

Park Chevrolet-Geo, Inc and International Association of Machinists & Aerospace Workers, AFL-CIO, District 190, Local 1414, Petitioner.
Case 20-RC-16750

September 24, 1992

DECISION AND CERTIFICATION OF REPRESENTATIVE

BY MEMBERS DEVANEY, OVIATT, AND RAUDABAUGH

The National Labor Relations Board, by a three-member panel, has considered objections to an election held on May 22, 1992, and the Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots showed 6 for and 1 against the Petitioner.

The Board has reviewed the record in light of the exceptions and brief, has adopted the Regional Director's findings and recommendations,¹ and finds that a certification of representative should be issued.

¹The Employer did not come forward with evidence that established a prima facie case in support of its objections. The burden

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for International Association of Machinists & Aerospace Workers, AFL-CIO, District 190, Local 1414, and that it is the exclusive collective-bargaining representative of the employees in the following unit:

All full-time and regular part-time technicians and service advisors employed by the Employer at its Redwood City location; excluding lubemen, detail men, office clerical employees, guards and supervisors as defined in the Act.

_____ is on the objecting party to present evidence that raises substantial and material factual issues. In the absence of such evidence, we cannot conclude that the Regional Director's decision to deny a hearing was unreasonable. See Sec. 102.69, Board's Rules and Regulations. The Employer's contention that the Regional Director erred in denying its request for subpoenas to compel testimony to satisfy its prima facie evidentiary burden has no merit. A party's right to subpoena attaches only after the Board determines that there exist substantial and material factual issues that warrant a hearing. See Sec. 11, National Labor Relations Act, 29 U.S.C. § 151 et seq.; Secs. 102.69 and 102.66, Board's Rules and Regulations.