

**UNITED STATES GOVERNMENT  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 31**

TGC, LLC d/b/a GOLF CHANNEL

Employer

and

Case No. 31-RC-097352

INTERNATIONAL ALLIANCE OF THEATRICAL  
STAGE EMPLOYEES, MOVING PICTURE  
TECHNICIANS, ARTISTS AND ALLIED  
CRAFTS OF THE UNITED STATES, ITS  
TERRITORIES AND CANADA

Petitioner

**DECISION AND DIRECTION OF ELECTION**

**I. INTRODUCTION**

On January 30, 2013, International Alliance of Theatrical Stage Employees, Moving Picture Technicians Artists and Allied Crafts of the United States and Canada (Petitioner) filed petition 31-RC-097352 under Section 9(c) of the National Labor Relations Act (Act), seeking to represent a unit of technicians employed by TGC, LLC d/b/a Golf Channel (Employer) to perform work in connection with recorded or live golf tournament play.

A hearing was held on February 14, 2013, on the petition referenced above before a hearing officer of the National Labor Relations Board (Board). No issues were litigated

at hearing. The parties stipulated to commerce, labor organization status, appropriate unit and question concerning representation. No party raised any bar issues.

The Board has delegated its authority in this proceeding to me under Section 3(b) of the Act. Upon the entire record in this proceeding, I find:

**1. HEARING OFFICER'S RULINGS:** The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.

**2. JURISDICTION:** The parties stipulated, and I find, that the Employer is engaged in commerce within the meaning of Section 2(6) of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this case.<sup>1</sup>

**3. LABOR ORGANIZATION:** The parties stipulated, and I find, that the Petitioner is a labor organization within the meaning of Section 2(5) of the Act.

**4. QUESTION CONCERNING COMMERCE:** A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

**5. APPROPRIATE UNIT:** The parties stipulated, and I find, that the following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act (Unit):

Included:

All technicians employed by TGC, LLC d/b/a Golf Channel to perform work in connection with recorded or live golf tournament play, including,

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<sup>1</sup> The Employer is a Delaware limited liability company engaged in the operation of a cable television network, and has offices located at 7580 Golf Channel Drive, Orlando, Florida 32819. Within the past 12 months, a representative period, the Employer's gross revenues exceeded \$500,000 from its operations as described above, and during this same period of time, the Employer provided, sold and shipped goods and services valued in excess of \$5,000 directly to firms located outside the state of California.

e.g. “spotlight,” at remote locations including camera operators (for stationary, hand held and/or remotely operated camera), videotape operators, digital recording device operators, audio technicians, graphic operators, technical directors, audio assistants, video technicians, video technician assistants, utility technicians, and others in similar technical positions performing pre-production, production and post-production work in connection with the telecasting of live or recorded golf tournaments at remote locations.

Excluded:

All other employees, including employees employed on news studio shows (e.g., “Live From,” “Road Show,” and “Feherty”), managers, clericals, guards and supervisors as defined by the Act.

There are approximately 200 to 214 employees in the Unit stipulated and found to be appropriate.

**DIRECTION OF ELECTION**

The National Labor Relations Board will conduct a secret ballot election among the employees in the Unit found appropriate above. The employees will vote whether or not they wish to be represented for purposes of collective bargaining by International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its territories and Canada. The date, time, and place of the election will be specified in the Notice of Election that the Region will issue subsequent to this Decision.

### ***Voting Eligibility***

As stipulated by the parties, eligible to vote in this matter are those in the Unit found appropriate above who have worked and/or who have been offered work and have committed to work on at least one remote Golf Channel tournament and/or one remote Golf Channel production in conjunction with a remote tournament in the period from January 14, 2013 to June 30, 2013.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Those in military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or have been discharged for cause since January 14, 2013; (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date; and (3) employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.

### ***Employer to Submit List of Eligible Voters***

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have

access to a list of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969).

Accordingly, it is hereby directed that within 7 days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list, containing the *full* names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). This list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized (overall or by department, etc.). The Region shall, in turn, make the list available to all parties to the election.

To be timely filed, the list must be received in the NLRB Region 31 Regional Office, 11150 W. Olympic Boulevard, Suite 700, Los Angeles, California 90064-1824, on or before **March 4, 2013**. No extension of time to file this list will be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this list. Failure to comply with this requirement will be grounds for setting aside the election whenever proper objections are filed. The list may be submitted to the Regional office by E-filing through the Agency's website, **www.nlr.gov**,<sup>2</sup> by mail, by hand or courier delivery, or by facsimile transmission at (310) 235-7420. The burden of establishing the timely filing and receipt of this list will continue to be placed on the sending party. Since the list will be made available to all parties to the election,

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<sup>2</sup> To file the eligibility list electronically, go to [www.nlr.gov](http://www.nlr.gov) and select the **Cases & Decisions** tab. Then click on the **File Case Documents** link on the menu, and follow the detailed directions. Guidance for E-filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter and is also located on the Agency's website, [www.nlr.gov](http://www.nlr.gov).

please furnish a total of **three** copies, unless the list is submitted by facsimile or E-Filing through the Agency website, in which case no copies need be submitted. You may not submit the list to the Region by email. If you have any questions, please contact the Regional Office.

### ***Notice of Posting Obligations***

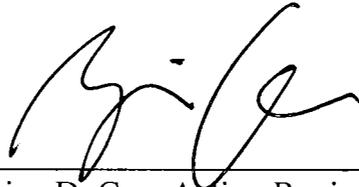
According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to Election provided by the Board in areas conspicuous to potential voters for a minimum of three (3) working days prior to 12:01 a.m. of the day of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least five (5) full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

### **RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by 5 p.m., EDT on

**March 11, 2013.** The request may be filed electronically through the Agency's web site, [www.nlr.gov](http://www.nlr.gov),<sup>3</sup> but may not be filed by facsimile.

**DATED** at Los Angeles, California this 25<sup>th</sup> day of February, 2013.



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Brian D. Gee, Acting Regional Director  
National Labor Relations Board  
Region 31

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<sup>3</sup> To file the request for review electronically, go to [www.nlr.gov](http://www.nlr.gov) and select the **Cases & Decisions** tab. Then click on the **File Case Documents** link on the menu, and follow the detailed directions. Guidance for E-filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter and is also located on the Agency's website, [www.nlr.gov](http://www.nlr.gov).