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**Traction Systems, Inc. and Mary Dobson and United Food and Commercial Workers, Local Union No. 368-A, AFL-CIO, CLC and Melissa Montoya.** Cases 27-CA-15333, 27-CA-15363, 27-CA-15450, and 27-CA-15434

March 4, 1998

## DECISION AND ORDER

BY CHAIRMAN GOULD AND MEMBERS HURTGEN  
AND BRAME

Upon charges and amended charges filed between June 5 and September 24, 1997, the General Counsel of the National Labor Relations Board issued a consolidated complaint on September 25, 1997 against Traction Systems, Inc., the Respondent, alleging that it has violated Section 8(a)(1), (3), (4) and (5) of the National Labor Relations Act. By letter dated October 13, 1997, the Respondent responded to the consolidated complaint.

On January 12, 1998, the General Counsel filed a Motion for Partial Summary Judgment with the Board on the grounds that the Respondent's response failed to specifically deny or explain the allegations in paragraphs 1-5, 7-11 and 14 of the consolidated complaint. On January 14, 1998, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent filed no response. The allegations in the motion are therefore undisputed.

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

### Ruling on Motion for Summary Judgment

Section 102.20 of the Board's Rules and Regulations states:

The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

As indicated above, the Respondent failed to specifically deny or explain the allegations in paragraphs 1-5, 7-11, and 14 of the consolidated complaint, and has not shown good cause for the failure to do so in response to the notice to show cause. Accordingly, we deem those allegations to be admitted to be true, and grant the General Counsel's Motion for Partial Summary Judgment.<sup>1</sup>

On the entire record, the Board makes the following

## FINDINGS OF FACT

### I. JURISDICTION

At all material times, the Respondent, a corporation with its home office in Seattle, Washington, and a place of business at Mountain Home Air Force Base in Mountain Home, Idaho, has been engaged in the provision of dining hall services to the United States Air Force. In the 12 months preceding issuance of the consolidated complaint, the Respondent furnished food services valued in excess of \$50,000 to the United States Air Force at its Mountain Home facility, and purchased and received goods and materials valued in excess of \$5,000 at its Mountain Home facility directly from points outside the State of Idaho. Based on its business operations, Respondent has a substantial impact on the national defense of the United States and is engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

At all material times, the United Food and Commercial Workers, Local Union No. 368-A, AFL-CIO, CLC, the Union, has been a labor organization within the meaning of Section 2(5) of the Act.

### II. ALLEGED UNFAIR LABOR PRACTICES

About May 20, 1997, in the dining area at Respondent's facility, Respondent interrogated an employee about the union activities of other employees. In addition, about June 2, 1997, in the contract manager's office, the Respondent interrogated an employee about the activities of coworkers in response to their union activities, and thereby impliedly threatened retaliation against its employees for their union activities.

The following employees of Respondent constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full time and regular part-time mess attendant employees of Respondent at its Mountain Home facility, excluding cooks, managerial employees, administrative and office employees, salaried personnel, guards, and supervisors as defined by the Act including the project manager, assistant project manager, and shift leaders.

<sup>1</sup> We shall remand the remaining allegations of the complaint to the Regional Director for further appropriate action.

Since about January 1, 1996, and at all material times, the Union has been the designated exclusive collective-bargaining representative of the unit, has been recognized as the representative by Respondent. At all times since January 1, 1996, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the unit.

Since about June 17 and 18, 1997, the Union has requested the Respondent to furnish it with a copy of the Respondent's service contract with the United States Department of Defense covering the Respondent's work at the Mountain Home facility, which information is necessary for, and relevant to, the Union's performance of its duties as the exclusive bargaining representative of the Unit. Since about June 17, 1997, the Respondent has failed and refused to furnish the Union with this requested information.

CONCLUSIONS OF LAW

By interrogating employees about the union activities of other employees, the Respondent has engaged in unfair labor practices affecting commerce within the meaning of Section 8(a)(1) and Section 2(6) and (7) of the Act. By failing and refusing to provide necessary and relevant information to the Union, the Respondent has engaged in unfair labor practices affecting commerce within the meaning of Section 8(a)(5) and (1) and Section 2(6) and (7) of the Act.

REMEDY

Having found that the Respondent has engaged in certain unfair labor practices, we shall order it to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act. Specifically, having found that the Respondent has unlawfully failed to provide the Union with requested necessary and relevant information, we shall order the Respondent to provide that information to the Union.

ORDER

The National Labor Relations Board orders that the Respondent, Traction Systems, Inc., Mountain Home, Idaho, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Interrogating employees about the Union activities of other employees.

(b) Refusing to provide necessary and relevant information requested by the Union.

(c) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Provide the Union with the information it requested on June 17 and 18, 1997.

(b) Within 14 days after service by the Region, post at its facility in Mountain Home, Idaho, copies of the attached notice marked "Appendix."<sup>2</sup> Copies of the notice, on forms provided by the Regional Director for Region 27, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since May 20, 1997.

(c) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

IT IS FURTHER ORDERED that the remaining allegations of the complaint are remanded to the Regional Director for Region 27 for further appropriate action.

Dated, Washington, D.C. March 4, 1998

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William B. Gould IV,	Chairman
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Peter J. Hurtgen,	Member
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J. Robert Brame III,	Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

<sup>2</sup>If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

APPENDIX

NOTICE TO EMPLOYEES  
POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government

The National Labor Relations Board has found that we violated the National Labor Relations Act and has ordered us to post and abide by this notice.

WE WILL NOT interrogate our employees about the union activities of other employees.

WE WILL NOT refuse to provide necessary and relevant information requested by United Food and Commercial Workers, Local Union No. 368-A, AFL-CIO, CLC.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

WE WILL provide the Union with the necessary and relevant information it requested on June 17 and 18, 1997.

TRACTION SYSTEMS, INC.