

# NATIONAL LABOR RELATIONS BOARD

## AN OUTLINE OF LAW AND PROCEDURE IN REPRESENTATION CASES



**N.L.R.B.**  
**AN OUTLINE**  
**OF LAW AND**  
**PROCEDURE IN**  
**REPRESENTATION**  
**CASES**



# NATIONAL LABOR RELATIONS BOARD

## AN OUTLINE OF LAW AND PROCEDURE IN REPRESENTATION CASES

OFFICE OF THE GENERAL COUNSEL



**July 2005**

## Preface

We are very pleased that the Agency is able to provide this updated edition of “An Outline of Law and Procedure in Representation Cases.” This is the second update of this book during my term as General Counsel. As I indicated in the preface to the 2002 edition, I was familiar with this book before my appointment as General Counsel and I know what a great asset it is for those involved in representation case work. Its availability on the Agency’s website ([www.nlr.gov](http://www.nlr.gov)) makes it particularly valuable to practitioners inside and outside the Agency.

High quality casehandling has always been the hallmark of the Board. The Outline was a great contribution to quality case processing when it was first written by former Assistant General Counsel Elihu Platt in the early 1960’s and it continues to be so today.

In 1992, John E. Higgins, Jr., updated the text after a 20-year hiatus in publication. Since then, he has revised and updated the text in 1995, 1997, 1999, and again in 2002. In this new edition, Deputy General Counsel Higgins has brought the text through December 2004, has added a number of new topics and has updated the subject matter index. Any suggestions or corrections for future editions should be forward to Mr. Higgins at Board headquarters.

I am grateful to Mr. Higgins for continuing this project. I also want to thank Lafe Solomon, Director of the Office of Representation Appeals, for reviewing the manuscript, as well as the dedicated employees in the Agency’s Editorial Section for their tireless work on this project.

Arthur F. Rosenfeld  
General Counsel

## TABLE OF CONTENTS

<b>1. Jurisdiction.....</b>	<b>1</b>
1-100 Jurisdiction Generally .....	1
1-200 The Jurisdictional Standards .....	2
1-201 Nonretail.....	2
1-202 Retail.....	3
1-203 Instrumentalities, Links, and Channels of Interstate Commerce.....	5
1-204 National Defense/Federal Funds .....	4
1-205 Plenary Jurisdiction.....	5
1-206 Territories.....	5
1-207 Labor Organizations.....	6
1-208 Multiemployer Groups and Joint Employers .....	6
1-209 Enterprises Falling Under Several Standards.....	6
1-210 Postal Service Employees .....	7
1-211 Jurisdiction in an 8(a)(4) Situation.....	7
1-212 Secondary Boycotts.....	8
1-213 Indian Tribes .....	8
1-300 Miscellaneous Categories in Which Jurisdiction was Asserted .....	8
1-301 Architects .....	8
1-302 Amusement Industry .....	9
1-303 Apartment Houses.....	9
1-304 Art Museums, Cultural Centers, and Libraries.....	9
1-305 Bandleaders .....	9
1-306 Cemeteries.....	9
1-307 Colleges, Universities, and Other Private Schools.....	10
1-308 Communication Systems.....	10
1-309 Condominiums and Cooperatives .....	11
1-310 Credit Unions .....	11
1-311 Day Care Centers .....	11
1-312 Financial-Information Organizations and Accounting Firms.....	11
1-313 Gaming.....	11
1-314 Government Contractors .....	12
1-315 Health Care Institutions.....	12
1-316 Hotels and Motels .....	13
1-317 Law Firms and Legal Service Corporations.....	13
1-318 Newspapers .....	13
1-319 Nonprofit Charitable Institutions.....	14
1-320 Office Buildings.....	14
1-321 Private Clubs.....	14
1-322 Professional Sports.....	15
1-323 Public Utilities.....	15
1-324 Restaurants .....	15
1-325 Shopping Centers .....	15
1-326 Social Services Organizations.....	15
1-327 Stock Brokerage Firms.....	16
1-328 Symphony Orchestras .....	16
1-329 Taxicabs .....	16
1-330 Transit Systems .....	16
1-400 Jurisdiction Declined for Statutory Reasons .....	16
1-401 State or Political Subdivision .....	17
1-402 Employers Subject to the Railway Labor Act.....	18
1-403 Religious Schools.....	19
1-500 Jurisdiction Declined for Policy Considerations .....	20

