

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

BILFINGER INDUSTRIAL SERVICES, INC.
Employer

and

Case 14-UD-194983

SCOTT ANTHONY CRADER
Petitioner

and

CRAFTSMAN INDEPENDENT UNION
Union

ORDER

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

MARK GASTON PEARCE, MEMBER

LAUREN McFERRAN, MEMBER

MARVIN E. KAPLAN, MEMBER

Dated, Washington, D.C., April 26, 2018.

¹ We agree with the Regional Director (and the Hearing Officer) that Objection 1 should be overruled, as the Union has not met its heavy burden to show that the two letters, disseminated to the voting unit, had the tendency to interfere with the employees' freedom of choice. We therefore find it unnecessary to pass on the question whether the Employer was afforded sufficient notice of the Union's theory underlying Objection 1.

Member Kaplan would also find, in agreement with the Regional Director (and the Hearing Officer), that the arguments the Union has advanced based on Objection 1 did not afford the Employer procedural due process. Nothing in Objection 1 or the Joint Motion and Stipulation of Facts gave the Employer notice that the Union would press a claim that the two letters described in Objection 1 were objectionable when read in the context of "inherently threatening" provisions contained in the parties' collective-bargaining agreement. Further, nothing in the wording of Objection 1, the letters, or the Stipulation links the contract provisions the Union now cites (or the negotiations that gave rise to them) to Objection 1 specifically.

Member Emanuel took no part in the consideration of this case.