

INDEX OF DECISIONS UNDER THE NEW YORK STATE EMPLOYMENT RELATIONS ACT

The Public Employment Relations Board (PERB) has created and is maintaining an Index of cases decided under the New York State Employment Relations Act (SERA or Act), since the Act was first enacted in 1937.

From 1937 to 1972 the New York State Labor/Employment Relations Board (SLRB or SERB) administered the SERA and published decisions annually in volumes entitled Decisions and Orders. The SLRB also published Annual Reports which categorized and analyzed SERA cases for the prior year, entitled Annual Report or Annual Analysis.

Each Annual Report contains a Table of Contents for the subject matter at issue in that year's cases. PERB's SERA Index was created by merging the various subjects discussed in each SLRB Annual Report from 1937 to 1972. The Index was expanded slightly by PERB to include additional subjects arising in cases after 1972.

The SERA Index is comprised of five main categories:

- I. Unfair Labor Practices Cases
- II. Representation Cases
- III. Coverage of the Act
- IV. Decisions on Questions of Procedure
- V. Analysis of Court Cases

Each category contains numerous subjects.

Next to each subject in the Index is a year, or a range of years, in parentheses. For example, if the year is listed as (1955), this represents the first year that this subject matter was included by SLRB in its Annual Report. Please use this year as a starting point for research, understanding that if a particular subject was first discussed in 1955, for example, it may also be discussed in subsequent years.

Starting in 2010, PERB began to administer private sector collective bargaining issues under the SERA, whereas previously PERB had decided only public sector cases under the Taylor Law. PERB publishes its decisions in annual volumes entitled Official Decisions, Opinions, and Related Matters.

Finally, to assist with research, PERB has created a companion document entitled Table of SERA Resources. This table is organized by year, with links to sources currently available electronically on the internet, including the cases published by the SLRB and by PERB.

Many of the volumes are scanned documents made available on the HathiTrust website. This includes both SLRB's Decisions and Orders as well as the Annual Reports. Frequently, multiple volumes were scanned together into larger documents. In such instances, PERB has provided a "scanned page #," which refers to a precise page within the scanned document. This "scanned page #" will help you to locate more easily the specific volume within the larger document, as well as the topic index within a volume. Note that a "scanned page #" is not identical to the pagination in the volume itself.

As a guideline for performing research using the SERA Index, we suggest that you first search the SERA Index for subject matter, and then use the Table of SERA Resources to find the specific research materials available online. As PERB continues to improve and expand the information available in the SERA Index, it will be updated and shared accordingly.

SERA INDEX

I. UNFAIR LABOR PRACTICES CASES

A. Espionage/Blacklisting/Spying/Surveilling (1937-39)

1. Remedy (1953)

B. Domination of/Interference with Formation or Existence of an Employee Organization (1937-39)

1. Reorganization of Preexisting Employee Representation Plan (1937-39)
2. Activity of Supervisory Employees (1937-39)
 - a. Supervisory Status (1964)
3. Manifestation of Employer Preference (1937-39)
4. Evidence of Employer Domination or Support Prior to the Act (1937-39)
5. Remedy (1937-39)
6. "Balleisen Contract" Bargaining Committees (1940)
7. Reorganization of Company Dominated Unions (1940)
8. The Effect of a Prior Certification of a Company Union (1945)
9. Manifestation of Employer Domination (1945)

C. Discouraging Union Membership by Discriminatory Practices; Imposition of Illegal Conditions on Employment (1937-39)

1. Applicability of Section 704(5) to Non-Union Employees (1937-39)
2. Forms of Discrimination (1937-39)
 - a. Discharge (1937-39)
 - (1) What Constitutes a Discharge (1940)
 - (2) Insubordination (1943)
 - (3) Proof of Employer's Knowledge of Union Activity (1946)
 - (a.) Circumstantial Evidence (1949)
 - (b.) Supervisory Employees' Knowledge of Union Activity (1953)
 - (c.) Discharge Because of Relative's Union Activity (1955)
 - (4) Asserted Justifications for a Discharge (1946)
 - (a.) Unsatisfactory Services (1946)
 - (b.) Intoxication (1946)
 - (c.) Solicitation of Union Membership During Working Hours (1946)
 - (d.) Voluntary Resignation (1946)
 - (e.) Administrative Changes (1946)
 - (f.) Lateness (1946)
 - (g.) Disparaging the Employer's Product (1946)
 - (h.) Temporary Employment (1946)
 - (i.) Economic Pressure (1946)
 - (j.) Misconduct (1947)
 - i. Absence and Lateness (1947)
 - ii. Abusive Language (1947)

