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.

Weekly Summary of NLRB Cases

Index of Back Issues Online

March 7, 2003 W-2885

CASES SUMMARIZED

SUMMARIES CONTAIN LINKS TO FULL TEXT

Builders Insulation Inc., Germantown, WI

OTHER CONTENTS

List of Decisions of Administrative Law Judges

List of Test of Certification Cases

No Timely Answer to Complaint

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.

City Wide Insulation of Madison, Inc. d/b/a Builders Insulation Inc. (30-RC-6503; 338 NLRB No. 108) Germantown, WI, Feb. 27, 2003. Affirming the Regional Director's recommendation, the Board overruled the Employer's Objection 1 and certified Milwaukee & Southern Wisconsin Regional Council of Carpenters as the exclusive representative of the employees in the appropriate unit. The tally of ballots showed 15 votes for and 5 against, the Union, with no challenged ballots. [HTML] [PDF]

The Employer, in Objection 1, contended that the election should be set aside because employees in the bargaining unit blamed it for the failure to conduct the election on November 20, 2002, as originally scheduled and announced. The Board agreed with the Regional Director's finding that the Regional Office, not the Employer, was responsible for the election's postponement and that the circumstances surrounding the postponement do not warrant setting aside the results of the election held on November

26, 2002. In the absence of exceptions, the Board adopted the Regional Director's recommendation to overrule Objections 2 and 3.

The Board noted that this is the second case to come to its attention recently where an election was postponed for administrative reasons. See Superior of Missouri, 338 NLRB No. 69 (2002). In order to avoid objections similar to the one raised by the Employer, the Board found it would be preferable for Regional Offices to include in any notice of rescheduled election a statement that the election has been rescheduled for administrative reasons beyond the control of the employer or the union and that the inclusion of such language would dispel any erroneous impression among employees that either the employer or the union was responsible for the election's rescheduling.

(Members Liebman, Schaumber, and Walsh participated.)

* * *

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

Hospital Cristo Redentor, Inc. d/b/a Hospital Cristo Redentor (Unidad Laboral de Enfermeras(os) y Empleados de la Salud) Guayama, PR February 24, 2003. 24-CA-9069; JD-137-02, Judge Paul Buxbaum.

Hannah & Sons Construction Co., Inc. (Carpenters Metropolitan Regional Council of Philadelphia and Vicinity) Philadelphia, PA February 24, 2003. 4-CA-28916; JD-19-03, Judge Benjamin Schlesinger.

S & W Crane, Inc. (Operating Engineers Local 925) Lakeland, FL February 25, 2003. 12-CA-22350, 22465, 12-RC-8811; JD (ATL)-18-03, Judge Margaret G. Brakebusch.

Earthgrains Baking Companies, Inc. a wholly owned Subsidiary of Sara Lee Baking Group, Inc., d/b/a Redding French Bakery (Bakery Workers Local 85) Redding, CA February 24, 2003. 20-CA-30575; JD(SF)-14-03, Judge Burton Litvack.

Aldworth Co., Inc. and Dunkin Donuts Mid-Atlantic Distribution Center, Inc. (Food & Commercial Workers Local 1360) Philadelphia, PA February 26, 2003. 4-CA-27274, et al.; JD-21-03, Judge William G. Kocol.

Alaska Tepanyaki, LLC d/b/a Benihana's (an Individual and Hotel & Restaurant Employees Local 878) Anchorage, AK February 27, 2003. 19-CA-27875, 27913; JD(SF)-10-03, Judge Thomas M. Patton.

Teamsters Locals 391 and 71 (an Individual) Concord, NC February 26, 2003. 11-CB-3101, 3102; JD(ATL)-17-03, Judge Jane Vandeventer.

Dilling Mechanical Contractors, Inc. (Indiana State Plumbers and Plumbers Local 166) Indianapolis, IN February 28, 2003. 25-CA-25094, 25485; JD-24-03, Judge Paul Bogas.

* * *

LIST OF TEST OF CERTIFICATION CASES

(In the following cases, 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.)

The Majestic Star Casino, LLC (Steelworkers) (13-CA-40683; 338 NLRB No. 107) Gary, IN February 26, 2003.

Winkie Mfg. Co., (Manufacturing, Production & Service Workers Local 24) (13-CA-40451; 338 NLRB No. 106) Chicago, IL February 26, 2003.

* * *

NO TIMELY ANSWER TO COMPLAINT

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

Nu-Temp Associates Heating and Cooling, Inc. (Sheet Metal Workers Local 19) (4-CA-30836, 338 NLRB No. 109) Huntingdon Valley, PA February 26, 2003.