

United States Government

NATIONAL LABOR RELATIONS BOARD

Region 11

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September 21, 2004

Re: Goodyear Tire & Rubber Co.
Case No. 11-RD-666

Mr. Lloyd DeWayne Myers
145 Barringer Drive
Statesville, NC 28625

Dear Mr. Myers:

The above-captioned case, petitioning for an investigation and decertification of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

As a result of the investigation, it appears that a question concerning representation does not exist at this time. The Employer granted voluntary recognition to the United Steelworkers of America, AFL-CIO, on March 9, 2004. The Board's recognition bar principle bars a petition for a "reasonable" period of time after voluntary recognition has been granted. Keller Plastics Eastern, Inc. 157 NLRB 583 (1966) As the petition in this matter was filed on September 3, 2004, it does not appear that a reasonable period of time had elapsed for the parties to have bargained from the time recognition was granted until the filing of the petition.

In this regard, after the Employer granted recognition to the Union on March 9, 2004, the parties met approximately seventeen times between April 13 and July 7, 2004 to negotiate for an initial contract. Although the Employer's chief negotiator was, thereafter, unable to meet with the Union for several weeks in July due to medical reasons, the parties have continued to exchange written proposals and have had discussions on both economic and non-economic issues up to the present time. A formal negotiating session is tentatively scheduled for the last week of September 2004. In view of the fact that the parties have been continuously negotiating since recognition was granted and it appears that they are making progress toward reaching an agreement, further proceedings are not warranted. I am, therefore, dismissing the petition in this matter.

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefore with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C., 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (*eight copies*) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business at 5:00 p.m. EST (EDT) on **October 5, 2004**. Upon good cause

shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph.

Very truly yours,

/s/ Willie L. Clark, Jr.
Willie L. Clark, Jr.
Regional Director

IJ/

CERTIFIED MAIL - Return Receipt Requested

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