- iii. Accidents (1947)
- iv. Assault (1947)
- v. Property Damage (1947)
- vi. Absence from Post (1948)
- vii. Assault and Threats of Assault (1948)
- viii. Divulging Confidential Information (1948)
- ix. Insubordination (1948)
- x. Withholding Rents (1949)
- xi. Intoxication (1955)
- xii. Theft (1955)
- xiii. Unauthorized Leaving Before Quitting Time (1956)
- xiv. Complaints of Dishonesty (1959)
- xv. Dereliction of Duty (1962)
- xvi. Rude and Obnoxious Behavior (1962)
- xvii. Violation of the Workmen's Compensation Law (1962)
- xviii. Miscellaneous Acts of Misconduct (1962)
- xix. Violation of Company Rule (1963)
- (k.) Voluntary Quitting (1947)
- (l.) Violation of Company Rules (1947)
 - i. Personal Use of Employer's Property (1947)
 - ii. Smoking (1947)
- (m.) Administrative Changes (1947)
- (n.) Veteran's Return (1947)
- (o.) The Proviso in Section 704, subdivision 5 (1947)
 - i. Oral Closed Shop Agreements (1947)
- (p.) Economic Pressure (1947)
- (q.) Business Reasons (1949)
- (r.) Cancellation of Indemnity Bond (1949)
- (s.) Changes in Operation (1949)
- (t.) Absence (1952)
- (u.) Breach of Discipline (1952)
- (v.) Insubordination (1952)
- (w.) Accidents (1953)
- (x.) Strike in Breach of Contract (1953)
- (y.) Closed Shop Contracts (1953)
- (z.) Decisions of Other Agencies (1953)
- (aa.) Lack of Work (1953)
- (bb.) Unauthorized Withholding of Rents (1953)
- (cc.) Pressure by Employer's Landlord (1954)
- (dd.) Rule Prohibiting Solicitation (1954)
- (ee.) Violence (1954)
- (ff.) Failure to Procure a Bond (1955)
- (gg.) Garnishee Orders (1955)
- (hh.) Prospective Retirement (1958)

- (ii.) Absence of Employer-Employee Relationship (1960)
- (jj.) Inefficiency (1960)
- (kk.) Language Difficulties (1960)
- (ll.) Trial Period (1961)
- (mm.) Failure to Pass Physical Examination (1963)
- (nn.) Violation of Company Rule (1964)
- (oo.) Reorganization (1969)
- (pp.) Prior Oral Discharge (1969)
- (5) Prior Notices of Discharge (1947)
- (6) Striking Building Superintendents (1947)
- (7) New Owners (1948)
- (8) Discharge Immediately Following Knowledge of Union Activity (1950)
- (9) Voluntary Quitting (1952)
- (10) Prior Oral Discharge (1953)
- (11) Burden of Proof (1961)
- (12) Statements Constituting Discharge (1961)
- (13) Coincidence of Knowledge of Union Activity with Discharge (1955)
- (14) Inducing Employee to Join Union (1962)
- (15) Reduction of Working Hours (1962)
- (16) Sequence of Events (1963)
- (17) Discharge of Employees' Spokesman to Forestall Self-Organization (1964)
- (18) Discharge Motivated in Part by Union Activity (1966)
- (19) Anti-Union Animus (1966)
- (20) Discharged Employees Who Did Not Testify at the Hearing (1969)
- (21) Other Defenses (1950)
 - (a.) Absence of Employer-Employee Relationship (1950)
 - (b.) Voluntary Quitting (1950)
 - (c.) Arbitration (1951)
- b. Refusal to Reinstate (1937-39)
 - (1) Strikers (1953)
 - (a.) Disorderly Conduct (1953)
 - (b.) Replacements (1953)
 - (2) Unfair Labor Practice Strikers (1948)
 - (a.) The Effect on Employee Status of an Offer to Reinstate (1948)
 - (b.) Unconditional Request for Reinstatement (1948)
 - (c.) Asserted Justification for Refusal to Reinstate (1948)
 - i. Offensive Remarks by Strikers (1948)
 - ii. Business Reasons (1948)
 - iii. Strikers Obtained Other Employment (1948)
 - iv. Replacements (1948)
 - v. Strikers Did Not Want to Return (1948)
 - vi. Unsatisfactory Services (1950)
 - vii. Misconduct (1950)
 - viii. Unlawful Concerted Activities: The *Fansteel* Case (1950)

