

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

LATINO EXPRESS BUS CO.  
Employer

and

Case 13-RD-079228

RAMIRO LOPEZ  
Petitioner

and

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 777  
Union

ORDER

Petitioner's Request for Review of the Decision to Dismiss the petition is denied as it raises no substantial issues warranting review. In denying review, we agree with the Regional Director that the certification year was effectively extended by the remedy in *Latino Express, Inc.*, 360 NLRB 911, 927 n.21 (2014). The petition, which was filed during the extended certification year, therefore was barred and was appropriately dismissed by the Regional Director on that basis. We do not rely on the Regional Director's discussion of the petition being filed at a time when the Employer was engaged in bad faith bargaining.

PHILIP A. MISCIMARRA, CHAIRMAN

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., May 17, 2017.

MEMBER PEARCE, concurring:

Although I agree with my colleagues that the Regional Director properly dismissed the decertification petition, I would find that the remedy in *Latino Express, Inc.*, above, actually extended the certification year through its affirmative bargaining order. See *Big Three Industries, Inc.*, 201 NLRB 197, 197 (1973) (Union's representative status is not "vulnerable during compliance with an affirmative bargaining order").

MARK GASTON PEARCE, MEMBER