

National Labor Relations Board

Weekly Summary of NLRB Cases



Division of Information

Washington, D.C. 20570

Tel. (202) 273-1991

December 26, 2008

W-3188

CASES SUMMARIZED
VISIT WWW.NLRB.GOV FOR FULL TEXT

Camaco Lorain Mfg. Plant	Lorain, OH	1
Professional Janitorial Services of Houston, Inc.	Houston, TX	1

OTHER CONTENTS

List of Decisions of Administrative Law Judges	1
Non-Compliance with Settlement Agreement Case	2
List of Unpublished Decisions and Orders in Representation Cases	2
<ul style="list-style-type: none"> • Contested Reports of Regional Directors and Hearing Officers • Requests for Review of Regional Directors' Decisions and Directions of Elections and Decisions and Orders • Miscellaneous Board Decisions and Orders 	

The Weekly Summary of NLRB Cases is prepared by the NLRB Division of Information and is available on a paid subscription basis. It is in no way intended to substitute for the professional services of legal counsel, or for the authoritative judgments of the Board. The case summaries constitute no part of the opinions of the Board. The Division of Information has prepared them for the convenience of subscribers.

If you desire the full text of decisions summarized in the Weekly Summary, you can access them on the NLRB's Web site (www.nlr.gov). Persons who do not have an Internet connection can request a limited number of copies of decisions by writing the Information Division, 1099 14th Street, NW, Suite 9400, Washington, DC 20570 or fax your request to 202/273-1789. As of August 1, 2003, Administrative Law Judge decisions are on the Web site.

All inquiries regarding subscriptions to this publication should be directed to the Superintendent of Documents, U. S. Government Printing Office, Washington, DC 20402, 202/512-1800. Use stock number 731-002-0000-2 when ordering from GPO. Orders should not be sent to the NLRB.

Camaco Lorain Mfg. Plant (8-CA-36785; 353 NLRB No. 64) Lorain, OH Dec. 18, 2008. The Board remanded the administrative law judge's bench decision for reexamination of the record evidence, and ordered the judge to provide a written decision containing further findings and analysis. In remanding the case, the Board expressed no opinion as to the correctness of the judge's original disposition of the merits of the contested complaint allegations. [\[HTML\]](#) [\[PDF\]](#)

(Chairman Schaumber and Member Liebman participated.)

Charge filed by Auto Workers [UAW], Region 2B; complaint alleged violations of Sections 8(a)(1) and (3). Hearing at Cleveland, March 13-14, 2007. Adm. Law Judge Keltner W. Locke issued his decision May 2, 2007.

Professional Janitorial Services of Houston, Inc. (16-CA-25491, 25780; 353 NLRB No. 65) Houston, TX Dec. 17, 2008. The issue in this case is whether the Respondent, alleged to be a *Burns* successor employer, violated Section 8(a)(5) of the Act by failing to recognize and bargain with the Union. The Board agreed with the administrative law judge's conclusion that the Respondent is a successor employer, based on finding that the Union had majority status in an appropriate unit and that there was "substantial continuity" of operations between the Respondent and its predecessors. As such, the Board adopted the judge's finding that the Respondent violated Section 8(a)(5) when it failed to recognize and bargain with the Union. [\[HTML\]](#) [\[PDF\]](#)

(Chairman Schaumber and Member Liebman participated.)

Charges filed by Service Employees Local 5; complaint alleged violation of Section 8(a)(5). Hearing at Houston, April 30 and May 1, 2008. Adm. Law Judge Joel P. Biblowitz issued his decision Aug. 1, 2008.

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

Essex Valley Visiting Nurses Association/New Community Corp. as a *Single Employer* (Health Professionals and Allied Employees Local 5122) Newark, NJ Dec. 17, 2008. 22-CA-28315; JD-65-08, Judge Michael A. Rosas.

SPE Utility Contractors, LLC (an Individual) Port Huron, MI Dec. 17, 2008. 7-CA-50767; JD-64-08, Judge Ira Sandron.

Teamsters Local 886 (United Parcel Services) (an Individual) Oklahoma City, OK Dec. 18, 2008. 17-CB-6356; JD(SF)-52-08, Judge James M. Kennedy.

Camelot Terrace, Inc. (Service Employees Local 4) Streator, IL Dec. 18, 2008. 13-CA-43936, 44044; JD(ATL)-42-08, Judge Lawrence W. Cullen.

Electrical Workers Local 34 (an Individual) Chicago, IL Dec. 19, 2008. 13-CB-18961, 18962; JD(SF)-51-08, Judge William G. Kocol.

Starbucks Corp. d/b/a Starbucks Coffee Co. (Industrial Workers Local 660) New York, NY Dec. 19, 2008. 2-CA-37548, et al.; JD(NY)-46-08, Judge Mindy E. Landow.

NON-COMPLIANCE WITH SETTLEMENT AGREEMENT

(In the following cases, the Board granted the General Counsel's motion for summary judgment based on the Respondent's non-compliance with a settlement agreement.)

BSC Development Buf, LLC and Connex Construction, LLC (LIUNA, Laborers Local 210) (3-CA-26442, et al.; 353 NLRB No. 63) Buffalo, NY Dec. 17, 2008. [\[HTML\]](#) [\[PDF\]](#)

LIST OF UNPUBLISHED BOARD DECISIONS AND ORDERS IN REPRESENTATION CASES

(In the following cases, the Board considered exceptions to Reports of Regional Directors or Hearing Officers)

DECISION AND CERTIFICATION OF REPRESENTATIVE

Fisher Nut Co., Modesto, CA, 32-RC-5563, Dec. 18, 2008 (Chairman Schaumber and Member Liebman)

Krave Entertainment, LLC, Las Vegas, NV, 28-RC-6600, Dec. 19, 2008 (Chairman Schaumber and Member Liebman)

H.D. Construction Supply LTD. d/b/a White Cap Construction Supply, San Francisco, CA, 20-RC-18177, Dec. 19, 2008 (Chairman Schaumber and Member Liebman)

(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)

Contemporary Cars, Inc., d/b/a Mercedes-Benz of Orlando, Maitland, FL, 12-RC-9344, Dec. 15, 2008 (Chairman Schaumber and Member Liebman)

Orange County Electrical Training Trust, Santa Ana, CA, 21-RC-21087, Dec. 16, 2008 (Chairman Schaumber and Member Liebman)

Noble Environmental Power, LLC, Essex, CT, 3-RC-11856, Dec. 18, 2008
(Chairman Schaumber and Member Liebman)

Miscellaneous Board Decisions and Orders

**ORDER RESCINDING [Board's Decision and Certification
of Results of Election dated Nov. 20, 2008]**

Harding and Hill, Inc. d/b/a Harding's Friendly Market, Plainwell, MI, 7-RC-23206,
Dec. 19, 2008
