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Domsey Trading Corporation, Domsey Fiber Corporation and Domsey International Sales Corporation, a Single Employer and International Ladies' Garment Workers' Union, AFL-CIO and Local 99, International Ladies' Garment Workers' Union, AFL-CIO. Cases 29-CA-14548, 29-CA-14619, 29-CA-14681, 29-CA-14735, 29-CA-14845, 29-CA-14853, 29-CA-14896, 29-CA-14983, 29-CA-15012, 29-CA-15119, 29-CA-15124, 29-CA-15137, 29-CA-15147, 29-CA-15323, 29-CA-15324, 29-CA-15325, 29-CA-15332, 29-CA-15393, 29-CA-15413, 29-CA-15447, and 29-CA-15685

August 16, 2010

SECOND SUPPLEMENTAL DECISION AND ORDER

BY CHAIRMAN LIEBMAN AND MEMBERS SCHAUMBER AND BECKER

On September 25, 2008, the two sitting members of the Board issued a Second Supplemental Decision and Order in this proceeding, which is reported at 353 NLRB No. 12.¹ Thereafter, the General Counsel filed an application for enforcement in the United States Court of Appeals for the Second Circuit, and the Respondent filed a cross-petition for review. On June 17, 2010, the United States Supreme Court issued its decision in *New Process Steel, L.P. v. NLRB*, 130 S.Ct. 2635, holding that under Section 3(b) of the Act, in order to exercise the delegated authority of the Board, a delegee group of at least three members must be maintained. On June 30, 2010, the court of appeals denied the General Counsel's application for enforcement and dismissed the Respondent's cross-petition for review as premature.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.²

¹ Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the powers of the National Labor Relations Board in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Thereafter, pursuant to this delegation, the two sitting members issued decisions and orders in unfair labor practice and representation cases.

² Consistent with the Board's general practice in cases remanded from the courts of appeals, and for reasons of administrative economy,

The Board has considered Region 29's various motions for summary acceptance of its recalculations of backpay. Because there is no dispute regarding the recalculated backpay awards set out in the Third Amended Appendix F, we shall order the Respondent to pay those amounts, plus interest, to the 164 discriminatees listed in the decision reported at 353 NLRB No. 12, which is incorporated herein by reference.

The Board has also considered the judge's second supplemental decision and the record in light of the exceptions and briefs and has decided to affirm the judge's rulings, findings, and conclusions to the extent and for the reasons stated in the decision reported at 353 NLRB No. 12.

ORDER

The National Labor Relations Board orders that the Respondent, Domsey Trading Corporation, Domsey Fiber Corporation, and Domsey International Sales Corporation, a single employer, Brooklyn, New York, its officers, agents, successors, and assigns, shall satisfy its obligation to make whole the discriminatees at issue by paying them backpay as set out in the Order contained in the Board's decision reported at 353 NLRB No. 12.

IT IS FURTHER ORDERED that the Respondent place in escrow with the Regional Director for Region 29 of the National Labor Relations Board for a period of 1 year the amounts listed, for the designated discriminatees, in the Board's decision reported at 353 NLRB No. 12.

Dated, Washington, D.C. August 16, 2010

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| _____ Wilma B. Liebman, | _____ Chairman |
| _____ Peter C. Schaumber, | _____ Member |
| _____ Craig Becker, | _____ Member |

(SEAL) NATIONAL LABOR RELATIONS BOARD

the panel includes the members who participated in the original decision. Furthermore, under the Board's standard procedures applicable to all cases assigned to a panel, the Board Members not assigned to the panel had the opportunity to participate in the adjudication of this case at any time up to the issuance of this decision.