- ix. Failure to Request Reinstatement (1956)
 - x. Absence (1956)
 - xi. No Available Job (1956)
 - xii. Strike in Violation of Contract (1957)
 - xiii. Union Security Clauses (1957)
 - (3) Economic Strikers (1948)
 - c. Discrimination in Regard to Hire (1937-39)
 - d. Other Discriminatory Practices (1937-39)
 - (1) Violations of Section 704 (8) (1940)
 - (2) Changes in Working Conditions (1959)
 - e. Discrimination Because of Testimony (1942)
 - f. Lay Off (1945)
 - g. Refusal to Hire or Rehire (1946)
 - (1) Asserted Justifications for Refusal to Hire or Rehire (1955)
 - (a.) Developing a Pool of Trained Employees (1955)
 - (b.) Violation of Company Rules: Betting (1955)
 - (c.) Unsatisfactory Services (1955)
 - (2) Limited Applications for Employment (1955)
 - (3) Licensing Requirements (1955)
 - (4) Unavailability for Employment (1955)
 - (5) Deceased Employees (1955)
 - h. Lockout (1954)
3. Closed-Shop Proviso – Section 704(5) (1937-39)
4. Remedy for Discriminatory Practices and Illegal Conditions (1937-39)
 - a. Reinstatement and Backpay (1937-39)
 - (1) Effect of Offer of Reinstatement (1940)
 - (2) Effect of General Release (1940)
 - (3) Military Service (1946)
 - (4) Illness (1946)
 - (5) Strikers (1947)
 - (a.) Sympathy Strikers (1953)
 - (b.) Strike Benefits (1953)
 - (6) Building Superintendents (1949)
 - (a.) Striking Building Superintendents (1952)
 - (7) Economic Pressure Cases (1949)
 - (8) Sympathy Strikers (1949)
 - (9) Seeking Other Employment (1950)
 - (a.) Effect of Unemployment Insurance Benefits (1956)
 - (b.) Possible Reemployment with Employer (1956)
 - (10) The Effect of Substantially Equivalent Employment (1945)
 - (11) The Effect of Benefits Paid by a Union (1945)
 - (12) The Effect of Unemployment Insurance Benefits (1945)
 - (13) Computation of Backpay (1946)
 - (a.) Seeking Other Employment (1951)

- (b.) The Effect of an Offer of Reinstatement (1951)
- (c.) Bonus and Vacation Pay (1951)
- (d.) Income Tax Returns (1951)
- (e.) Unemployment Insurance Benefits (1951)
- (f.) Armed Forces (1953)
- (g.) Availability for Employment (1953)
- (h.) Deferred Decision (1953)
- (i.) Delay in Filing Charges (1953)
- (j.) Income Tax Returns (1953)
- (k.) Subsequent Regular Employment Paying Equal Wages (1953)
- (l.) Tax Reports (1954)
- (m.) Taxicab Industry (1954)
- (n.) Employment Agency Fees (1955)
- (o.) Reversal of Trial Examiner's Report (1955)
- (14) The Effect of Deferred Reinstatement (1947)
- (15) The Effect of Stipulations with Respect to Back Pay (1947)
- (16) The Effect of Economic Pressure (1947)
- (17) Discharge (1948)
- (18) Demotion (1948)
- (19) Availability for Employment (1948)
- (20) Diligence in Seeking Other Employment (1948)
- (21) Subsequent Regular Employment (1949)
- (22) Part-Time Employees (1949)
- (23) Preferential Hiring List (1950)
- (24) Subsequent Regular Employment Paying Equal Wages (1952)
- (25) Misconduct (1952)
- (26) Laid-Off Employees (1952)
- (27) Reinstated Employees (1952)
- (28) Picketing (1952)
- (29) Earnings During Employment with Employer (1956)
 - (a.) Expense Allowance (1956)
 - (b.) Settlements (1956)
- (30) Deceased Employees (1954)
- (31) Alleged Delay in Issuing Trial Examiner's Report (1956)
- (32) Seasonal Employees (1957)
- (33) Building Services Employees (1957)
 - (a.) Judgment for Use and Occupation of Apartment (1957)
- (34) Reversal of Trial Examiner's Report (1957)
- (35) Former and New Owners (1958)
- (36) Changes in Working Conditions (1959)
- (37) Change in Operation (1960)
- (38) Offensive Conduct (1961)
- (39) Necessity of Request for Reinstatement (1962)
- (40) Unconditional Offer of Reinstatement (1962)

- (41) Discriminatory Reduction of Working Hours (1962)
- (42) Unlawfully Discharged Employees Who Were Reinstated (1964)
- (43) Discriminatory Change in Working Conditions (1964)
- (44) Strike Subsequent to Unlawful Discrimination (1964)
- (45) Refusal to Hire (1964)
- b. Remedial Orders (1963)
 - (1) Notice to Employees (1963)
 - (2) Notification to Board (1963)
 - (3) Strikers (1963)
 - (a.) Unlawfully Discharged Strikers (1963)
 - (b.) Unfair Labor Practice Strikers (1963)
- 5. Discrimination for Participation in Proceedings before the Board (1943)
- 6. Discriminatory Suspension (1964)
- 7. Changes in Working Conditions (1948)
- 8. Demotion (1948)
- 9. Transfer (1948)
- 10. Salary Reductions (1949)
- 11. Posting of Notice (1951)
- 12. Building Superintendents (1951)
 - a. Unlawfully Discharged Strikers (1962)
 - b. Dual Employment (1963)
- 13. Preferential Hiring List (1962)
- 14. Determination of Backpay Subsequent to Enforcement Order (1966)
 - a. Offer of Reinstatement (1966)
 - b. Sale of Business (1966)

