

Summary Of NLRB Decisions For Week Of July 25 – 29

August 8, 2016 | [Labor Relations](#)

The summary of NLRB decisions for the week of July 25 – 29 [is now available](#). **Summarized Board Decisions *Oberthur Technologies of America Corporation*** (04-CA-160992; 364 NLRB No. 59) Exton, PA, July 27, 2016. The Board granted the General Counsel's motion for summary judgment in this test-of-certification case on the ground that the Respondent failed to raise any issues that were not, or could not have been, litigated in the underlying representation proceeding, in which the primary issues were whether the Administrative Law Judge erred by sustaining challenges to votes cast in the election by two individuals he determined to be professional employees, and whether their inclusion in the stipulated unit rendered the unit inappropriate. The Board also rejected the affirmative defense, raised in the Respondent's answer to the complaint, that the "initial unfair labor practice complaint" was invalidly issued because Acting General Counsel Lafe Solomon lacked authority to issue complaints under the Federal Vacancies Reform Act (FVRA). The Board found that the instant complaint was validly issued by General Counsel Richard F. Griffin, Jr. To the extent that the Respondent referred to an earlier consolidated complaint, the Board found that the Respondent's argument was an improper collateral attack on the Board's decision in that case and rejected the argument as untimely raised. Finally, the Board found that the FVRA had no bearing on the underlying representation proceeding, in which the Regional Director acted pursuant to a delegation of authority from the Board. Although Member Miscimarra dissented in the representation proceeding, he agreed with his colleagues that granting summary judgment was appropriate, because the Respondent did not present any new matters that were properly litigable in this unfair labor practice proceeding. Charge filed by Local 14M, District Council 9, Graphic Communications Conference/International Brotherhood of Teamsters. Chairman Pearce and Members Miscimarra and Hirozawa participated. [Continue reading on the NLRB](#).

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