1-501 Foreign Flag Ships, Foreign Nationals, and Related Situations .....	20
1-502 Horseracing and Dogracing.....	21
1-503 Religious Organizations .....	21
1-600 Rules of Application.....	22
1-601 Advisory Opinions .....	22
1-602 Declaratory Orders .....	22
1-603 <i>Tropicana</i> Rule.....	23
1-604 Totality of Operations .....	23
1-605 Integrated Operations .....	23
1-606 Computation of Jurisdictional Amount .....	23
1-607 Relitigation of Jurisdiction .....	24
<b>2. Regional Directors' Decisionmaking Authority In Representation Cases .....</b>	<b>25</b>
2-100 Statutory and Administrative Delegation.....	25
2-200 Scope of Authority .....	26
2-300 Other Specific Powers Under the Delegation.....	27
2-400 Finality of Decisions .....	27
2-500 Transfer and Review .....	28
<b>3. Initial Representation Case Procedures .....</b>	<b>31</b>
3-100 Filing of Petition and Notification.....	31
3-200 Submission of Showing of Interest .....	31
3-300 Information Requested of Parties .....	32
3-400 Preliminary Investigation .....	32
3-500 Dismissal or Withdrawal of Petition .....	32
3-600 Amendments to Petition .....	32
3-700 Consent-Election Agreements.....	32
3-800 Notice of Hearing and Hearings .....	33
3-810 Nature and Objective.....	33
3-820 Hearing Officer's Responsibilities .....	33
3-830 Intervention .....	33
3-840 Conduct of Hearing .....	34
3-850 Hearing Officer's Report.....	34
3-860 Briefs.....	34
3-870 Posthearing Matters Prior to Decision.....	35
3-880 Regional Director's or Board Decision and Request for Review .....	35
3-900 Review of Representation Decisions.....	36
3-910 Judicial Review - Generally .....	36
3-911 Review by Employers .....	36
3-912 Review By Unions .....	36
3-920 Litigation of Unfair Labor Practice Issues in Representation Cases .....	37
3-930 Effect of Violence on a Board Certification.....	37
<b>4. Types of Petitions .....</b>	<b>39</b>
4-100 Representation Petition Seeking Certification (RC).....	39
4-200 Decertification Petition (RD) .....	39
4-300 Employer Petition (RM).....	39
4-400 Union-Security Deauthorization Petition (UD).....	40
4-500 Petition For Clarification (UC).....	40
4-600 Petition For Amendment of Certification (AC).....	40
4-700 Expedited Elections-Section 8(b)(7)(C).....	40
<b>5. Showing of Interest.....</b>	<b>41</b>
5-100 Timeliness of Submission of a Showing of Interest .....	41
5-200 Nature of Evidence of Interest.....	42
5-210 Construction Industry .....	42

