



National Labor Relations Board

Weekly Summary of NLRB Cases

Division of Information

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CASES SUMMARIZED

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Sara Lee d/b/a International Baking Co. and Earthgrain (21-CA-36154, et al.; 348 NLRB No. 76) Vernon, CA Nov. 22, 2006. The Board affirmed the administrative law judge's findings that the Respondent violated Section 8(a)(1) of the Act by interrogating employees, creating an impression of surveillance, threatening employees with reprisals for union activity, and threatening the outsourcing of work because of Teamsters Local 63. [\[HTML\]](#) [\[PDF\]](#)

The Board agreed with the Respondent that the General Counsel's failure to amend the complaint to include the violations allegedly committed by Logistics Manager Jesse Medina precludes consideration of them. It found, contrary to the judge, that Supervisor Sara Dominguez did not impliedly threaten an employee that supporting the Union would harm the employee's pay and seniority, that Supervisor Manuel Artega did not unlawfully equate voting for the Union with disloyalty to the Respondent, and that Human Resources Director Irma Elioff did not impliedly promise to continue a flexible discipline policy if employees rejected the Union, or impliedly threaten employees with a strict discipline policy if they selected the Union.

Chairman Battista and Member Schaumber, with Member Liebman concurring in part and dissenting in part, adopted the judge's finding that the Respondent did not violate Section 8(a)(3) by warning and suspending employee Felipe Serrano for engaging in union activity, or violate Section 8(a)(1), (3), or (4) by suspending or discharging Maria Zarco.

Member Liebman would find that the Respondent violated Section 8(a)(1) by threatening to follow a more rigid disciplinary procedure if employees acquired union representation and unlawfully discharged Zarco. She noted that the majority, like the judge, accepted the Respondent's contention that Zarco was terminated for falsifying her immigration documentation. While the Immigration Reform and Control Act of 1986 (IRCA) required the Respondent to take corrective action, it did not dictate that Zarco be discharged only a few days after she was placed on unpaid suspension, Member Liebman explained. Because the Respondent failed to show that Zarco would have been treated in the same manner if she had not been a union supporter, Member Liebman would find that her discharge violated Section 8(a)(3).

In the absence of exceptions, the Board approved the judge's dismissal of allegations that the Respondent violated Section 8(a)(1) by: threatening employees Martin Sanchez and Ruben Luna; threatening the likelihood of future union-called strikes and concomitant job loss if employees selected the Union; threatening the outsourcing of product delivery if employees selected the Union; and interrogating employee Sanchez. It also approved the judge's dismissal of the allegation that the Respondent violated Section 8(a)(3) by discharging employee Guadalupe Artega.

(Chairman Battista and Members Liebman and Schaumber participated.)

Charges filed by Teamsters Local 63, Bakery Workers Local 37, and Martin Sanchez, an Individual; complaint alleged violation of Section 8(a)(1), (3), and (5). Hearing at Los Angeles, April 4-7 and May 23, 2005. Adm. Law Judge Lana H. Parke issued her decision July 29, 2005.

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

United States Postal Service (Letter Carriers Branch 504) Albuquerque, NM Nov. 20, 2006.
28-CA-20249(P); JD(SF)-60-06, Judge Lana H. Parke.

Regency House of Wallingford, Inc. (Chemical Workers/UFCW Local 560C) Wallingford, CT
Nov. 21, 2006. 34-CA-9895, et al.; JD(SF)-61-06, Judge John J. McCarrick.

Foothill Sierra Pest Control, Inc. (Teamsters Local 439) Sonora, CA Nov. 22, 2006.
32-CA-22419; JD(SF)-62-06, Judge Lana H. Parke.

**LIST OF UNPUBLISHED BOARD DECISIONS AND ORDERS
IN REPRESENTATION CASES**

*(In the following cases, the Board adopted Reports of
Regional Directors or Hearing Officers in the absence of exceptions)*

DECISION AND CERTIFICATION OF REPRESENTATIVE

Sectek, Inc., Washington, DC, 5-RC-16019, Nov. 20, 2006 (Chairman Battista and
Members Liebman and Walsh)
Regal Materials, Inc. d/b/a Regal Ready-Mix, Las Vegas, NV, 28-RC-6462, Nov. 21, 2006
(Chairman Battista and Members Liebman and Walsh)

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

EPI Breads, Inc., Dallas, TX, 16-RC-10702, Nov. 21, 2006 (Chairman Battista and
Members Liebman and Walsh)
Omaha Standard Truck Equipment Co., Council Bluffs, IA, 17-RD-1742, Nov. 21, 2006
(Chairman Battista and Members Liebman and Walsh)

**DECISION AND DIRECTION [that Regional Director
open and count ballots]**

Aitkin Iron Works, Inc., Aitkin, MN, 18-RD-2583, Nov. 22, 2006 (Chairman Battista and
Members Liebman and Walsh)

*(In the following cases, the Board denied requests for review
of Decisions and Directions of Elections (D&DE) and
Decisions and Orders (D&O) of Regional Directors)*

*Blosource Standard Truck Equipment Co., Xenia, OH, 9-RC-18101, Nov. 21, 2006
(Chairman Battista and Members Liebman and Walsh)*

Miscellaneous Board Orders

**ORDER [approving Plumbers and Steamfitters Local 486
withdrawal of representation petition with 6 months prejudice]**

Fidelity Engineering Corp., Sparks, MD, 5-RC-15864, Nov. 20, 2006
