

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD¹
REGION 32

WAREHOUSE UNION LOCAL 6, I.L.W.U.

Employer-Petitioner

and

Case 32-UC-358

NORTHERN CALIFORNIA MEDIA WORKERS
GUILD/TYPOGRAPHICAL UNION, LOCAL 39521

Union

DECISION AND ORDER

Upon a petition filed under Section 9(b) of the National Labor Relations Act, as amended,
careful investigation and consideration took place.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned Regional Director.

Based upon an administrative investigation of the Petition, the Regional Director finds:

1. The Employer-Petitioner is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
2. The Employer-Petitioner seeks clarification of the existing bargaining unit to exclude all positions on the basis that they are supervisory, managerial and confidential within the meaning of the Act.

¹ Hereinafter referred to as the Board.

3. Clarification of the bargaining unit is not warranted. The investigation disclosed that the bargaining unit, as described in the Parties' collective bargaining agreement, which has a term from July 1, 1998 to June 30, 2003, consists of only two classifications: General Manager/Personnel Director, and the Bookkeeper/Systems Analyst. One individual occupied each position. The Employer-Petitioner's other clerical and administrative employees are represented by another labor organization, the Office and Professional Employees International Union. Prior to the filing of the petition, the Employer-Petitioner eliminated the General Manager/Personnel Director position, and laid off the individual who occupied the position. Only the Bookkeeper/Systems Analyst position remains. Inasmuch there is only one position and one individual that remains, no appropriate collective bargaining unit exists to be clarified.²

ORDER

IT IS HEREBY ORDERED that the petition filed herein be, and it hereby is, dismissed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to

² The investigation also disclosed that the elimination of the General Manager/Personnel Director position and the layoff of the individual occupying the position, is currently the subject of a pending grievance between the Parties. If the resolution of the grievance results in the reinstatement of the position and the individual, the Employer-Petitioner may refile its petition, and if appropriate, it will be processed.

the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570. This request must be received by the Board in Washington by May 27, 1999.

DATED AT Oakland, California, this 13th day of May, 1999.

/s/ Veronica I. Clements

Veronica I. Clements, Acting Regional Director
National Labor Relations Board
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