5-300	Designee.....	43
5-400	Validity of Designations.....	44
5-500	Currency and Dating of Designations .....	45
5-600	Quantitative Sufficiency.....	45
5-610	No Showing of Interest in 8(b)(7)(c) Cases .....	46
5-620	A Specific 30-Percent Requirement in UD Cases .....	46
5-630	Employer Petitions.....	46
5-640	Showing of Interest for Intervention .....	46
5-700	Relation to Bargaining Unit .....	47
5-800	Date for Computation.....	47
5-900	Investigations of Showing of Interest.....	48
<b>6.</b>	<b>Qualification of Representative.....</b>	<b>51</b>
6-100	The Statutory Definition of Labor Organization .....	51
6-110	Application of the Statutory Definition.....	51
6-120	Impact of Labor-Management Reporting and Disclosure Act of 1959 .....	52
6-130	Public Policy Considerations .....	53
6-200	Statutory Limitation as to “Guards” .....	53
6-300	Administrative Policy Considerations.....	54
6-310	A Union’s Constitution and Bylaws.....	54
6-320	Trusteeship .....	55
6-330	Employer Assistance or Domination and Supervisory Involvement.....	56
6-340	Nature of Representation.....	57
6-350	The Union as a Business Rival (Conflict of Interest).....	57
6-360	The Union as an Employer.....	58
6-370	Joint Petitioners .....	59
6-380	Effect of Union Violence .....	59
<b>7.</b>	<b>Existence of A Representation Question .....</b>	<b>61</b>
7-100	General Rules .....	61
7-110	Prerequisite for Finding a Question Concerning Representation .....	61
7-120	The General Box Rule.....	61
7-130	The Effect of Private Dispute Resolution Mechanisms.....	62
7-131	Grievances and Arbitration .....	62
7-133	No-Raid Agreements.....	63
7-140	Ability to Determine Unit as Affecting Representation Question .....	64
7-150	Statutory Exemption Under Section 8(b)(7)(c) of the Act-Expedited Elections .....	64
7-200	Rules Affecting Employer Petitions.....	65
7-210	Union Claims or Conduct.....	65
7-220	Rm Petitions/Incumbent Unions .....	66
7-230	Accretions .....	67
7-240	Changes in Affiliation .....	67
7-250	Employer Waiver .....	67
7-300	Rules Affecting Decertification Petitions.....	68
7-310	Who May File a Decertification Petition.....	68
7-320	The Unit in Which the Decertification Election is Held .....	68
7-330	Categories Which May not be Included in the Unit in a Decertification Election .....	69
7-340	Certification not a Prerequisite.....	70
7-400	Effect of Delay and Turnover.....	70
<b>8.</b>	<b>Disclaimer of Interest and Withdrawal of Petition .....</b>	<b>71</b>
8-100	Disclaimer .....	71
8-200	Withdrawal.....	73
8-300	Effect of Disclaimer or Withdrawal .....	73
<b>9.</b>	<b>Contract Bar .....</b>	<b>75</b>

9-100 Adequacy of Contract.....	75
9-110 Written Contract.....	75
9-120 Signatures of the Parties.....	76
9-130 Substantial Terms and Conditions.....	77
9-140 Coverage.....	77
9-150 Appropriate Unit.....	78
9-160 “Members Only”.....	78
9-170 Master Agreement.....	79
9-180 Prior Ratification.....	79
9-200 Changed Circumstances Within the Contract Term.....	79
9-210 Change in the Size of the Unit.....	79
9-211 Prehire Contracts.....	80
9-212 The Yardsticks.....	80
9-220 Change in the Nature of the Unit.....	80
9-221 Merger.....	81
9-222 Shutdown.....	81
9-223 Relocation.....	81
9-224 Assumption of Contract.....	82
9-300 Duration of Contract.....	83
9-310 Fixed-Term Contracts.....	83
9-320 Contracts With No Fixed Term.....	84
9-321 Indefinite Duration.....	84
9-322 Terminable at Will.....	84
9-323 Temporary Agreements.....	84
9-324 Extensions.....	84
9-400 Representative Status of Contracting Union.....	85
9-410 Schism.....	85
9-411 Basic Intraunion Split.....	85
9-412 Opportunity at a Meeting.....	86
9-413 Reasonable Time.....	86
9-414 Other Schism Issues.....	86
9-420 Defunctness and Disclaimer.....	87
9-500 Effect of Contract on Rival Claims or Petitions.....	88
9-510 Time of Filing of Petition.....	89
9-520 Amendment of Petition.....	89
9-530 “Substantial Claim” Rule.....	90
9-540 The “Insulated Period”.....	90
9-550 The Period for Filing.....	91
9-560 The Impact of Bargaining History on Rival Petitions.....	92
9-570 Automatic Renewal Provisions.....	92
9-580 The “Premature Extension” Doctrine.....	93
9-600 Private Agreements.....	95
9-610 Agreements not to Represent Certain Employees.....	95
9-620 Neutrality Agreements.....	95
9-700 Unlawful Union-Security and Checkoff Provisions.....	96
9-710 Union-Security Provisions.....	96
9-720 Checkoff Provisions.....	98
9-800 Racial Discrimination in Contracts.....	99
9-900 Contracts Proscribed by Section 8(e).....	99
9-1000 Special Statutory Provisions as to Prehire Agreements.....	100
<b>10. Prior Determinations and Other Bars to an Election.....</b>	<b>103</b>
10-100 Effect of Prior Election.....	103
10-110 Board Elections.....	103
10-120 Comity to State Elections.....	104
10-200 The 1-Year Certification Rule.....	104



