



National Labor Relations Board

Weekly Summary

of NLRB Cases

Office of Public Affairs

Washington, DC 20570

Tel. (202) 273-1991

May 18, 2010

W-3260

CASES SUMMARIZED
VISIT WWW.NLRB.GOV FOR FULL TEXT

Executive Management Services, Inc.	Indianapolis, IN	2
Pabst Theater Foundation, Inc.	Milwaukee, WI	2

CONTENTS

Test of Certification Case	2
No Answer to Complaint Case	3
Unpublished Board Decision in a Representation Case	3
• Uncontested Report of Hearing Officer	
Decisions of Administrative Law Judges	3

***The Weekly Summary of NLRB Cases* is a digest of decisions issued by the Board the previous week with a short description of the nature and facts of the case and a link to the decision. Also listed are case names and links to decisions by NLRB Administrative Law Judges (ALJs). Descriptions contained in the *Weekly* are for informational purposes only and are not intended to substitute for the opinions of the Board.**

Any inquiries regarding this feature should be directed to the Office of Public Affairs at Publicinfo@nlrb.gov or 202-273-1991.

May 11, 2010: *Executive Management Services, Inc.* (25-CA-30221, et al., 355 NLRB No. 33) Indianapolis, IN. [\[HTML\]](#) [\[PDF\]](#)

The Board found that the employer, a cleaning contractor, did not violate the Act by refusing to reinstate certain strikers upon their unconditional offer to return to work. In reaching that conclusion, the Board adopted the Administrative Law Judge's (ALJ's) findings that the strike was not an unfair labor practice strike, and that the employer was entitled not to reinstate the strikers because they engaged in unlawful recognition picketing. Although the Board reached the same conclusion as the ALJ and dismissed the complaint, it did not rely on all of the ALJ's rationale. In dismissing the complaint, the ALJ found that the only two employer unfair labor practices that were found to have occurred (an interrogation occurring 8 months before the strike and a threat of unspecified reprisal during the strike) did not motivate the employees to strike or to remain on strike. The Board agreed with the ALJ's conclusion that no causal connection was established between any unfair labor practices and the employees' decision to strike.

Administrative Law Judge Arthur J. Amchan issued his decision June 23, 2009. The charges were filed by Service Employees International Union Locals 1 and 3. Chairman Liebman and Members Schaumber and Pearce participated.

May 13, 2010: *Pabst Theater Foundation, Inc.* (30-CA-18389, 355 NLRB No. 32) Milwaukee, WI. [\[HTML\]](#) [\[PDF\]](#)

The Board granted the General Counsel's "renewed" motion for default judgment, after previously denying a motion for default judgment in this case because the complaint failed to include the critical allegation that the union was the representative of the employees. See 354 NLRB No. 121 (2009). After the denial of the first motion, the General Counsel amended the complaint to correct this defect and filed the renewed motion. In granting the renewed motion, the Board found that the Respondent violated the Act when it delayed in executing a collective-bargaining agreement reached with the union. The charge was filed by International Alliance of Theatrical Stage Employees, Local 18. Chairman Liebman and Members Schaumber and Becker participated.

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 issue that is litigable in this unfair labor practice proceeding.)

May 7, 2010: *Fred Meyer Stores, Inc.* (19-CA-32311, 355 NLRB No. 30) Tacoma, WA. Charge filed by United Food and Commercial Workers, Local 367. Chairman Liebman and Members Schaumber and Becker participated. [\[HTML\]](#) [\[PDF\]](#)

NO ANSWER TO COMPLAINT

(In the following case, the Board granted the General Counsel's motion for summary judgment based on the Respondent's failure to file an answer to the complaint.)

May 11, 2010: *Rogan Brothers Sanitation, Inc.* (2-CA-39528, 355 NLRB No. 31) Yonkers, NY. Charge filed by International Brotherhood of Teamsters, Local 813. Chairman Liebman and Members Schaumber and Becker participated. [\[HTML\]](#) [\[PDF\]](#)

**UNPUBLISHED BOARD DECISION
IN A REPRESENTATION CASE**

(In the following case, the Board adopted Report of Hearing Officer in the absence of exceptions)

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

Sears, Roebuck and Company, Fort Worth, TX, 16-RC-10916, May 12, 2010
(Chairman Liebman and Members Schaumber and Pearce participated).

DECISIONS OF ADMINISTRATIVE LAW JUDGES

May 7, 2010: *One Stop Kosher Supermarket, Inc.* (29-CA-29865, JD-29-10) Brooklyn, NY. Charge filed by Retail, Wholesale and Department Store Union, United Food and Commercial Workers, Local 338, Administrative Law Judge Jeffrey D. Wedekind. [\[HTML\]](#) [\[PDF\]](#)

May 10, 2010: *NTN Bower Corporation* (10-CA-37271, et al., JD(ATL)-06-10) Hamilton, AL. Charges filed by International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, Administrative Law Judge John H. West. [\[HTML\]](#) [\[PDF\]](#)

May 11, 2010: *Mays Printing Company, Inc.* (7-CA-52247, JD-30-10) Detroit, MI. Charge filed by Local 2/289-M, Graphic Communications Conference, District Council 3, International Brotherhood of Teamsters, Administrative Law Judge Arthur J. Amchan. [\[HTML\]](#) [\[PDF\]](#)

May 14, 2010: *Dira Realty, LLC/CMP Improvements, Inc.* (29-CA-29585, 29722, JD(NY)-16-10) Brooklyn, NY. Charges filed by Local 1031, United Service Workers, IUJAT, Administrative Law Judge Raymond P. Green. [\[HTML\]](#) [\[PDF\]](#)