D. Refusal to Deal with Employee Representatives (1937-39)

- 1. Refusal to Bargain Collectively (1937-39)
 - a. Proof of Majority Representation (1945)
 - (1) The Effect of Contracts with Non-Representative Unions (1945)
 - (2) Contested Certifications (1945)
 - (a.) Election Procedure Challenged (1956)
 - (b.) Unit Challenged (1956)
 - (c.) Objections to Unit (1964)
 - (3) The Effect of a Contemplated Sale (1945)
 - (4) Refusal to Bargain During a Strike (1945)
 - (5) Refusal to Mediate (1945)
 - (6) Remedy (1945)
 - (7) Loss of Majority Representation (1947)
 - (a.) After Recognition Agreement (1947)
 - (b.) Voluntary Quitting (1947)
 - (c.) Discharged Employees (1947)
 - (d.) Elimination of Jobs (1947)
 - (e.) After Certification (1948)

- (f.) Discharges (1948)
- (g.) After Discharge (1949)
- (h.) After Refusal to Bargain (1949)
- (i.) After Unfair Labor Practices (1952)
- (j.) After Unfair Labor Practice Strikes (1956)
- (k.) After Voluntary Quitting (1954)
- (l.) After Settlement Agreement (1957)
- (m.) After Execution of Contract (1958)
- (n.) Employer-Induced Resignations from Union (1960)
- (o.) Repudiation of Union (1961)
- (p.) Discharged Strikers (1961)
- (q.) After Bargaining Demand (1964)
- (8) Necessity of Certification (1949)
- (9) Duration of a Certification (1949)
- (10) Cards Signed Because of Alleged Misrepresentation (1955)
- (11) Loss of Majority Status: After Certification (1955)
- (12) Loss of Majority Status: After Unfair Labor Practices (1955)
- (13) Loss of Majority Status: After Discharge (1955)
- (14) Board's Power to Determine the Union's Representative Status in Unfair Labor Practice Proceedings (1956)
- (15) Necessity of a Prior Board Finding as to Unit (1957)
- (16) New Owners (1958)
- (17) Successor Unions (1960)
- (18) Certification (1961)
- (19) Union Membership as Constituting Designation of Representative (1961)
- (20) Expanded Unit (1961)
- (21) Inappropriate Unit (1961)
- (22) Cards Signed Pursuant to a Union Security Clause in a Non-Representative Contract (1962)
- (23) Presumption of Continued Majority Status (1963)
- (24) Strikers (1963)
- (25) Cards Signed Because of Alleged Threats or Misunderstanding (1965)
- (26) Presumption of Continued Majority Representation After Certification (1965)
- (27) Prior Certification (1971)
- (28) Lack of Majority (1971)
- b. Duty to Meet and Negotiate with Employee Representatives (1937-39)
 - (1) Proof of Majority Representation (1942)
 - (2) Unilateral Wage Increases and Other Benefits (1947)
 - (3) Duty to Bargain During a Strike (1947)
 - (4) During Current Certification (1949)
 - (5) During Current Contract (1949)
 - (6) The Effect of a Collective Bargaining Contract on a Prior Refusal to Bargain (1950)
 - (7) Discharged Employees (1950)

- (8) Oral Agreements (1950)
- (9) Failure to Attend Board Informal Conferences and Hearings (1951)
- (10) The Effect of the Filing of an Unfair Labor Practice Charge (1951)
- (11) Union Security Clauses (1952)
- (12) Pensions and Insurance Benefits (1952)
- (13) Authority of Employer's Representative (1952)
- (14) Minimum Wage Scales (1953)
- (15) Unilateral Reduction of Wages (1953)
- (16) Unilateral Wage Increases (1953)
- (17) Arbitration Clauses (1953)
- (18) Imposition of Conditions Precedent to Bargaining (1955)
 - (a.) Insistence That Other Firms Be Organized (1959)
 - (b.) Insistence Upon Discharge of an Employee (1963)
 - (c.) Insistence Upon Prior Organization of Competitors (1963)
 - (d.) Insistence on Prior Resolution of Issues in Other Units (1970)
 - (e.) Recognition of Bargaining Representative (1971)
 - (f.) Withdrawal of Unfair Labor Practice Charge (1971)
- (19) Discharge for Union Activity (1955)
- (20) Pending Unfair Labor Practice Proceedings (1955)
- (21) Request to Bargain (1956)
- (22) Refusal to Recognize Union (1956)
- (23) After Execution of Contract (1958)
- (24) Former and New Owners (1958)
- (25) Unilateral Action (1959)
 - (a.) Tenure of Employment (1965)
 - (b.) Wage Increases and Other Benefits (1965)
 - (c.) Change in Working Conditions (1967)
- (26) The Demand for Bargaining (1960)
 - (a.) Strike as Demand for Bargaining (1965)
- (27) Ignoring Initial Efforts to Bargain (1960)
- (28) Individual Agreements (1960)
- (29) Objection to Union Negotiator (1961)
- (30) Receiver (1962)
- (31) Contracts with Non-Representative Unions (1963)
- (32) Discharge to Avoid Bargaining (1963)
- (33) Repudiation of Contract (1963)
- (34) Individual Bargaining (1963)
- (35) Contemplated Sale (1964)
- (36) Prior to Execution of New Contract (1967)
- (37) Continuing Duty to Bargain (1971)
 - (a.) While Litigation Pending (1971)
 - (b.) Duty During Strike (1971)
- c. Duty to Negotiate with Employee Representatives (Good Faith as An Element of Collective Bargaining) (1937-39)