10-210	Application of the 1-Year Certification Rule .....	105
10-220	Exceptions to the Rule.....	106
10-221	The <i>Mar-Jac</i> Exception.....	106
10-222	The <i>Ludlow</i> Exception .....	107
10-300	Settlement Agreement as a Bar .....	107
10-400	Court Decree as a Bar.....	108
10-500	Lawful Recognition as a Bar/Reasonable Period of Time.....	108
10-600	Expanding Unit .....	109
10-700	Contracting Units and Cessation of Operations .....	110
10-800	Blocking Charges (Chm sec. 11730).....	111
10-900	Special Situations .....	113
10-1000	Reasonable Period of Time .....	113
<b>11.</b>	<b>Amendment, Clarification, and Deauthorization Petitions, Final Offer Elections and Wage Hour</b>	
	<b>Certifications. ....</b>	<b>115</b>
11-100	Amendment of Certification (AC) .....	115
11-200	Clarification of Certification (UC).....	116
11-210	Timing of UC Petition.....	118
11-220	Accretion V. Question Concerning Representation .....	119
11-300	Deauthorization Petition (UD) .....	120
11-400	Final Offer Elections (Chm sec. 11520).....	121
11-500	Certificate of Representative Under FLSA (Chm sec. 11540).....	121
11-600	Revocation of Certification .....	121
<b>12.</b>	<b>Appropriate Unit: General Principles.....</b>	<b>123</b>
12-100	Introduction.....	123
12-110	Professional Employees .....	124
12-120	Craft Units.....	124
12-130	Plant Guards.....	124
12-140	Extent of Organization .....	125
12-200	General Principles .....	125
12-210	Community of Interest .....	125
12-220	History of Collective Bargaining .....	127
12-221	Consent-Election Stipulation.....	127
12-222	Bargaining History Contrary to Board Policy .....	128
12-223	Ineffective Bargaining History .....	128
12-224	Oral Contract.....	128
12-225	Bargaining History of Other Employees .....	128
12-226	Significant Changes.....	129
12-227	Checkered Bargaining History .....	129
12-228	Deviation From Prior Unit Determination .....	129
12-229	Other Exceptions .....	129
12-230	Specific Unit Rules.....	130
12-231	Size of Unit .....	130
12-232	Mode and/or Rate of Payment.....	130
12-233	Age.....	131
12-234	Sex.....	131
12-235	Race.....	131
12-236	Union Membership.....	132
12-237	Territorial Jurisdiction.....	132
12-238	Work Jurisdiction .....	132
12-239	Employees' Desires.....	132
12-300	Extent of Organization .....	133
12-400	Residual Units .....	134
12-410	Residual Units in the Health Care Industry .....	135
12-500	Accretions to Existing Units.....	135

