

National Labor Relations Board



Weekly Summary of NLRB Cases

Division of Information

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CASES SUMMARIZED
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[Sheet Metal Workers Locals 102 and 105](#) Corona, CA

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Sheet Metal Workers Locals 102 and 105 (Comfort Conditioning Co., Inc.) (21-CB-13138; 340 NLRB No. 149) Corona, CA Dec. 11, 2003. The Board adopted the administrative law judge's recommended dismissal of the complaint which alleged that the Respondent Union violated Section 8(b)(1)(B) of the Act by restraining and coercing Comfort Conditioning Co. in the selection of its representatives for the purpose of collective bargaining or adjustment of grievances. [\[HTML\]](#) [\[PDF\]](#)

The primary issue in this proceeding was whether Charging Party Jack Dresser was a representative of the Employer at the time the Union preferred and processed internal union disciplinary charges and imposed a fine against him. The Board agreed with the judge's determination that Dresser retained his union membership while serving as the Employer's supervisor but not as its Section 8(b)(1)(B) representative and, as such, incurred obligations to both the Union and the Employer. The judge wrote "an employer is not coerced in the selection of its representatives merely because a supervisor-member having dual loyalties may find the supervisory position less desirable when faced with the application of legitimate union rules." Accordingly, the Board approved the judge's finding that the Union did not violate the Act by its discipline of Dresser.

The Board found it unnecessary to pass on the judge's finding that the Respondent did not retaliate against Dresser for failing or refusing to help organize the Employer. Member Schaumber noted that he did not participate in *Electrical Workers Local 1547 (Veco, Inc.)*, 300 NLRB 1065 (1990), enfd. 971 F.2d 1435 (1992), referenced by the judge, and expressed no opinion on whether it was correctly decided.

(Members Liebman, Schaumber, and Walsh participated.)

Charge filed by Jack Dresser, an Individual; complaint alleged violation of Section 8(b)(1)(B). Hearing at Los Angeles on April 2, 2003. Adm. Law Judge Lana H. Parke issued her decision May 27, 2003.

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

Dattco, Inc. (Teamsters Local 559) New Britain, CT December 8, 2003. 34-CA-10228; JD(NY)-57-03, Judge Steven Fish. [\[HTML\]](#) [\[PDF\]](#)

Quantum Electric, Inc. (Electrical Workers [IBEW] Local 441) Los Alamitos, CA December 8, 2003. 21-CA-31670, 31729; JD(SF)-90-03, Judge Lana H. Parke. [\[HTML\]](#) [\[PDF\]](#)

Powerlasers Corp. (Auto Workers) Pioneer, OH December 9, 2003. 8-CA-33278, 33476; JD-136-03, Judge Martin J. Linsky. [\[HTML\]](#) [\[PDF\]](#)

Paragon Pattern & Manufacturing Co., Inc. (an Individual) Grand Rapids, MI December 9, 2003. 7-CA-46022; JD(ATL)-82-03, Judge Keltner W. Locke. [\[HTML\]](#) [\[PDF\]](#)

Mid-South Electronics, Inc. (Teamsters Local 783) Annville, KY December 9, 2003.
9-CA-40301; JD(ATL)-83-03, Judge Keltner W. Locke. [\[HTML\]](#) [\[PDF\]](#)

Johnstown America Corporation (Steelworkers) December 10, 2003. 33-CA-33127; JD-135-03,
Judge Bruce D. Rosenstein. [\[HTML\]](#) [\[PDF\]](#)

Albany Medical Center (an Individual) Albany, NY December 10, 2003. 3-CA-24094, 24162;
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