

DATE: January 21, 2011

TO : Robert Chester, Regional Director
Region 6

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

SUBJECT: Zeus Construction Co., Inc.
Case 6-CA-37105

This case was submitted for advice on whether this construction industry employer entered into a Section 9(a) relationship with the Union by signing a series of collective-bargaining agreements that contained recognition language.

We agree with the Region that, regardless of whether the recognition language in the agreements established a Section 9(a) relationship between the parties, the charge should be dismissed, absent withdrawal, because the evidence revealed that the Employer has not employed any employees in the unit since July 2008.

B. J. K.