12-510 Interchange .....	136
12-520 Supervision and Conditions of Employment.....	137
12-530 Job Classification .....	137
12-540 Integration of Units .....	137
12-550 Geographic Proximity .....	137
12-560 Role of New Employees.....	138
12-570 Community of Interest .....	138
12-580 Bargaining History .....	138
12-590 Skills and Education.....	139
12-600 Relocations, Spinoffs, and Accretions.....	139
<b>13. Multilocation Employers .....</b>	<b>141</b>
13-100 Central Control of Labor Relations .....	143
13-200 Local Autonomy.....	143
13-300 Interchange of Employees.....	144
13-400 Similarity of Skills .....	144
13-500 Conditions of Employment .....	145
13-600 Supervision.....	145
13-700 Geographical Separation .....	145
13-800 Plant Integration and Product Integration.....	146
13-900 Bargaining History .....	146
13-1000 Extent of Organization .....	147
13-1100 Health Care.....	148
<b>14. Multiemployer, Single Employer, and Joint Employer Units .....</b>	<b>149</b>
14-100 Multiemployer Units .....	149
14-200 The General Rule .....	150
14-300 Exceptions to the General Rule .....	152
14-310 Agreement of the Parties .....	152
14-320 Tainted Bargaining History.....	152
14-330 Inconclusive Bargaining History.....	152
14-340 Employees In Different Category.....	153
14-350 The 8(f) Relationships-Construction Industry.....	153
14-360 Nonbeneficial Bargaining History.....	153
14-370 Brief Duration of Multiemployer Bargaining.....	153
14-400 Employer Withdrawal From Multiemployer Bargaining .....	153
14-410 Adequate Timely Written Notice .....	153
14-420 Intent .....	154
14-430 Where Actual Bargaining had Begun.....	154
14-440 After Filing of Petition by Rival Union.....	155
14-450 Consent of the Union.....	155
14-460 Appropriate Unit After Withdrawal .....	156
14-500 Single Employer.....	156
14-600 Joint Employer .....	157
14-700 Alter Ego.....	157
<b>15. Specific Units and Industries.....</b>	<b>159</b>
15-100 Architectural Employees .....	159
15-120 Banking .....	159
15-130 Construction Industry .....	160
15-140 Drivers.....	162
15-141 The <i>Koester</i> Rule.....	162
15-142 Scope of Driver Units.....	164
15-143 Local Drivers and Over-the-Road Drivers .....	164
15-144 Severance of Drivers .....	165
15-145 Driver-Salespersons .....	165

15-146 Health Care Institution Drivers .....	166
15-150 Funeral Homes .....	166
15-160 Gaming Units .....	166
15-170 Health Care Institutions.....	167
15-171 Acute Care Hospitals.....	167
15-172 Other Hospitals.....	168
15-173 Nursing Homes.....	169
15-174 Application of the Health Care Rule .....	169
15-175 Registered Nurse Units.....	169
15-176 Other Health Care Issues.....	170
15-180 Hotels and Motels .....	170
15-190 Insurance Industry .....	171
15-200 Law Firms .....	172
15-210 Licensed Departments .....	172
15-211 In General.....	173
15-212 Unit Composition-Licensed Departments .....	174
15-215 Maritime Industry.....	174
15-220 Newspaper Units .....	174
15-230 Public Utilities.....	175
15-250 Retail Store Operations .....	177
15-251 Scope.....	177
15-252 Selling and Nonselling Employees.....	177
15-253 Bargaining History in Retail Industry .....	178
15-254 Retail Categories .....	179
15-260 Television and Radio Industry .....	180
15-270 Universities and Colleges.....	181
15-271 Faculty.....	181
15-272 Other Categories.....	183
15-280 Warehouse Units .....	184
15-290 Research and Development Industry.....	186
<b>16. Craft and Traditional Departmental Units.....</b>	<b>187</b>
16-100 Severance .....	187
16-110 The <i>Mallinckrodt</i> Criteria.....	188
16-111 True Craft or Functionally Distinct Department .....	188
16-112 History of Collective Bargaining of Employees Sought to be Represented.....	188
16-113 Separate Identity.....	188
16-114 Degree of Integration of the Employer's Production Processes .....	188
16-115 Qualifications of the Union Seeking Severance.....	188
16-120 Application of Severance Principles .....	189
16-130 Severance of Maintenance Departments .....	192
16-140 Construction Industry .....	192
16-200 Initial Establishment of Craft or Departmental Unit .....	192
16-300 Skilled Maintenance-Health Care .....	194
<b>17. Statutory Exclusions . .....</b>	<b>197</b>
17-100 Agricultural Employees.....	197
17-200 Domestic.....	199
17-300 Individuals Employed by Their Parent or Spouse.....	199
17-400 Independent Contractors .....	199
17-410 Trucking Industry .....	201
17-420 Newspaper Industry.....	201
17-430 Taxi Industry .....	203
17-440 Other Industries .....	203
17-500 Supervisors.....	204
17-501 Supervisory "Authority" as Defined in Section 2(11).....	205

