

NOT TO BE INCLUDED
IN BOUND VOLUMES

BKW
Santa Barbara, CA

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMPERSAND PUBLISHING, LLC, d/b/a
SANTA BARBARA NEWS-PRESS

Employer

and

Case 31-RC-8602

GRAPHIC COMMUNICATIONS CONFERENCE

Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered objections to an election held on September 27, 2006, and the administrative law judge's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 33 votes cast for and 6 against the Petitioner, with 1 challenged ballot, an insufficient number to affect the election results.

The Board has reviewed the record in light of the exceptions and briefs,¹ has adopted the judge's findings² and

¹ In its exceptions, the Employer reiterates its argument that certain "blog comments" rose to the level of "inflammatory attacks on management" warranting the setting aside of the election. The judge found, and we agree, that this contention was not timely raised, stating: "The assertion that this

recommendations, and finds that a certification of representative should be issued.

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for Graphic Communications Conference, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate bargaining unit:

election should be overturned because of largely anonymous commentary about the Employer's executives is clearly not encompassed in any of the objections." Even assuming arguendo that the "inflammatory attacks on management" contention is sufficiently related to the allegations of Objection 2 to warrant consideration on the merits, we note that the judge also addressed whether the "blog comments" were objectionable and properly concluded that they did not upset the laboratory conditions necessary for a fair election.

We grant the Employer's motion to strike fn. 46 of the Petitioner's brief to the extent it relies on evidence outside the record.

The Petitioner requests that the Board take administrative notice of certain unfair labor practice cases in which the General Counsel has authorized the issuance of complaints against the Employer. Because those cases do not represent binding authority and do not bear on the issues presented in this matter, we deny the Petitioner's request. See *St. Vincent Medical Center*, 338 NLRB 888 (2003), petition for review granted on other grounds sub nom. *Healthcare Employees Union, Local 399 v. NLRB*, 463 F.3d 909 (9th Cir. 2006).

We grant the Petitioner's unopposed request to correct certain typographical errors in the judge's report.

² The judge was sitting as a hearing officer in this representation proceeding. The Employer has excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We have carefully examined the record and find no basis for reversing the findings.

All full-time and regular part-time employees in the news department, including writers, reporters, copy editors, photographers, and graphic artists employed at the Employer's Anacapa Street facility located in Santa Barbara, California, but excluding all other employees, guards, confidential employees, supervisors as defined in the Act, as amended, and writers and editors engaged primarily in working on the opinion editorial pages.

Dated, Washington, D.C., August 16, 2007.

Robert J. Battista, Chairman

Peter N. Kirsanow, Member

Dennis P. Walsh, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD