on the Respondent's *failure to answer the complaint.)*

Waggener Lumber Company, Inc. (Teamsters Local 682) (14-CA-26011; 332 NLRB No. 34) St. Louis, MO Sept. 29, 2000.

T & C, LLC d/b/a Hot Sam's Quality Clothes (Chicago and Central States Joint Board, Needletrades Employees) (7-CA-42366; 332 NLRB No. 44) Detroit, MI Sept. 29, 2000.

Southwest Building Center, Inc. (Teamsters Local 682) (14-CA-26010; 332 NLRB No. 45) St. Louis, MO Sept. 29, 2000.