17-502	Assignment/Responsible Direction/Independent Judgment .....	207
17-503	Power Effectively to Recommend.....	209
17-504	Limited, Occasional or Sporadic Exercise of Supervisory Power.....	209
17-505	Substituting for a Supervisor.....	210
17-506	Promotions to Supervisory Positions and Management Trainees .....	210
17-507	Secondary Indicia.....	211
17-508	Ostensible or Apparent Authority .....	212
17-509	Supervision of Nonunit Employees.....	213
17-510	Supervisory Issues Affecting Educational Institutions.....	213
17-511	Health Care Supervisory Issues.....	214
17-600	Railway Workers.....	215
17-700	Employees of “Nonemployers” .....	216
<b>18.</b>	<b>Statutory Limitations .....</b>	<b>217</b>
18-100	Professional Employees .....	217
18-110	The Statutory Mandate .....	217
18-120	Professionals Defined.....	218
18-130	Previously Established Units.....	219
18-200	Plant Guards.....	220
18-210	The Statutory Mandate .....	220
18-220	Guards Defined .....	220
18-230	Guards Unions.....	222
18-240	Scope of Unit.....	223
<b>19.</b>	<b>Categories Governed by Board Policy.....</b>	<b>225</b>
19-100	Confidential Employees .....	225
19-110	Status of Confidentials .....	227
19-200	Managerial Employees.....	227
19-300	Relatives of Management.....	229
19-400	Office Clerical and Plant Clerical Employees.....	230
19-410	Definitions.....	230
19-420	Clerical Units Generally.....	231
19-430	Clericals-Warehouse Units.....	231
19-440	Self-Determination Elections-Clericals.....	232
19-450	Multiplant Clerical Units.....	232
19-460	Business Office Clerical-Health Care .....	232
19-500	Technical Employees .....	233
19-510	Technical Employees-Health Care .....	234
19-600	Quality Control Employees.....	234
<b>20.</b>	<b>Effect of Status or Tenure On Unit Placement and Eligibility to Vote.....</b>	<b>235</b>
20-100	Part-Time Employees.....	235
20-110	Generally .....	235
20-120	“On-Call” Employees.....	237
20-130	Part-Time Faculty Members.....	237
20-140	Irregular Part-Time Employees .....	238
20-200	Temporary Employees .....	238
20-300	Seasonal Employees .....	240
20-310	Same Labor Force .....	240
20-320	Former Employees .....	240
20-330	Similarity of Duties, Etc.....	240
20-340	Transition .....	240
20-350	Timing of Seasonal Elections.....	241
20-400	Student Workers.....	242
20-500	Dual-Function Employees.....	243
20-600	Probationary Employees, Trainees, and Clients (Rehabilitation).....	244

20-610 Probationary Employees .....	244
20-620 Trainees .....	244
20-630 Clients (Rehabilitation) .....	245
<b>21. Self-Determination Elections.....</b>	<b>247</b>
21-100 Several Units Equally Appropriate.....	247
21-200 Craft and Traditional Departmental Severance .....	248
21-300 Self-Determination Election For Craft or Traditional Department Employees Where No Prior Plantwide Bargaining History Exists .....	248
21-400 Professional Employees .....	249
21-500 Inclusion of Unrepresented Groups.....	250
21-600 Pooling of Votes.....	252
<b>22. Representation Case Procedures Affecting the Election.....</b>	<b>253</b>
22-101 The Election Date.....	253
22-102 The Ballot.....	253
22-103 The Question and Choices on the the Ballot .....	253
22-104 Withdrawal From The Ballot .....	253
22-105 The Polling Place .....	254
22-106 The Notice of Election .....	254
22-107 Voting Eligibility .....	254
22-108 Observers.....	254
22-109 Closing of the Polls .....	254
22-110 Mail Ballots.....	255
22-111 Challenges .....	255
22-112 The Count.....	256
22-113 The Tally of Ballots.....	256
22-114 Runoff Elections.....	256
22-115 Resolution of Challenges .....	256
22-116 Objections to Election-Filing Requirements .....	257
22-117 Investigation of Objections .....	257
22-118 Hearing on Objections.....	258
22-119 The Decision .....	259
22-120 Rerun Elections .....	259
22-121 The Certification .....	260
22-122 Expedited Elections Under Section 8(b)(7)(c) .....	260
<b>23. Voting Eligibility .....</b>	<b>263</b>
23-100 Eligibility in General.....	263
23-110 The General Rule .....	263
23-111 Newly Hired or Transferred Employees.....	264
23-112 Voluntary Quits.....	264
23-113 Discharged Employees.....	264
23-114 Employees on Sick Leave .....	265
23-115 Laid-Off Employees.....	265
23-116 Retirees/Social Security Annuitants.....	266
23-120 Economic Strikers, Locked-Out Employees, and Replacements .....	266
23-125 Prisoners and Work Release Inmates .....	268
23-200 Eligibility Dates .....	269
23-210 Initial Elections .....	269
23-220 Runoff Elections.....	269
23-230 Rerun Elections .....	269
23-240 Seasonal Operations .....	270
23-300 Alleged Discriminatees .....	270
23-400 Special Formulas for Specific Industries.....	270