- (1) Disregard of Employee Representatives (1940)
 - (2) Conditional Offer to Bargain (1940)
 - (3) Dilatory Negotiations (1940)
 - (4) Creation of an Artificial Impasse (1940)
 - (5) Refusal to Sign a Written Agreement (1940)
 - (6) Anti-Union Conduct (1940)
 - (7) Counter-Proposals (1942)
 - (8) Power of Employer's Agent to Negotiate or Contract (1942)
 - (9) Simultaneous Unfair Labor Practices (1942)
 - (10) Other Considerations (1942)
 - (11) Authority of Employer's Agent (1947)
 - (12) Failure to Submit Financial Data (1950)
 - (13) Union Security Provisions (1950)
 - (14) Financial Inability to Increase Wages (1951)
 - (15) Failure to Produce Financial Records (1951)
 - (16) Failure to Procure a Bond (1954)
 - (17) Insistence Upon the Discharge of an Employee (1955)
 - (18) Refusal to Mediate (1955)
 - (19) Withdrawal of Consent to Contract Terms (1956)
 - (20) Arbitration Clauses (1956)
 - (21) Unilateral Granting of Benefits (1956)
 - (22) Refusal to Attend Mediation Board Conference (1960)
 - (23) Wage Increases (1962)
 - (24) Mediation Board Conferences (1963)
 - (25) Failure to Implement Recognition Agreement (1965)
 - (26) Good Faith Doubt as to Majority Status (1972)
 - (27) Loss of Majority Status (1972)
- d. Scope of Negotiations (1937-39)
 - e. Effect of Impasse (1937-39)
 - f. Duty Not to Bargain with Non-Representative Organizations (1937-39)
 - g. Disregard of Employee Representatives: Duty Not to Bargain with Minority Unions (1941)
 - h. Oral Agreements (1951)
 - i. Refusal to Sign Agreement (1954)
 - j. Individual Contracts of Employment (1953)
 - (1) Contracts of Hiring (1953)
 - (2) Individual Bargaining as Contrasted with Collective Bargaining (1953)
 - k. Remedy (1951)
 - (1) One-Man Units (1953)
 - (2) Individual Contracts (1953)
 - (3) Individual Agreements (1954)
 - (4) Preferential Hiring List (1955)
 - (5) Unilateral Wage Increases (1955)
 - (6) Sole Employee on Preferential Hiring List (1957)

- (7) Refusal to Sign Contract (1957)
- (8) Repudiation of Contract (1958)
- (9) Loss of Majority Representation: After Unfair Labor Practice Strike (1958)
- (10) Former Owners (1963)
- (11) Pending Arbitration Proceedings (1965)
- (12) Change in Circumstances (1969)
- (13) Refusal to Exhibit Financial Records (1970)
- (14) Bargaining Order (1971)
 - (a.) Duration of Bargaining Order (1971)
- I. Asserted Justifications for Refusal to Bargain (1947)
 - (1) Unsatisfactory Employees (1947)
 - (2) Contemplated Sale (1947)
 - (3) Financial Circumstances (1947)
 - (4) Conduct of Union (1947)
 - (5) Doubt as to the Certified Union's Continued Majority Status (1949)
 - (6) Inappropriate Unit (1950)
 - (7) Unsatisfactory Services (1950)
 - (8) Predecessor's Contract with the Union (1950)
 - (9) Changes in Operation (1950)
 - (10) Prospective Discharge (1951)
 - (11) The Board's Alleged Lack of Jurisdiction (1952)
 - (12) Financial Reasons (1952)
 - (a.) Financial Records (1952)
 - (13) Other Defenses (1952)
 - (14) Disagreement Among Stockholders (1953)
 - (15) Employer "Too Busy" (1953)
 - (16) Absence of Employer-Employee Relationship (1954)
 - (17) Possibility of New Legislation (1955)
 - (18) Contract with Non-Representative Union (1956)
 - (19) Employer's Poor Health (1956)
 - (20) Pending Motion to Shorten the Life of a Certification (1957)
 - (21) Pending Unfair Labor Practice Charges (1957)
 - (22) Contract with Another Union (1958)
 - (23) Incapacity of Employer's Principal Officer (1958)
 - (24) Pending Representation Proceeding (1960)
 - (25) Loss of Majority Status (1961)
 - (26) Absence of Employee Status (1961)
 - (27) Union Abandoned Employees to Another Union (1962)
 - (28) Contract with Rival Union (1962)
 - (29) Pending Sale (1962)
 - (30) Conflicting Claims by Rival Unions (1963)
 - (31) Union's Adamant Position (1963)
 - (32) Doubt as to Union's Representative Status (1965)
 - (a.) Claim by Rival Union (1965)

