UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMPERSAND PUBLISHING
Employer

and Case 31-RD-1622

GERALD KEVIN FALL
Petitioner

and

GRAPHICS COMMUNICATIONS CONFERENCE/INTERNATIONAL BROTHERHOOD of TEAMSTERS
Union

ORDER

The Employer's Request for Review of the Regional Director's Order Postponing Hearing is denied as it raises no substantial issues warranting review. In denying review, we agree with the Regional Director's determination to postpone a hearing on the petition indefinitely in light of the numerous unfair labor practice charges pending against the Employer. Apart from the many egregious unfair labor practices found by the Board in *Santa Barbara News-Press,* 357 NLRB No. 51 (2011), there are pending before the Board exceptions to an administrative law judge's finding that the Employer violated Sections 8(a)(1), (3) and (5) by, among other things, engaging in bad-faith bargaining from the onset of face-to-face negotiations between the Employer and the Union. *Ampersand Publishing, LLC, d/b/a Santa Barbara News-Press*, 31-CA-28589, et al., JD(SF)-20-10, 2010 WL 3285398 (NLRB Div. of Judges) (May 28, 2010).

Further, this bad-faith bargaining violation, if found, is itself the type of violation which precludes a question concerning representation. See *Big Three Industries*, 201 NLRB 197 (1973); *Brannan Sand & Gravel*, 308 NLRB 922 (1992); *BOC Group*, 323 NLRB 1100 (1997); Board Casehandling Manual, Part II, Section 11730.3(b); see also, Section11733(a)(2). Accordingly, the Regional Director did not err in determining that further processing of the petition is not warranted at this time.

MARK GASTON PEARCE, CHAIRMAN

CRAIG BECKER, MEMBER

BRIAN E. HAYES MEMBER

Dated, Washington, D.C., November 9, 2011.