

National Labor Relations Board



Weekly Summary of NLRB Cases

Division of Information

Washington, D.C. 20570

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June 11, 2004

W-2951

CASES SUMMARIZED

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Quantum Electric, Inc.	Los Alamitos, CA	1
Stage Employees IATSE Local 720 (AVW Audio Visuals, Inc.)	Las Vegas, NV	1

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Operations-Management Memoranda ([OM 04-62](#)): Interregional Assistance Program

([OM 04-63](#)): Board's Interest Rate Drops to 4 Percent for Fourth Quarter, Fiscal Year 2004

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Quantum Electric, Inc. (21-CA-31670 & 31729; 341 NLRB No. 146) Los Alamitos, CA June 3, 2004. The administrative law judge found and the Board agreed that the Respondent violated Section 8(a)(3) and (1) of the Act by requiring employee Damir Tomas to reverse a T-shirt showing support for Electrical Workers, IBEW Local 441, and by terminating Tomas for refusing to comply with this unlawful request. [\[HTML\]](#) [\[PDF\]](#)

The Board modified the judge's recommended Order and provided for Tomas's reinstatement, as requested by the General Counsel in his cross-exceptions. The availability of continued employment for Tomas, as well as the effect of the passage of time on Tomas's right to reinstatement, are matters left to compliance.

(Chairman Battista and Members Liebman and Meisburg participated.)

Charges filed by Electrical Workers, IBEW Locals 441 and 11; complaint alleged violation of Section 8(a)(1) and (3). Hearing at Los Angeles, July 14 and 15, and Sept. 16, 2003. Adm. Law Judge Lana H. Parke issued her decision on Dec. 8, 2003.

Stage Employees (IATSE) Local 720 (AVW Audio Visuals, Inc.) (28-CB-4351; 341 NLRB No. 147) Las Vegas, NV June 2, 2004. On remand from the U.S. Court of Appeals for the Ninth Circuit, the Board accepted the court's decision as the law of the case and issued an appropriate remedial order against the Respondent Union for the violations found. [\[HTML\]](#) [\[PDF\]](#)

In its original decision (332 NLRB 1 (2000)), the Board dismissed the complaint allegations that the Union violated Section 8(b)(1)(A) and (2) of the Act, finding that the Union had neither breached its duty of fair representation nor engaged in an unfair labor practice encouraging union membership when, 10 months after Charging Party Steven Lucas' expulsion, it refused to readmit Lucas to its hiring hall and refer him to a job with AVW Audio Visuals, Inc., an employer who had requested Lucas by name.

The court reversed the Board's dismissal of the complaint, concluding that the Board had applied an incorrect legal standard in dismissing to the extent it relied on the more deferential "wide range of reasonableness" standard articulated in *Air Line Pilots Assn. v. O'Neill*, 499 U.S. 65, 81 (1991), in assessing whether the Union had breached its duty of fair representation in this case. The court concluded that the Union's liability for an unfair labor practice turned on whether the Union's refusal to refer Lucas from the hiring hall was necessary to the effective functioning of the hall. The court held that substantial evidence did not support the Board's determination that "the Union's refusal to readmit Lucas to its exclusive hiring hall was necessary to promote the efficiency and integrity of its hiring hall operations."

(Members Schaumber, Walsh, and Meisburg participated.)

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

Commercial Project Management, Inc. (Empire State Regional Carpenter Local 964) Middletown, NY May 28, 2004. 2-CA-35343, JD(NY)-24-04; Judge D. Barry Morris.

E. I. Dupont de Nemours & Co., Inc. (Niagara Plant Employees Union and PACE Local 1-5025) Niagara Falls, NY May 28, 2004. 3-CA-23449, et al.; JD-47-04, Judge Benjamin Schlesinger.

SuperValu, Inc. (an Individual) Indianola, MS May 28, 2004. 26-CA-21274; JD(ATL)-29-04, Judge Margaret G. Brakebusch.

Banta Catalog Group, a Division of Banta Corporation (Graphic Communications Local 1-M) Maple Grove, MN May 28, 2004. 18-CA-16512, 16710; JD(SF)-39-04, Judge William L. Schmidt.

Service Employees Local 817 (Children Services International, Inc.) Salinas, CA May 28, 2004. 32-CB-5713-1; JD(SF)-41-04, Judge Jay R. Pollack.

Fisher Island Holdings (Teamsters Local 390) Miami, FL June 4, 2004. 12-CA-23440, 12-RC-8941; JD(ATL)-30-04, Judge George Carson II.

Sam's Club, a Division of Wal-Mart Stores, Inc. (Food & Commercial Workers) Las Vegas, NV May 25, 2004. 28-CA-17057, et al.; JD(SF)-38-04, Judge James L. Rose.

Aladdin Gaming LLC (Culinary Workers Local 226) Las Vegas, NV May 28, 2004. 28-CA-18851, 19071; JD(SF)-40-04, Judge Gregory Z. Meyerson.

**LIST OF UNPUBLISHED BOARD DECISIONS AND ORDERS
IN REPRESENTATION CASES**

*(In the following cases, the Board adopted Reports of
Regional Directors or Hearing Officers in the absence of exceptions)*

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

Quickway Carriers, Inc., Cleveland, OH, 8-RD-1949, June 2, 2004

DECISION AND CERTIFICATION OF REPRESENTATIVE

Eurotech Millwork, Inc., Waterbury, CT, 34-RC-2063, June 3, 2004

**DECISION AND DIRECTION[that Regional Director
open and count 1 ballot]**

J.D.L. Delivery, Inc., Baton Rouge, LA, 15-RC-8516, June 3, 2004

DECISION AND ORDER[remanding to Regional Director]

Powers Construction, Inc., San Antonio, TX, 16-RC-10559, June 3, 2004

*(In the following cases, the Board granted requests for review
of Decisions and Directions of Elections (D&DE) and
Decisions and Orders (D&O) of Regional Directors)*

Jerry's Chevrolet, Cadillac, Inc., Weatherford, TX, 16-RC-10571, June 3, 2004

Miscellaneous Board Orders

ORDER[granting motion to withdraw petition]

B.B. & T. Management Corp., Sacramento, CA, 20-RD-2373, June 3, 2004