- (33) Doubt as to Union's Jurisdiction (1967)
- (34) No Employee Ratification of Contract (1969)
- 2. Refusal to Discuss Grievances (1937-39)
 - a. Remedy (1958)

F. Interference with the Rights of Employees (1937-39)

1. Threats of Reprisal (1937-39)
2. Promise of Benefits (1937-39)
3. Questioning Employees Under Coercive Circumstances (1937-39)
4. Acts Discouraging Union Membership (1940)
 - a. Denunciation of Union Activities (1937-39)
5. Indirect Coercion (1937-39)
6. Miscellaneous Violations of Section 704(10) (1937-39)
7. Effectiveness of Intimidation (1937-39)
8. Responsibility for Acts of Employees (1937-39)
9. Encouragement of Membership in a Particular Union (1940)
10. Interference with Union's Representative Functions (1940)
11. Remedy for Interference (1942)
12. Interference with Lawful Concerted Activities (1943)
 - a. Announcements of Extra Pay and Job Security for Non-Participants in a Strike in Breach of a No-Strike Clause (1948)
 - b. The Effect of a Settlement Agreement on the Employer's Promise of Extra Pay to Non-Strikers (1948)
 - c. Justification for the Amount of Extra Pay: Burden of Proof (1948)
 - d. The Effect of an Agreement Settling a Strike in Breach of a Contract (1948)
 - (1) Condonation (1948)
 - (2) Waiver (1948)
 - e. Announcement of Extra Compensation to Non-Striking Employees During Organizational Campaign (1948)
13. Interference by an Employer's Association (1943)
14. Interference by an Outsider (1943)
15. Interference through Activities of Supervisory Employees (1943)
16. Interference through Uncontrolled Activities of other Employees (1943)
17. Interference with an Election (1943)
18. The *Columbia Valet* Doctrine (1943)
19. Effectiveness of Intimidation (1943)
20. Statements as Acts of Interference (1945)
21. Interference through Anti-Union Petitions (1945)
22. Elections by Private Agencies (1945)
23. Poll by the Employer (1945)
24. Remedy (1945)
 - a. Strikers (1950)
 - b. Contracts with Non-Representative Unions (1962)
25. Activities of Supervisory Employees and Employer's Agents (1947)

26. Interference Through Threats, Inducements, or Reprisals (1946)
 - a. Wage Increases (1946)
 - b. Changes in Working Conditions (1950)
 - c. Offer of an Interest in the Business (1957)
 - d. Union Security Clauses (1957)
 - e. Wage Decreases
 - f. Other Benefits (1946)
27. Questioning Employees About Their Union Membership (1948)
28. Change in Working Conditions (1949)
29. Employers' Letters to Employees (1949)
30. Contracts by Minority Unions (1950)
31. Anti-Union Petitions (1951)
32. Activities of the Employer's Agents (1951)
33. Contracts with Unions Not Freely Selected (1951)
34. Contracts Made While a Representation Proceeding was Pending (1951)
35. Circulating Affidavits Denying Union Affiliation (1952)
36. Contracts with Non-Representative Unions: Closed Shop Clauses (1952)
37. Employer-Induced Letters of Resignation from the Union (1953)
38. Contracts with Non-Representative Unions (1954)
 - a. Proof of Majority Representation by Contracting Union (1956)
 - (1) Cards Signed Because of Coercion (1956)
 - (2) Contracts Made When Employer Had No Employees (1956)
 - (3) Employees' Signatures on Contract (1956)
 - (4) Cards Signed at Employer's Insistence (1962)
 - (5) Cards Signed Pursuant to a Union Security Contract (1962)
 - (6) Loss of Majority Status After Unfair Labor Practices (1962)
 - b. Premature Negotiations (1961)
 - c. Cards Signed at Employer's Discretion (1961)
 - (1) Cards Signed at Employer's Direction (1961)
 - (2) Union's Improper Tactics (1964)
 - (3) Cards Signed Pursuant to a Closed Shop Contract (1964)
 - d. Economic Pressure (1963)
 - e. After-Acquired Contract Clause (1967)
39. Questioning Employees Concerning Their Union Activity (1955)
 - a. Employment Application Blanks (1955)
40. Forbidding Use of Bulletin Board (1956)
41. Contracts Made Before Notice of Conflicting Claims of Representation (1956)
42. Circulating Anti-Union Petitions (1957)
43. The Proviso in Section 703 (1959)
44. Withdrawal of Benefits (1962)
45. Rule Prohibiting Union Activity (1962)
46. Activities of Supervisory Employees (1963)
47. Inducing Resignations from the Union (1964)
48. Non-Employee Union Activity on Employer's Premises (1966)

- a. Effect of Public Use of Employer's Premises (1966)
- 49. False Window Signs (1966)
- 50. Restriction of Privileges (1967)
- 51. Economic Pressure (1970)

