

**United States Government
National Labor Relations Board
OFFICE OF THE GENERAL COUNSEL**

Advice Memorandum

DATE: May 15, 2008

TO : Martha Kinard, Regional Director
Region 16

FROM : Barry J. Kearney, Associate General Counsel
Division of Advice

SUBJECT: Texas Carpenters & Millwrights Regional Council (Interic Specialties, Inc.)
Case 16-CP-172

560-2575-6746
560-5067-2050
578-2025-6750

After issuance of our April 25, 2008, memorandum, this case was resubmitted to determine whether new evidence establishes that the Respondent Texas Carpenters & Millwrights Regional Council violated Section 8(b)(7)(C) by handbilling the public at a common situs in pursuit of an asserted area standards objective. We adhere to the conclusion set forth in our previous memorandum, that, in the absence of evidence of picketing or conduct tantamount to picketing, the charge should be dismissed, absent withdrawal.

The facts are set forth in the previous memorandum. Subsequent to its issuance, Charging Party Interic Specialties, Inc. submitted further evidence that purportedly would contradict the Union's articulated area standards object and arguably establish a recognitional object instead. An Employer witness provided that a Union representative told him that the Union's argument that the Employer had failed to pay area standard wages was based on the fact that the Employer did not pay Union wages set forth in area collective bargaining agreements, rather than area prevailing wages established by other methods. The Employer contends that this is a misapprehension of the concept of area standards, and thus establishes that the Union harbors a recognitional object instead. Nevertheless, the Employer presented no further evidence that the Union engaged in picketing or other coercive activity.

While this evidence might arguably make out a recognitional object, there remains no evidence that the Union has engaged in any picketing, as set forth in Section 8(b)(7)(C). Thus, for the reasons set forth in our prior memorandum in this case, the Region should dismiss the charge, absent withdrawal.

B.J.K.