

<p>The National Labor Relations Board and YOU</p>	<p>国家劳工关系委员会和您</p>
<p>Representation Cases</p>	<p>代表案例</p>
<p>Prepared by the National Labor Relations Board an agency of the United States Government</p>	<p>由美国政府机构 国家劳工关系委员会编撰</p>
<p><i>This pamphlet contains a general explanation of what the National Labor Relations Board (NLRB) is and what it does concerning the processing of representation petitions. for future information, contact the nearest NLRB office and ask to speak with the Information Officer.</i></p>	<p>本手册概括介绍了何谓国家劳工关系委员会 (NLRB) 及其处理代表请愿书的相关职能。有关详细信息, 请联系最近的 NLRB 办事处和咨询信息主管。</p>
<p>What is the National Labor Relations Board?</p>	<p>何谓国家劳工关系委员会?</p>
<p>We are an independent Federal agency established to enforce the National Labor Relations Act (NLRA). As an independent agency, we are not part of any other government agency—such as the Department of Labor.</p>	<p>我们是为了贯彻执行国家劳工关系法 (NLRA) 而设立的独立联邦机构。作为一家独立机构, 我们不隶属于任何其他政府机构, 如劳工部。</p>
<p>Congress has empowered the NLRB to conduct secret-ballot elections so employees may exercise a free choice whether a union should represent them for bargaining purposes. A secret-ballot election will be conducted only when a petition requesting an election is filed. Such a petition should be filed with the Regional Office in the area where the unit of employees is located. All Regional Offices have petition forms that are available on request and without cost.</p>	<p>美国国会授权 NLRB 组织匿名投票选举, 以便雇员能就工会是否应代表其与资方谈判进行自由选择。委员会只有在接到请求选举的请愿书后, 才可以举办匿名投票选举。此类请愿书应提交至雇员单位所在地区的地区办公室。所有地区办公室均备有免费的请愿书表格以供索取。</p>
<p>Types of Petitions</p>	<p>请愿书类型</p>
<p>1) Certification of Representative (RC) This petition, which is normally filed by a union, seeks an election to determine whether employees wish to be represented by a union. It must be supported by the signatures of 30 percent or more of the employees in the</p>	<p>1) 请求认证代表资格 (RC) 这类请愿书通常由工会递交, 请求举行选举以确定雇员是否愿意由工会代表其谈判。该请愿书必须得到谈判单位中 30% 或以上雇员的签名支持。这些签名可签在纸上。通常, 此委任或“权益证明”包含一份雇员同意由某个特定的劳工组</p>

<p>bargaining unit being sought. These signatures may be on paper. Generally, this designation or "showing of interest" contains a statement that the employees want to be represented for collective-bargaining purposes by a specific labor organization. The showing of interest must be signed by each employee and each employee's signature must be dated.</p>	<p>织代表其进行劳资谈判的声明。权益证明必须经过每位雇员签字确认，且每位雇员签名时必须注明日期。</p>
<p>2) Decertification (RD)</p> <p>This petition, which can be filed by an individual, seeks an election to determine whether the authority of a union to act as a bargaining representative of employees should continue. It must be supported by the signatures of 30 percent or more of the employees in the bargaining unit represented by the union. These signatures may be on separate cards or on a single piece of paper. Generally, this showing of interest contains a statement that the employees do not wish to be represented for collective-bargaining purposes by the existing labor organization. The showing of interest must be signed by each employee and each employee's signature must be dated.</p>	<p>2) 请求取消认证资格选举 (RD)</p> <p>这类请愿书可由个人递交，请求举行选举以确定是否授权工会继续担任雇员的谈判代表。该请愿书必须得到由工会代表的谈判单位中 30% 或以上雇员的签名支持。这些签名可分别签在卡片上或签在一张纸上。通常，这种权益证明包含一份雇员不希望再由现劳工组织代表其进行劳资谈判的声明。权益证明必须经所有雇员签字确认，且每位雇员签名时必须注明日期。</p>