II. REPRESENTATION CASES

A. Petitions in Representation Proceedings (1937-39)

1. Who May File a Petition; Employer Petitions (1937-39)
2. Contents of Petition (1937-39)
3. Intervention (1937-39)

B. The Existence of a Question or Controversy Concerning Representation (1937-39)

1. What Constitutes a Question or Controversy (1937-39)
 - a. Employers' Petitions (1949)
 - (1) The Effect of the Union's Failure to Appear at the Hearing (1949)
 - (2) Negative Certifications (1950)
 - (3) Demand for a Contract: Presumption of Majority Status (1950)
 - (4) The "Right" to an Election (1950)
 - (5) The Union's "Interest" in the Proceeding (1950)
 - (6) "Question or Controversy" as Distinguished from "Labor Dispute" (1950)
 - (7) Challenging Showing of Interest (2010 or later)
 - (8) Demand for a Contract: Presumption of Claim of Majority Status (1951)
 - (9) The Effect of a Contract with a Non-Representative Union (1951)
 - (10) The Effect of a Union's Statement that no Future Demand is Intended: Picketing (1951)
 - (11) The Effect of Negotiations for a Contract (1951)
 - (12) Demand for a Contract (1952)
 - (13) The Effect of Picketing (1952)
 - (14) The Union's Responsibility for the Actions of its Agents (1952)
 - (15) The Effect of the Employer's Unfair Labor Practices (1952)
 - (16) Petitions Filed After Orders Directing Bargaining (1952)
 - (17) Firms Without Employees (1952)
 - (18) Company Unions (1954)
 - (19) The Claim of Representation (1955)
 - b. The Effect of the Union's Failure to Request Recognition Before Filing its Petition (1951)
 - c. The Effect of the Employer's Willingness to Sign a Recognition Agreement: "Question" as Distinguished from "Controversy" (1951)
 - d. A Recognition Agreement as Distinguished from a Certification (1951)
 - e. Employers' Associations (1951)
 - f. Negative Certifications (1951)
 - g. The Necessity of an Election (1951)
 - h. Employees' Testimony Concerning Union Representation (1951)
 - i. Withdrawal of Employers' Petitions (1951)
 - j. Firms Operating Without Employees (1951)
 - k. Discharged Employees (1961)
 - l. Effect of Order Directing Employer to Bargain (1965)
 - m. Petition Filed After Dismissal of Proceeding (1966)
 - n. Termination of Employment (1969)

- o. Effect of Picketing (1969)
- 2. Jurisdictional Conflicts Between Labor Organizations (1937-39)
- 3. Effect of a Prior Certification or Election (1937-39)
 - a. One-Year Rule (1937-39)
 - b. *Crystal Cab* Doctrine (1937-39)
 - c. Exceptions to the *Crystal Cab* Doctrine (1937-39)
 - d. Extension of Certification (1945)
 - e. Amendment of Certification (1945)
 - f. Vacating the Certification (1946)
 - g. Motion to Shorten the Life of a Certification (1951)
 - h. Duration of a Certification (1955)
- 4. The Effect of Expired Contracts (1940)
- 5. Conflicts Between Labor Organizations Affiliated with Same Parent Labor Organization (1946)
 - a. Effect of the Amendment of Section 705(3) (1957)
- 6. The Effect of a Recognition Agreement (1947)
- 7. The Effect of a Prior Representation Proceeding (1954)
- 8. Effect of a Recognition Agreement with a Non-Representative Union (1955)
- 9. Consolidated Representation and Unfair Labor Practice Proceedings (1963)

C. Existing Contracts (1940)

- 1. The *Crystal Cab* Doctrine (1941)
- 2. Exceptions to the *Crystal Cab* Doctrine (1941)
 - a. Contracts Made in Violation of the Act (1941)
 - b. Contracts About to Expire (1941)
 - c. Unexpired Contracts with Employers' Predecessors (1949)
 - d. Contracts Made After Notice and Before Resolution of Conflicting Claims (1941)
 - (1) What Constitutes Notice (1941)
- 3. Contracts Made Before Notice of Petitioner's Claim to Representation (1941)
- 4. Proof of Majority Representation by Contracting Union (1941)
 - a. While Proceeding is Pending (1947)
 - b. At the Time the Contract was Made (1947)
 - c. Suspended or Abandoned Closed Shop, Check-off and other Clauses (1947)
 - d. The Union's Change of Affiliation (1952)
 - e. Cards Signed at the Employer's Insistence (1955)
 - f. Contracting Union's Change of Affiliation (1955)
 - g. Cards Signed After a Closed Shop Contract Was Executed (1956)
 - h. Inappropriate Unit (1956)
 - i. Contracts Which Did Not Cover the Employees Involved in the Proceeding (1956)
 - j. New Owners (1956)
 - (1) Executory Assumption Agreements (1960)
 - (2) Assumption Agreements Made After Notice of a Rival Union's Claim of Representation (1960)
 - k. Contracts Made When the Employer Had No Employees (1957)
 - l. Cards Signed While a Representation Proceeding is Pending (1957)

