

provided the Union with the information and no further bargaining has been scheduled or held.

ACTION

We conclude, in agreement with the Region, that the charges should be dismissed, absent withdrawal.

An employer may withdraw recognition from a union if "it is able to show that the Union actually lost majority support, or that [it] had a reasonably grounded good-faith doubt, based on objective factors, concerning the Union's continued majority status.¹ However, "the mere filing of a decertification petition does not relieve the employer of its obligation with the union."²

In the instant case, it is clear, based on the wording of the decertification petition, that a majority of unit employees no longer desire to be represented by the Union and that the Union has, in fact, lost its majority status. Further, there is no evidence that the Employer committed any unfair labor practices which would undermine the Union's status. Although an employer's withdrawal of recognition must be based on objective evidence at the time of the withdrawal³ that the union no longer represents a majority of employees, and here the Employer did not have such objective evidence since it never saw the decertification petition, we agree with the Region that it would not effectuate the purposes of the Act to issue a bargaining order in circumstances where, as here, it is clear that the Union is no longer the majority representative.

Accordingly, the charges should be dismissed, absent withdrawal.

R.E.A.

¹ A.W. Schlesinger Geriatric Center, 304 NLRB 296, 300 (1991).

² W.A. Krueger Co., 299 NLRB 914, 916 (1990); A.W. Schlesinger Geriatric Center, 304 NLRB at 300.

³ See A.W. Schlesinger Geriatric Center, 300 NLRB at 300, where the Board noted that evidence obtained after the withdrawal of recognition is irrelevant to its determination as to whether the withdrawal was lawful.

