

Movielab Video, Inc. and National Association of Broadcast Employees and Technicians, AFL-CIO, Petitioner. Case 2-RC-19693

18 September 1984

DECISION AND CERTIFICATION OF REPRESENTATIVE

BY MEMBERS ZIMMERMAN, HUNTER, AND DENNIS

The National Labor Relations Board, by a three-member panel, has considered objections to an election held 1 March 1984 and the Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows nine for and eight against the Petitioner, with no challenged ballots.

The Board has reviewed the record in light of the exceptions and brief, has adopted the Regional Director's findings and recommendation, as modified,¹ and finds that a certification of representative should be issued.²

¹ In adopting the Regional Director's recommendation that the Employer's objection be overruled, we find, contrary to the Regional Director, that the Petitioner's allegedly objectionable promise to waive initiation fees is not ambiguous. By including the parenthetical phrase "(all of you)" in the statement in question, and by sending the letter to all employees and not just those who had evidenced support for the Union, the Petitioner made it clear that initiation fees were waived for all employees in the unit, not just those who join before the election. The Petitioner's statement thus meets the requirements established by the Supreme

Court in *Savair Mfg Co*, 414 U.S. 270 (1973). That the waiver was open to all unit employees both before and after the election is reinforced by the further statement in the letter that "By joining NABET as a result of this election you will get in for free."

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for National Association of Broadcast Employees and Technicians, AFL-CIO and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time editors, assistant editors, dubbers, maintenance engineers, colorists, assistant colorists, and shipping and receiving clerks employed by Movielab Video, Inc. at its video tape post production facility located at 619 West 54th St., New York, New York, excluding all office clerical employees, librarians, schedulers, receptionists, custodian/reporters, guards, all other employees, and supervisors as defined in the Act.

² Although the Regional Director recommended that the Employer's objection be overruled, he inadvertently recommended the issuance of a certification of results of election rather than a certification of representative.