

**Hamilton Park Health Care Center, Inc. and National Union of Hospital and Health Care Employees, AFSME, AFL-CIO, Petitioner. Case 22-RC-10300**

May 21, 1990

**DECISION ON REVIEW AND ORDER**

**BY CHAIRMAN STEPHENS AND MEMBERS  
DEVANEY AND OVIATT**

The Board has delegated its authority in this proceeding to a three-member panel. The requests for review of the Regional Director's Decision and Direction of Election filed by the Employer and Intervenor, 1115 Nursing Home and Hospital Employees Union, a Division of 1115 Joint Board, are granted as they raise substantial issues warranting review.

After careful consideration, we find, contrary to the Regional Director, that the Board's recent decision in *Rollins Transportation System*, 296 NLRB 793 (1989), applies only to recognition bar cases. It

is well established that a valid contract executed prior to the filing of an election petition will bar the petition. *Appalachian Shale Products Co.*, 121 NLRB 1160 (1958). *Rollins*, in which a Board majority held that recognition would not serve as a bar to an election if it was entered into at a time when there was another union actively organizing the employees in question, by its very language is limited to and was intended to apply only to recognition bar situations, not to contract bar. Consequently, since in the instant case it is undisputed that the Employer and the Intervenor executed a valid collective-bargaining agreement covering the petitioned-for employees before the instant petition was filed, *Rollins* is not applicable.<sup>1</sup>

Accordingly, the Regional Director's Decision and Direction of Election is reversed and, as the existing collective-bargaining agreement bars an election, the petition is dismissed.

---

<sup>1</sup> Member Devaney, who did not participate in *Rollins*, agrees that this case involves contract bar and not recognition bar. He thus finds it unnecessary to pass on the validity of the *Rollins* rule in this case.