

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NCR CORPORATION
Employer

and

07-RC-167851

LOCAL 58, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS (IBEW), AFL-CIO
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied, as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

Dated, Washington, D.C., April 6, 2016.

¹ We reject the Employer's contention that it was "extraordinarily prejudiced" by the hearing officer's decision not to allow the Employer to present testimony supporting its argument in favor of a manual-ballot election. In addition to the reasons stated in the Regional Director's Decision and Direction of Election at 1 fn. 3, we rely on the Board's Rules and Regulations Sec. 102.66(g)(1) (hearing officer is to solicit the parties' positions regarding the type of election "but shall not permit litigation of those issues"). In light of that unambiguous rule and established Board practice, the Employer has failed to demonstrate that it could reasonably have relied on a purported statement to the contrary. Further, the Employer was permitted to submit documentary evidence and to speak at length on the issue, and it has not identified any other evidence that might have persuaded the Regional Director to direct a manual election in this case.

Member Miscimarra agrees that the hearing officer properly refused to allow the Employer to present testimony supporting its argument in favor of a manual-ballot election, and that the Employer was not prejudiced thereby, for the reasons stated by the Regional Director in her Decision and Direction of Election. He does not rely on Sec. 102.66(g)(1) of the Board's Rules and Regulations.