

National Labor Relations Board

Weekly Summary

of

NLRB Cases



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CASES SUMMARIZED
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PPG Aerospace Industries, Inc. (10-CA-36530 et al.; 355 NLRB No. 18) Huntsville, AL, Mar. 4, 2010. The Board adopted the administrative law judge's findings that the Respondent violated Section 8(a)(1) of the Act by more closely scrutinizing and monitoring the movements and conversations of employees because of their support of the United Automobile, Aerospace & Agricultural Implement Workers of America (Union). While finding that certain conduct by the Respondent established this violation, the Board found that the Respondent's alleged stopping of prounion employees' conversations while allowing antiunion employees' conversations was not shown. The Board also adopted the judge's findings that the Respondent violated Section 8(a)(1) by threatening loss of benefits because its employees supported the United Automobile, Aerospace & Agricultural Implement Workers of America (Union), informing employees that it would be futile to select the Union because the Union would never get a contract, threatening employees with the inevitability of a strike if the employees selected the Union, and threatening employees with replacement if they supported a strike. Contrary to the judge, the Board declined to set aside the election, which the Union lost by a vote of 212 to 244, because the violations affected only 5 employees in a unit of approximately 474 employees, none of the violations involved employee discharges or discipline but only 8(a)(1) statements or conduct, three of the five violations occurred weeks before the election, and the Union lost the election by a margin of 32 votes. [\[HTML\]](#) [\[PDF\]](#)

In an earlier decision in the case, *PPG Aerospace Industries, Inc.*, 353 NLRB No. 23 (2008), the Board remanded the case to the judge to explain his crediting of witness Mayes over witness Cooper regarding two alleged Section 8(a)(1) violations. In a supplemental decision issued Dec. 12, 2008, the judge bolstered his credibility determinations. In the present decision, the Board adopted the judge's credibility findings.

(Chairman Liebman and Member Schaumber participated.)

Adm. Law Judge Lawrence W. Cullen issued his initial decision Oct. 19, 2007, and his supplemental decision Dec. 12, 2008.

Universal Laundries & Linen Supply (28-CA-22133, et al.; 355 NLRB No. 17) Las Vegas, NV, Mar. 2, 2010. The Board adopted the administrative law judge's finding that the Respondent violated Section 8(a)(1) of the Act by, interrogating its employees regarding their union sympathies and activities and the union sympathies and activities of their fellow employees; threatening its employees with discharge and/or deportation in order to discourage them from engaging in activities supporting union organization; threatening employees with unspecified reprisals in order to discourage them from engaging in support for union organization; and threatening its employees that selecting a union to represent them would be futile. The Board adopted the judge's finding that the Respondent violated Section 8(a)(3), by discharging employee America Vazquez because it suspected that she was participating in union activities, and by selecting for layoff and laying off employees Maria Guadalupe Rojas and Martha Castillo because it suspected that they supported the union organizing. [\[HTML\]](#) [\[PDF\]](#)

(Chairman Liebman and Member Schaumber participated.)

Charges filed by individuals (America Ortiz Vazquez, Maria Guadalupe Rojas, and Martha Castillo); complaint alleged violations of Section 8(a)(3). Hearing at Las Vegas, May 5-6, 2009. Adm. Law Judge Burton Litvack issued his decision Sept. 28, 2009.

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

*(In the following case, the Board adopted the Report
of the Regional Director in the absence of exceptions)*

DECISION AND CERTIFICATION OF REPRESENTATIVE

Rural Metro San Diego, Inc., San Diego, CA, 21-RC-21170, Mar. 3, 2010.

*(In the following case, the Board considered the request for review
of the Decision and Direction of Election (D&DE) and
Decision and Order of the (D&O) of the Regional Director)*

**ORDER [remanding proceedings to
Regional Director for further findings]**

Appollo Systems, Inc., Maple Grove, MN, 18-UC-00423, Mar. 3, 2010
(Chairman Liebman and Member Schaumber participated.)

Miscellaneous Board Decision and Order

ORDER [denying motion]

Grocery Haulers, Inc., Avenel, NJ, 3-RC-11944, Mar. 4, 2010.

TEST OF CERTIFICATION

(In the following case, the Board granted the General Counsel's motion for summary judgment on the grounds that the Respondent has not raised any representation issues that are litigable in this unfair labor practice proceeding.)

New Country Audi, Inc. (Machinist District Lodge 26) (34-CA-12563; 355 NLRB No. 16) Greenwich, CT, Mar. 2, 2010. [\[HTML\]](#) [\[PDF\]](#)

DECISIONS OF ADMINISTRATIVE LAW JUDGES

American Firestop Solutions, Inc. (Allied Workers Local 74) Waukegan, IA, Mar. 1, 2010, 18-CA-19133; JD-14-10, Judge Michael A. Rosas.

Ardsley Bus Corp. Inc. a/k/a Gene's Bus Co. (Transport Workers New York Local 100) Ardsley, NY, Mar. 2, 2010, 2-CA-38713, et al.; JD(NY)-6-10, Judge Raymond P. Green.

Ferguson Enterprises, Inc. (an Individual) Detroit, MI, Mar. 3, 2010, 7-CA-52306; JD-12-10, Judge Mark Carissimi.

Raymond Interior Systems (Operative Plasterers and Cement Workers Local 200) Orange, CA, Mar. 5, 2010, 21-CA-38492, 38589, 21-CB-14576; JD(SF)-8-10, Judge John J. McCarrick.