<p>3) Withdrawal of Union-Security Authority (UD)</p> <p>This petition, which can also be filed by an individual, seeks an election to determine whether to continue the union's contractual authority to require that employees make certain lawful payments to the union in order to retain their jobs. It must be supported by the signatures of 30 percent or more of the employees in the bargaining unit covered by the union security agreement. These signatures may be on separate cards or on a single piece of paper. Generally, this</p>	<p>3) 取消工会保障授权 (UD)</p> <p>这类请愿书也可以由个人提交，请求举行选举以确定是否继续与工会订约授权，即要求雇员向工会支付一定的合法规定的费用，以便保住他们的工作。该请愿书必须得到工会保障协议所涉及的谈判单位中 30% 或以上雇员的签名支持。这些签名可分别签在卡片上或签在一张纸上。通常，这种权益证明声明雇员希望其劳资谈判协议不再包含工会保障条款。权益证明必须经过每位雇员签字确认，且每位雇员签名时必须注明日期。</p>

<p>showing of interest states that the employees no longer want their collective-bargaining agreement to contain a union-security provision. The showing of interest must be signed by each employee and each employee's signature must be dated.</p>	
<p>4) Employer Petition (RM) This petition is filed by an employer for an election when one or more unions claim to represent the employer's employees or when the employer has reasonable grounds for believing that the union, which is the current collective-bargaining representative, no longer represents a majority of employees. In the latter case, the petition must be supported by the evidence or "objective considerations" relied on by the employer for believing that the union no longer represents a majority of its employees.</p>	<p>4) 雇主请愿书 (RM) 这类请愿书由雇主递交，请求举行选举，提出该请求的前提如下：一个或多个工会宣称代表该雇主的雇员，或雇主有充分的理由相信该工会只是当前的劳资谈判代表，已不再代表大部分雇员。在第二种情况中，针对工会不再代表大部分雇员这一观点，请愿书必须被雇主合理信赖的证据或“客观因素”所证实。</p>
<p>5) Unit Clarification This petition seeks to clarify the scope of an existing bargaining unit by, for example, determining whether a new classification is properly a part of that unit. The petition may be filed by either the employer or the union.</p>	<p>5) 单位说明 这类请愿书要求阐明当前谈判单位的范围，例如，确定新的分类方法是否适用于该单位。此请愿书既可由雇主也可由工会递交。</p>
<p>6) Amendment of Certification (AC) This petition seeks the amendment of an outstanding certification of a union to reflect changed circumstances, such as changes in the name or affiliation of the union. This petition may be filed by a union or an employer.</p>	<p>6) 认证修订 (AC) 这类请愿书要求修订工会的未决认证，以适应环境变化的需求，如更改的名称或工会从属关系。此请愿书可由工会或雇主递交。</p>
<p>What is a Bargaining Unit?</p>	<p>何谓谈判单位？</p>
<p>A bargaining unit is a group of two or more employees who share a "community of interest" and may reasonably be grouped together for collective-bargaining purposes. The NLRB is</p>	<p>一个谈判单位是指由两个或两个以上有“共同利益”和可以为了劳资谈判而合理组合在一起的雇员所组成的一个小组。NLRB 会负责确保代表案子中的任何选举均在适当的单位内举行。</p>

<p>responsible for ensuring that any election in a representation case is conducted in an appropriate unit. A unit is usually described by the type of work done or job classification of employees—for example, production and maintenance employees or truck drivers. In some cases, the number of facilities to be included in a bargaining unit is at issue, and a unit may be described by the number of locations to be involved. For example, in the retail industry, the NLRB may need to determine whether employees at a single or whether a bargaining unit consisting of several stores is appropriate. Generally, the appropriateness of a bargaining unit is determined on the basis of the community of interest of the employees involved. The NLRB may also consider factors such as any history of collective bargaining and the desires of the affected employees</p>	<p>通常按完成的工作类型或雇员的工作分类描述一个单位，例如生产和维修工人或卡车司机。在一些案例中，谈判单位中包括的机构数量会引发争议，此时可能会根据所涉及的地点数量描述一个单位。例如，在零售业，NLRB 可能需要决定所有雇员构成一个谈判单位是否恰当，或谈判单位由数个商店构成是否恰当。通常，谈判单位的恰当性由所涉及雇员的共同利益所决定。NLRB 也可能会考虑劳资谈判的全部历史和受影响雇员的要求等因素。</p>
