

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NTN-BOWER CORPORATION  
Employer

and

Case 10-RD-090682

GINGER ESTES  
Petitioner

and

INTERNATIONAL UNION, UNITED  
AUTOMOTIVE AEROSPACE AND  
AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA (UAW),  
AFL-CIO  
Union

ORDER

The Employer's Request for Review of the Regional Director's administrative dismissal of the instant petition raises no substantial issues warranting reversal of the Regional Director's action. Accordingly, dismissal of the petition is affirmed.<sup>1</sup>

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<sup>1</sup> The May 15, 2012 Mediated Settlement Agreement entered into by the Employer, the Union, and the Acting General Counsel, and later approved by the United States Court of Appeals for the District of Columbia Circuit, requires the Employer, among other things, to "recognize the Union as the exclusive collective-bargaining representative of the bargaining unit employees at its Hamilton, Alabama plant . . ." Because that requirement subsumes a duty to bargain with the Union as the unit employees' representative, the relevant inquiry here is whether a reasonable period of time for post-settlement bargaining had elapsed when the instant decertification petition was filed. See, e.g., *Freedom WLNE-TV, Inc.*, 295 NLRB 634, 634 (1989); *Poole Foundry & Machine Co.*, 95 NLRB 34, 35-37 (1951), *enfd.* 192 F.2d 740 (4th Cir. 1951), *cert. denied* 342 U.S. 954 (1952); see also Mediated Settlement Agreement, ¶ 11 & Exhibit C (requiring notice to be posted by the Employer, as "modified . . . to be consistent with [the] agreement" and incorporated into the agreement, stating that the Employer will "recognize and, on request, bargain with the Union"). Under the circumstances, we find that it had not.

Prior to the settlement agreement, there was a 17-month period during which the Employer refused to recognize the Union. The settlement agreement reestablished this fractured relationship and required the Employer to recognize and bargain with the Union. It also required the Employer to abide by the terms of the parties' collective-bargaining agreement, then to expire in about 7 months. About 3 months before the contract expired, the Union requested bargaining for a successor agreement and requested information in connection with the bargaining request. The day before the Union's bargaining and information request, the instant

MARK GASTON PEARCE,	CHAIRMAN
RICHARD F. GRIFFIN, JR.,	MEMBER
SHARON BLOCK,	MEMBER

Dated, Washington, D.C., March 26, 2013.

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decertification petition was filed. In these circumstances, we agree with the Regional Director that a reasonable period for bargaining had not elapsed before the filing of the petition and that dismissal of the petition was therefore appropriate.

In addition, we note that at the time the decertification petition was filed, the process to which the Employer had agreed in the settlement agreement to make employees financially whole for the losses they suffered remained incomplete and the agreement had not yet been given full effect.