

February 23, 2004

John W. Kimble  
709 Maple Street  
Albion, MI 49224

RE: Calhoun Foundry Co., Inc.  
Case GR-7-RD-3435

Dear Mr. Kimble:

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

As a result of the investigation it appears that because the unfair labor practices alleged in a Complaint and Notice of Hearing issued on September 3, 2002 in Case 7-CA-44932 have not yet been fully remedied, no petition raising a question concerning representation may be processed at this time. The contentions in the complaint include allegations of direct dealing with employees and withdrawal of contract proposals, thereby converting a lawful lockout to an unlawful one. These allegations, if true, are of the kind that tend to undermine employees' support for their collective bargaining representative. The terms of the unilateral settlement agreement require, inter alia, that the Employer bargain upon request with the union, offer reinstatement to and make whole the locked out employees, and post notices to employees for at least 60 days.

Our records do not indicate that the Employer has taken all of the affirmative action required under the settlement including notice postings, payment of backpay, resumption of bargaining, and offers of reinstatement. As we are still in the compliance phase of settlement, no question concerning representation may be raised at this time. Accordingly, further proceedings on the decertification petition are not warranted, and the petition is hereby dismissed.

The procedure for the filing of a request for review of this dismissal action is described in enclosed Form NLRB-4916. The request for review must be received by the Board in Washington, D.C. by **March 4, 2004.**

Very truly yours,

Stephen M. Glasser  
Regional Director

Enclosures

cc: Executive Secretary  
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CERTIFIED NO. 7002 2030 0007 7800 6350  
RETURN RECEIPT REQUESTED

SMG:rmz