<p>If you file a decertification petition (RD) or petition for the withdrawal of union-security authority (UD),the bargaining unit in which any election is conducted will be the same as the unit that is certified or recognized. You should check your contract for a description of the existing bargaining unit in these cases.</p>	<p>如果您递交了取消认证资格选举的请愿书 (RD) 或取消工会保障授权的请愿书 (UD), 则举行任何选举的谈判单位将等同于经认证或已认可的单位。您应该查看协议中有关这些案子中现有谈判单位的说明。</p>
<p>Workers Excluded from NLRB Coverage</p>	<p>不在 NLRB 司法管辖范围内的工人</p>
<p>The NLRA does not include coverage for all workers. The Act specifically excludes from its coverage individuals who are:</p>	<p>NLRA 的覆盖范围并不包括所有的工人。国家劳工关系法明确排除了符合以下条件的个人：</p>
<ul style="list-style-type: none"> • employed as agricultural laborers • employed in the domestic service of any person or family in a home • employed by a parent or spouse • employed as an independent contractor • employed as a supervisor • employed by an employer subject to the Railway Labor Act, such as railroads and airlines • employed by Federal, state, or local government • employed by any other person who is not an employer as defined in the 	<ul style="list-style-type: none"> • 受雇于农业 • 受雇于个人或家庭且从事家政服务 • 受雇于父母或配偶 • 独立合同工 • 受雇为管理人员 • 受雇于铁路劳工法管辖的雇主，如铁路公司和航空公司 • 受雇于联邦、州或地方政府 • 受雇于在 NLRA 没有被定义的任何雇主

NLRA	
NLRB's Jurisdiction	NLRB 的司法管辖权
<p>In addition, the NLRB has established standards for determining whether it will exercise its jurisdiction over an employer. These Jurisdictional standards are based on the volume and nature of business done by an employer, and vary by industry.</p> <p>For example, the NLRB asserts jurisdiction over employers in the retail business, which have an annual volume of business of at least \$500,000 and which receive or send merchandise across state lines.</p>	<p>此外, NLRB 已制定了用于确定是否对雇主行使司法管辖权的标准。这些司法管辖标准以用人单位的营业额和业务性质为基础, 具体因行业而异。</p> <p>例如: NLRB 对年营业额在 50 万美元以上且跨州界购买或销售产品的零售企业拥有司法管辖权。</p>
When Can A Petition Be Filed?	何时能提交请愿书?
<p>The NLRB has established certain rules relating to the filing of petitions affecting employees who are covered by an existing contract. Generally, under these "contract-bar" rules, a valid contract for a fixed period of 3 years or less will bar an election for the period covered by the contract. However, in such situations, a petition filed more than 60 days but not more than 90 days before the end of the contract will be accepted and may bring about an election. These time periods for filing petitions involving health care institutions are more than 90 days but not more than 120 days before the end of the contract.</p>	<p>对于影响现有协议涉及的雇员的请愿书, NLRB 已制定了一些提交规定。一般而言, 根据这些“协议阻止”规定, 固定有效期为 3 年或者 3 年以内的协议可以在协议有效期内阻止选举。但在这种情况下, 于协议到期前 60 天以上、90 天以内提交的请愿书可以被接受, 而且可据此举行选举。对于医疗保健机构, 这种提交请愿书的时间为协议到期前 90 天以上、120 天以内。</p>
<p>In addition, the NLRB will not hold a representation election in any collective-bargaining unit in which a valid election has been held during the preceding 12 months. This rule does not apply, however, to a withdrawal of union-security (UD) election conducted within 12 months of a representation election (RC, RM, RD), or to a representation election conducted within 12 months of a withdrawal of union security election.</p>	<p>另外, 如果在过去的 12 个月内已经在劳资谈判单位举行过有效选举, 则 NLRB 不会再次举行代表选举。不过, 本规定并不适用于代表选举 (RC、RM 和 RD) 后 12 月内举行的废除工会保障 (UD) 协议选举, 或废除工会保障协议选举后 12 月内举行的代表选举。</p>
<p>If an election is held and a union is certified by the NLRB, that certification is normally binding for 1 year and a petition for another election in the same unit will be dismissed if filed during the 1-year period after the NLRB's certification.</p>	<p>如果举行了选举, 且 NLRB 认证了工会, 这种认证有效期通常为 1 年。如果要求在同一单位再次举行选举的请愿书是在 NLRB 认证以后的 1 年之内提交的, 这种请愿书将被拒绝。</p>
What Can You Expect, If You File a Petition?	提交请愿书时有哪些注意事项?