23-410	Longshore.....	270
23-420	Construction.....	270
23-430	Oil Drilling.....	271
23-440	Taxicabs.....	271
23-450	On-Call Employees.....	271
23-460	Entertainment Industry.....	272
23-470	On-Call Teachers.....	272
23-500	Eligibility Lists and Stipulations.....	272
23-510	Voting List ( <i>Excelsior</i> ).....	272
23-520	Stipulated Eligibility Lists ( <i>Norris Thermador</i> ).....	273
23-530	Construing Stipulations of the Parties in Representation Cases.....	274
<b>24.</b>	<b>Interference with Elections.....</b>	<b>277</b>
24-100	Objections Procedures.....	277
24-110	Objections Period.....	277
24-120	Time for Filing Objections.....	278
24-130	Duty to Provide Evidence of Objections.....	278
24-140	Scope of Investigation of Objections.....	279
24-150	Estoppel in Objection Cases.....	279
24-200	Legal Background of the “Free Speech” Issue.....	280
24-210	The Early Cases.....	280
24-220	Intervening Period and <i>Gissel (Sinclair)</i> .....	281
24-230	The Later Cases.....	283
24-300	Preelection Campaign Interference.....	285
24-310	Interference Which May Also Violate the Unfair Labor Practice Provisions.....	286
24-311	De Minimis or Isolated Conduct.....	287
24-312	Litigation of Unfair Labor Practice Issues in Representation Cases.....	287
24-313	Narrowness of the Election Results.....	288
24-314	Dissemination.....	288
24-320	Types of Interference Under the General Shoe Doctrine.....	288
24-321	Assembly of Employees at a Focal Point of Authority and Home Visitations.....	291
24-322	Misrepresentation.....	292
24-323	Racial Appeals.....	293
24-324	The <i>Excelsior</i> Rule.....	296
24-325	The <i>Peerless</i> Rule.....	300
24-326	Third Party Conduct.....	302
24-327	Offers to Waive Union Initiation Fees.....	307
24-328	Prounion Supervisory Conduct.....	308
24-329	Videotaping.....	308
24-400	Interference with the Conduct of Elections.....	309
24-410	Board Agent Conduct.....	310
24-420	Mechanics of the Election.....	313
24-421	The Polling Place.....	313
24-422	Opening and Closing of the Polls.....	314
24-423	Notice of Election.....	315
24-424	Observers.....	316
24-425	Opportunity to Vote and Number of Voters.....	318
24-426	Secrecy of the Ballot.....	320
24-427	Mail Ballots.....	322
24-428	Foreign Language Voters.....	323
24-429	Ballot Count.....	324
24-430	Payments to Off Duty Employees to Encourage Voting.....	324
24-440	Electioneering.....	325
24-441	Ballot Reproduction.....	325
24-442	The <i>Milchem</i> Rule.....	326
24-443	Raffles, Gifts, and Contests.....	328

24-444 Campaign Insignia .....	330
24-445 Checking Off Names of Voters .....	331
24-446 Filing Lawsuits.....	331
24-500 The <i>Lufkin</i> Rule.....	332
24-600 Postelection Unit Modifications.....	332