

FOR RELEASE:

April 20, 1983

FOR INFORMATION:

William Buchanan  
(703) 525-5940

NLRB REJECTS ALL UNION CHARGES  
AGAINST CARROLLTON PRESS ON  
SHUTDOWN OF BERKELEY OPERATIONS

OAKLAND - James Scott, Director of the National Labor Relations Board's Region 32, wrote to Local 9415 of the Communications Workers of America on March 30, 1983 in response to the union's charges that Carrollton Press had engaged in unfair labor practices in closing down its online editing facility in Berkeley. His three-page letter concluded that "On the basis of the foregoing, therefore, I am refusing to issue complaint in this matter."

"The investigation failed to establish, as alleged in the charge, that Carrollton Press, Inc., (herein CPI) closed its Berkeley, California facility for an unlawful motivation," Scott stated. His failure to "issue complaint" also applied to union charges that CPI personnel had made statements "suggesting that continuing efforts by the employees to obtain representation might cause the closure of the Berkeley's facility."

Although Scott's letter also explained that the union had the right to appeal his decision to the NLRB General Counsel in Washington "by the close of business on April 12, 1983," no appeal was filed by that deadline.

#

#

#



# NATIONAL LABOR RELATIONS BOARD

REGION 32

2201 Broadway, 2nd Floor

Post Office Box 12983

Oakland, California 94604

Telephone 273-7200  
Area Code 415

March 30, 1983

Communication Workers of America,  
Local 9415  
1736 Franklin St., Suite 600  
Oakland, CA. 94612

Re: Carrollton Press, Inc.  
Case 32-CA-5140

Gentlemen:

The above-captioned case charging a violation under Section 8 of the National Labor Relations Act, as amended, has been carefully investigated and considered.

The investigation failed to establish, as alleged in the charge, that Carrollton Press, Inc. (herein CPI) closed its Berkeley, California facility for an unlawful motivation. Rather, the evidence revealed that the decision to close was solely for economic reasons. The lack of demand for the product of the Berkeley facility by secondary customers, coupled with the decision of the Library of Congress, the primary customer communicated to Carrollton Press on October 26, 1982 not to use the Berkeley product, caused the president of Carrollton Press to recommend closure of the Berkeley facility to his board of directors on October 29, 1982. The statements alleged to have been made by CPI management that unionization might result in the closure of the Berkeley facility (discussed more fully hereinafter) were made in early September. The employees did not sign authorization cards until October 25. The demand for recognition was made on November 5. CPI voluntarily recognized the Union on December 6 following the filing of a petition on November 10. On the basis of all of the foregoing, there is insufficient evidence to establish that the decision to close the Berkeley facility was made for unlawful reasons.

Moreover, CPI was under no obligation to bargain with the Union concerning the decision to close the facility. First, the decision was made on October 29, 1982, prior to the date that a duty to bargain arose, December 6, 1982. Second, an employer has no duty to bargain about a decision to terminate a part of its business solely for economic reasons. Here, the Employer has chosen to go out of the business of editing its REMARC records.

The investigation revealed that subsequent to December 6, 1982, CPI and the Union bargained collectively over the effects of the decision to close the Berkeley facility. They exchanged proposals, and communicated in person, by phone, and by mail between December 6 and January 7, 1983. Agreements were reached on a procedure in the event operations were resumed and on individual provisions of a possible collective bargaining agreement.

As noted above, certain statements were attributed to the president of CPI suggesting that continuing efforts by the employees to obtain representation might cause the closure of the Berkeley facility. Assuming, arguendo, that issues of conversational context and credibility are resolved in favor of the Union, no meaningful remedy exists even if a violation occurred. The employees were not deterred from signing authorization cards (over a majority did so); recognition was granted; bargaining occurred; and the facility was not closed for unlawful reasons. A similar analysis applies to comments attributed to Berkeley management, themselves not involved in the decision to close, in which speculation was engaged in as to action which might be taken by the CPI president. Thus, it would not effectuate the purposes and policies of the Act to proceed further with respect to the alleged violations of Section 8(a) (1) of the Act.

On the basis of the foregoing, therefore, I am refusing to issue complaint in this matter.

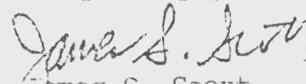
(Continued page 3)

March 30, 1983

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing an appeal with the General Counsel, addressed to the Office of Appeals, National Labor Relations Board, Washington, D.C. 20570, and a copy with the Regional Director. This appeal must contain a complete statement setting forth the facts and reasons upon which it is based. The appeal must be received by the General Counsel in Washington, D.C. by the close of business on April 12, 1983. Upon good cause shown, however, the General Counsel may grant special permission for a longer period within which to file. Any request for extension of time must be submitted to the Office of Appeals in Washington, and a copy of any such request should be submitted to the Regional Director.

If you file an appeal, please complete the notice forms I have enclosed with this letter and send one copy of the form to each of the other parties. Their names and addresses are listed below. The notice forms should be mailed at the same time you file the appeal, but mailing the notice forms does not relieve you of the necessity for filing the appeal itself with the General Counsel and a copy of the appeal with the Regional Director within the time stated above.

Very truly yours,

  
James S. Scott  
Regional Director

Enclosures

cc:

National Labor Relations Board  
General Counsel, Office of Appeals  
Washington, D.C. 20570

Carrollton Press, Inc.  
2131 University Ave.  
Berkeley, CA. 94704

Jonathan Kurtz, Esq.  
3350 Scott Blvd., Bldg. 24  
Santa Clara, CA. 95051

Carrollton Press, Inc.  
1911 Fort Myer Drive  
Arlington, Va. 22209

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

# AMERICAN LIBRARY ASSOCIATION

50 EAST HURON STREET • CHICAGO, ILLINOIS 60611 • (312) 944-6780



February 13, 1983

Dear Stefan

Enclosed is a copy of 1982-83 Council Document #25, Resolution on REMARC Editing Closing which asks the ALA president to form a task force of appropriate ALA members to assess Carrollton Press' employment practices related to ALA Policy 54.11 and the effect on bibliographic standards resulting from Carrollton Press' closing of its Berkeley, California, branch on January 8, 1983, with a first report to the ALA Executive Board at its Spring 1983 meeting for action.

The Council was uncertain of the appropriateness of ALA's intervening in other than direct ALA related personnel problems. Looking forward to sufficient information on which to base a decision from the California Library Association, the resolution was TABLED. Councilor Gilbert McNamee felt that the California Library Association would be able provide a report for the Los Angeles Conference.

I look forward to your response.

Cordially yours

A handwritten signature in dark ink, appearing to read 'RW', is written above the typed name.

Robert Wedgeworth  
Executive Director

Stefan Moses, Executive Director  
California Library Association  
717 K Street - Suite 300  
Sacramento, CA 95814

cc  
Joan Goddard  
Elizabeth Talbot  
Gil McNamee