The Information Officer in the NLRB Regional	NLRB 地区办事处的信息主管将回答您提交的

<p>Office you can answer your questions regarding representation petitions and can assist you in completing the petition forms.</p>	<p>有关代表选举的问题，并协助您填写请愿书表格。</p>
<p>If you file a petition, you should be prepared to tell us the name and address of the employer and any labor organization(s) involved. In addition, you must describe the bargaining unit that is the subject of the petition, and the approximate number of employees in the unit. You also will need to tell us whether there is a labor organization that represents you, any other interested labor organization, or any collective-bargaining agreements in effect. If available, you should provide a copy of any current contract between the employer and the union.</p>	<p>若您要提交请愿书，应准备好告知我们雇主的姓名和地址，以及涉及的任何劳工组织。此外，您必须指出此请愿书涉及的谈判单位和单位内大致的雇员人数。您还需要告诉我们是否有代表您的劳工组织、其他任何有权益的劳工组织或任何有效的劳资谈判协议。如果有，则需要提供雇主和工会之间签订的任何现有协议的副本。</p>
<p>You will need to state your current address on the petition form as well as sign it. A copy of the petition will be served on all parties involved.</p>	<p>您需要在请愿书表格中注明您的现住址并签字。此外，还需向涉及的各方提供一份请愿书的副本。</p>
<p>The showing of interest in support of an RC, RD, or UD petition or the objective considerations in support of an RM petition (whichever is applicable) must be filed with the petition, or within 48 hours after its filing and, when RC and RD petitions are involved, no later than the last day on which the petition might timely be filed. If such proof is not timely submitted, or if the NLRB considers the showing of interest or objective considerations to be insufficient, the petition is subject to dismissal.</p>	<p>请愿书必须与支持 RC、RD 或 UD 请愿书的权益证明或支持 RM 请愿书（无论哪个更合适）的客观因素一同提交，或者在涉及 RC 和 RD 请愿书时，于提交请愿书后 48 小时内、不迟于应适时提交请愿书的最后一天提交。若上述证明材料未及时提交或 NLRB 认为权益证明或客观因素不够充分，则该请愿书将被拒绝。</p>
<p>After the petition is filed, the case will be assigned to an NLRB agent for processing. If the Region determines that the petition should be processed further, the agent will attempt to secure agreement of the parties regarding the appropriate unit and the eligibility of voters as well as the date, time, and place of the election.</p>	<p>提交请愿书后，该案例将转交给 NLRB 代理人处理。如果地区办事处确定该请愿书需进一步处理，则将尝试就适当的单位、投票人的资格以及选举的日期、时间和地点，征得有关各方的同意。</p>
<p>If all parties reach an agreement that is approved by a Regional Director, an election will be conducted. If agreement cannot be reached, a representation hearing will be conducted before an NLRB Hearing Officer. All parties will have the opportunity to appear and present evidence about the issues in dispute. After the hearing</p>	<p>如果有关各方达成协议且该协议获得地区办事处负责人的批准，即可举行选举。如果无法达成协议，则将在 NLRB 听证会官员做出裁决前，举行一次代表听证会。有关各方均可出席和提供有关争议问题的相关证据。听证会结束后，将公布一项地区办事处负责人或委员会就是否举行选举或是否拒绝请愿书的决定。若对地区</p>

<p>closes, a Regional Director's or Board decision will issue in which an election will be ordered or the petition will be dismissed. Exceptions to a Regional Director's decision can be filed by any party with the NLRB in Washington, D.C.</p>	<p>办事处负责人的决定有异议，任何一方均可向驻华盛顿特区的 NLRB 提起上诉。</p>
