

Renco Electronics, Inc. and Local 888, United Food and Commercial Workers Union, AFL-CIO, CLC, Petitioner. Case 29-RC-8705

July 28, 1998

SUPPLEMENTAL DECISION AND ORDER
REMANDING

BY CHAIRMAN GOULD AND MEMBERS FOX AND
LIEBMAN

The National Labor Relations Board, by a three-member panel, has considered objections to a second election held on June 27, 1997, and the Regional Director's supplemental report recommending disposition of them. The election was conducted pursuant to a Decision and Direction of Second Election issued by the Board on May 30, 1997. The tally of ballots shows 108 for and 100 against the Petitioner, with 6 challenged ballots, an insufficient number to affect the results.

The Board has reviewed the record in light of the exceptions and brief and has adopted the Regional Director's findings and recommendations only to the extent consistent with this Decision and Order. We adopt the recommendation to overrule the Employer's Objection 1 in its entirety and to overrule the part of Objection 2 that alleges that the Board's interpreter interfered with the election by threatening employees with fines and imprisonment if they interfered with him. In reference to the latter objection, we include and rely on the Regional Director's substantive evaluation of the testimony of a "third witness" proffered by the

Employer in its July 18 letter to the Region. We do not rely on the Regional Director's alternative rationale that the submission of this witness' testimony was untimely.

We disagree with the Regional Director's refusal to consider the testimony of three other witnesses proffered by the Employer in the same July 18 letter. We find that this additional evidence was sufficiently related to the issue of Board agent conduct timely raised by the Employer in its original objections to the interpreter's election day activities. We further find that this evidence raises substantial and material issues warranting a hearing. We shall therefore remand this case to the Regional Director with directions to conduct a hearing.

ORDER

It is ordered that this case is remanded to the Regional Director for the purpose of conducting a hearing to resolve the issues raised by the Employer's Objection 2.

CHAIRMAN GOULD, dissenting.

I would affirm the Regional Director's supplemental report in its entirety, including the finding that most of the additional evidence proffered by the Employer on July 18, 1997, was untimely. It therefore should not be considered in determining the merits of allegations in the Employer's Objection 2 of misconduct by the Board's election interpreter. In accord with the Regional Director's recommendation, I would overrule the Employer's objections and certify the Petitioner.