

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

(Santa Rosa, California)

GOODYEAR TIRE & RUBBER COMPANY

Employer

and

ERIC GUSTAVSEN, An Individual

Petitioner

and

INTERNATIONAL ASSOCIATION OF MACHINISTS
AND AEROSPACE WORKERS, AFL-CIO, DISTRICT
LODGE 190, LOCAL LODGE 1596, AFL-CIO 1/

Union

20-RD-2360

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

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

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. 2/
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. 3/
3. The labor organization(s) involved claim(s) to represent certain employees of the Employer. 3/
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act. 4/
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act: 5/

All full-time and regular part-time general service, general maintenance technicians, part-time service and automotive technicians employed by the Employer at its 2021 Cleveland Avenue, Santa Rosa California facility; excluding all office and clerical employees, salespersons, service managers, store managers, guards, professional employees and supervisors as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they

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were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by **International International Association Of Machinists And Aerospace Workers, AFL-CIO, District Lodge 190, Local Lodge 1596.**

LIST OF VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. **Excelsior Underwear, Inc.**, 156 NLRB 1236 (1966); **NLRB. Wyman-Gordan Company**, 394 U.S. 759 (1969). Accordingly, it is hereby directed that with 7 days of the date of this Decision 3 copies of an election eligibility list, containing the full names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. **North Macon Health Care Facility**, 315 NLRB No. 50 (1994). In order to be timely filed, such list must be received in the Regional Office, 901 Market Street, Suite 400, San Francisco, California 94103, on or before December 18, 2002. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

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 the **Executive Secretary, 1099-14th Street, NW, Washington, DC 20570-0001**. This request must be received by the Board in Washington by December 26, 2002.

Dated December 11, 2002

at San Francisco, California

/s/ Robert H. Miller
Regional Director, Region 20

- 1/ The name of the Union appears as described in the parties' collective-bargaining agreement.
- 2/ No representative of the Union appeared at the hearing. In this regard, the record reflects that the petition and notice of hearing were served on the Union on November 26, 2002. The notice of hearing apprised the Union that a hearing would be held at 10:00 a.m. on December 5, 2002 and on consecutive days thereafter in Courtroom A, 901 Market Street, San Francisco, California, the place where the hearing was, in fact, held.
- 3/ The record reflects that the Employer, an Ohio corporation, with headquarters in Akron, Ohio, and various facilities located world wide, is engaged in the manufacture and retail sale of tires. The facility involved in the instant proceeding is located at 2021 Cleveland Avenue, Santa Rosa in Santa Rosa, California. The record reflects that in the calendar year ending December 31, 2001, the Employer derived gross revenues in excess of \$1,000,000 and purchased goods and materials valued in excess of \$50,000 directly from points located outside the State of California. Therefore, I find that the Employer is engaged in commerce within the meaning of the Act and that it will effectuate the purposes of the Act to assert jurisdiction herein.
- 4/ Administrative notice is taken of case 20-RC-1690 wherein on October 15, 1993, the Union was certified as the exclusive collective-bargaining representative of the Employer's employees in the following unit:

All full-time and regular part-time general line technicians employed by the Employer at its 2021 Cleveland Avenue, Santa Rosa, California place of business; excluding office clerical employees, confidential employees, sales employees, guards and supervisors as defined in the Act.

Thus, the Union is a labor organization within the meaning of Section 2(5) of the Act.

- 5/ No party contends that there is a contract bar to this proceeding.
- 6/ The instant petition was filed on November 26, 2002, seeking a decertification election in a unit comprised of all full-time and regular part-time general service employees, general maintenance technicians, service employees and automotive technicians; excluding all office clerical employees, salesman, all other employees guards and supervisors as defined in the Act. The record contains a copy of the most recent collective-bargaining agreement between the parties. That document is effective by its terms for the period February 1, 2000 through and including January 31, 2003. As it is well established that the appropriate unit in a decertification election must be coextensive with the certified or recognized unit (see Campbell's Soup Co., 111 NLRB 234 (1955)), the unit appears as described in the parties' most recent collective-bargaining agreement. There are four employees in the bargaining unit.

Decision and Direction of Election
Goodyear Tire & Rubber Company, Inc.
Case 20-RD-2360

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