<p>NLRB Offices</p>	<p>NLRB 办事处</p>
<p>Our office addresses are located in the telephone directory under the United States Government-National Labor Relations Board. The address and phone number of the office nearest to you is:</p>	<p>欲知我们办事处的地址，请查阅国家劳工关系委员会的电话簿。 离您最近的办事处的地址和电话是：</p>
<p>The National Labor Relations Board is a public service agency and welcomes visits to its offices for information. Addresses and telephone numbers are:</p>	<p>国家劳工关系委员会是一个公共事业机构，欲知相关信息，欢迎您访问其办事处。地址和电话号码如下：</p>
<p>MAIN OFFICE: Washington, DC 20570-0001 1099 14th Street, N.W., Telephone (202) 273-1000</p>	<p>主要办事处：华盛顿特区 20570-0001 1099 14th Street, N.W., 电话 (202) 273-1000</p>
<p>Albany, NY 12207-2350 Albuquerque, NM 87102-2181 Anchorage, AK 99513-3546 Atlanta, GA 30323-3301 Baltimore, MD 21202-4026 Birmingham, AL 35203-3502 Boston, MA 02222-1072 Brooklyn, NY 11201-4201 Buffalo, NY 14202-2387 Chicago, IL 60606-5208 Cincinnati, OH 45202-3271 Cleveland, OH 44199-2086 Denver, CO 80202-5433 Des Moines, IA 50309-2116 Detroit, MI 48226-2569 Fort Worth, TX 76102-6178 Grand Rapids, MI 49503-3022 Hartford, CT 06103-3599 Hato Rey, PR 00918-1720 Honolulu, HI 96850-4980 Houston, TX 77002-2649 Indianapolis, IN 46204-1577 Jacksonville, FL 32202-4412 Las Vegas, NV 89101-6637 Little Rock, AR 72201-3489</p>	<p>奥尔巴尼（纽约州）12207-2350 阿尔布凯克（新墨西哥州）87102-2181 安克雷奇（阿拉斯加州）99513-3546 亚特兰大（佐治亚州）30323-3301 巴尔的摩（马里兰州）21202-4026 伯明翰（亚拉巴马州）35203-3502 波士顿（马萨诸塞州）02222-1072 布鲁克林（纽约州）11201-4201 布法罗（纽约州）14202-2387 芝加哥（伊利诺斯州）60606-5208 辛辛那提（俄亥俄州）45202-3271 克利夫兰（俄亥俄州）44199-2086 丹佛（科罗拉多州）80202-5433 德梅因（依阿华州）50309-2116 底特律（密执安州）48226-2569 沃思堡（德克萨斯州）76102-6178 大急流（密执安州）49503-3022 哈特福德（康涅狄格州）06103-3599 阿托雷伊（波多黎各州）00918-1720 檀香山（夏威夷州）96850-4980 休斯敦（德克萨斯州）77002-2649 印第安纳波利斯（印地安纳州）46204-1577 杰克逊维尔（佛罗里达州）32202-4412 拉斯维加斯（内华达州）89101-6637 小石城（阿肯色州）72201-3489</p>

Los Angeles, CA 90017-5455	洛杉矶 (加利福尼亚州) 90017-5455
Los Angeles, CA 90024-3682	洛杉矶 (加利福尼亚州) 90024-3682
Memphis, TN 38104-3627	孟菲斯 (田纳西州) 38104-3627
Miami, FL 33130-1608	迈阿密 (佛罗里达州) 33130-1608
Milwaukee, WI 53203-2211	密尔沃基 (威斯康星州) 53203-2211
Minneapolis, MN 55401-2291	明尼阿波利斯 (明尼苏达州) 55401-2291
Nashville, TN 37203-3816	诺什维尔 (田纳西州) 37203-3816
Newark, NJ 07102-2570	纽瓦克 (新泽西州) 07102-2570
New Orleans, LA 70112-3723	新奥尔良 (路易斯安那州) 70112-3723
New York, NY 10278-0104	纽约 (纽约州) 10278-0104
Oakland, CA 94612-5211	奥克兰 (加利福尼亚州) 94612-5211
Overland Park, KS 66212-4677	奥弗兰公园 (堪萨斯州) 66212-4677
Peoria, IL 61602-1246	皮奥里亚 (伊利诺斯州) 61602-1246
Philadelphia, PA 19106-4404	费城 (宾西法尼亚州) 19106-4404
Phoenix, AZ 85004-2212	菲尼克斯 (亚利桑那州) 85004-2212
Pittsburgh, PA 15222-4173	匹兹堡 (宾西法尼亚州) 15222-4173
Portland, OR 97201-6604	波特兰 (俄勒冈州) 97201-6604
St. Louis, MO 63103-2829	圣路易斯 (密苏里州) 63103-2829
San Antonio, TX 78205-2040	圣安敦尼奥 (德克萨斯州) 78205-2040
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San Francisco, CA 94103-1735	旧金山 (加利福尼亚州) 94103-1735
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