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AM Property Holding Corp., Maiden 80/90 NY LLC and Media Technology Centers, LLC, a single employer, a joint employer with Planned Building Services, Inc. and Local 32BJ, Service Employees International Union and United Workers of America (Party in Interest)

AM Property Holding Corp., Maiden 80/90 NY LLC, and Media Technology Centers, LLC, a single employer, a joint employer with Servco Industries, Inc. and Local 32BJ, Service Employees International Union. Cases 2–CA–33146–1, 2–CA–33308–1, 2–CA–33558–1, 2–CA–33864–1, and 2–CA–34018–1

August 27, 2010

DECISION AND ORDER

BY CHAIRMAN LIEBMAN AND MEMBERS SCHAUMBER
AND HAYES

On March 27, 2008, the two sitting members of the Board issued an Order Granting Motion For Reconsideration, which is reported at 352 NLRB 279, that reconsidered certain issues decided by the Board's Decision and Order, in this proceeding, which is reported at 350 NLRB 998 (2007).¹ Thereafter, the Charging Party filed a petition for review in the United States Court of Appeals for the Second Circuit. 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. Thereafter, the

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.

court of appeals remanded this case for further proceedings consistent with the Supreme Court's decision.

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

The Board has considered the Order Granting Motion for Reconsideration in light of the Motions for Reconsideration filed by the General Counsel and the Charging Party and has decided to affirm the findings and conclusions and to adopt the recommended Order to the extent and for the reasons stated in the decision reported at 352 NLRB 279, which is incorporated by reference.

Dated, Washington, D.C. August 27, 2010

Wilma B. Liebman, Chairman

Peter C. Schaumber, Member

Brian E. Hayes, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

² Consistent with the Board's general practice in cases remanded from the courts of appeals, and for reasons of administrative economy, 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. Member Becker is recused and did not participate in the consideration of this case.