

Albany Steel, Inc. and Shopmen's Local Union No. 534 of the Bridge, Structural and Ornamental Iron Workers. Case 3-CA-16327

September 12, 1994

SUPPLEMENTAL DECISION AND
DIRECTION OF ELECTION

BY CHAIRMAN GOULD AND MEMBERS STEPHENS
AND DEVANEY

On November 9, 1992, the National Labor Relations Board issued an original Decision and Order in this proceeding. *Albany Steel*, 309 NLRB 442. Subsequently, the Board filed a petition for enforcement of its Order with the United States Court of Appeals for the Second Circuit and the Respondent filed a cross-petition for review. On February 24, 1994, the court issued a decision which affirmed the Board's finding that the Respondent violated Section 8(a)(5) of the Act

by withdrawing recognition from the Union on April 1, 1991, without sufficient objective grounds for a good-faith doubt of the Union's majority status. The court, however, stated that "where, as here, the employer has come forth with objective evidence that there is a lack of union support on the part of a substantial number of employees, an election is warranted." Accordingly, the court conditioned enforcement of the Board's bargaining order on the Union's winning a Board election to be held within 90 days of the court's decision. *NLRB v. Albany Steel*, 17 F.3d 564.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Having accepted the court's remand, we regard its opinion as the law of the case. Pursuant to the court's instructions, we shall direct an election.

[Direction of Election omitted from publication.]