- m. Current Certification of Another Union (1959)
 - n. Contract Made Before a Full Staff is Hired (1960)
 - o. Expanded Unit (1961)
 - p. Cards Signed Pursuant to a Union Security Contract (1961)
 - q. Necessity of Certification (1962)
 - r. Loss of Majority Status (1962)
 - s. Belated Questioning of Majority Status (1962)
 - t. Dual Employment (1964)
 - u. Subsequent Ratification of Contract (1964)
 - v. Contracts Made Before a Full Staff is Hired (1967)
5. The Effect of an Existing Contract on Controversies Concerning the Appropriate Unit (1940)
 6. Renewal of Contracts (1940)
 - a. Lack of Majority Representation (1940)
 - b. Notice of Conflicting Claims (1940)
 - c. The *Triboro Coach* Case (1940)
 7. Types of Contracts
 - a. Long-Term Contracts (1940)
 - b. Contracts with Non-Representative Unions (1946)
 - c. Contracts Covering Other Employees (1946)
 - d. Contracts of Indefinite Duration (1947)
 8. Automatic Renewal Clauses (1946)
 - a. Termination of Contract by Conduct of Parties (1950)
 - b. Termination of Contract by its Terms (1950)
 - (1) Wage Negotiations (1950)
 - c. Unilateral Termination of Contract (1950)
 - d. Compliance with Terms After Expiration of Contract (1964)
 - e. Pending Representation Proceedings (1966)
 - f. Premature Contracts (1966)
 9. Contracts About to Expire (1940)
 10. Premature Second Contracts (1946)
 - a. The Duty to Bargain During the Life of the First Contract (1946)
 - b. The Effect of Knowledge by Petitioning Union of Premature Negotiations for a Second Contract (1946)
 11. Oral Agreements (1946)
 12. Laches of Petitioning Union (1946)
 13. Individual Contracts of Hire (1946)
 14. Petitioning Union's Current Contract with the Employer (1946)
 15. Contracts with Employers' Predecessors (1946)
 16. Recognition Agreements (1946)
 17. The Effect of Accepting Benefits of an Existing Contract (1947)
 18. Premature Contracts (1947)
 - a. An Arbitrator's Award as Justification (1948)
 - b. Employee Authorization for Re-negotiations under an Opening Clause in a Prior Contract (1948)

- c. The Duty to Bargain During the Life of a Contract (1948)
 - d. Laches of Petitioning Union (1948)
 - e. The Effect of Accepting Benefits of the Premature Contract (1948)
 - f. "Insulated" Period (1965)
- 19. Abandoned Closed Shop, Check-Off and Other Clauses (1950)
- 20. Union Shop Card Agreements (1950)
- 21. Contracts Made After Notice and Before Resolution of Conflicting Claims to Representation (1951)
 - a. Laches in Filing Petition After Notice of Claim of Representation (1953)
- 22. Expired Contracts (1951)
- 23. Contracts with Unions not Freely Selected (1951)
- 24. Contracts Made During the Pendency of a Representation Proceeding (1951)
- 25. Expanded Units (1951)
- 26. Proof of the Petitioner's Interest in the Proceeding (1951)
- 27. The Effect of Terminated Contracts (1952)
- 28. The Effect of Petitioner's Contract with the Employer (1952)
- 29. Contracts with Other Firms (1953)
- 30. Contracts with Employers' Associations (1953)
- 31. Past Collective Bargaining History (1953)
- 32. Contracts with Defunct Unions (1954)
- 33. Contracts Not Co-extensive with the Appropriate Unit (1954)
- 34. Contracts Covering Employer's Other Plants (1954)
- 35. Abandoned Contracts (1955)
 - a. Employer's Payment of Dues as Wage Increases (1964)
 - b. Non-Compliance with Contract Terms (1970)
- 36. Contracts Containing Renegotiation Clauses (1958)
- 37. Association-wide Contracts (1958)
- 38. Separability of Contracts (1959)
- 39. Contracts With Groups Not Labor Organizations (1960)
- 40. Pending Petitions (1961)
- 41. Authority of Employer's Representative (1962)
- 42. Changed Circumstances (1962)
- 43. Contracts Made After Notice of Non-Representation (1964)
- 44. Contracts Made After Notice of Conflicting Claims of Representation (1964)
 - a. Employees' Knowledge of Contract Terms and New Negotiations (1966)
- 45. Inappropriate Unit (1965)
- 46. Oral and Unsigned Contracts (1965)
- 47. "Sweetheart" Contracts (1965)
- 48. Petition by Contracting Union After Execution of Contract (1966)
- 49. Incomplete Contracts (1969)

D. Certification Without an Election (1937-39)

- 1. Comparison Method of Determining Representatives (1937-39)
- 2. Proof of Majority Representation (1937-39)

3. Loss of Majority Through Interference by Employer (1937-39)
4. Single Employee Unit (1972)
5. Based Upon Authorization Cards (1972)

E. Determination of Employee Representatives (1937-39)

1. Consent Elections (1937-39)
 - a. Applications Relating to Consent Election Agreements (1950)
 - (1) By Employers (1950)
 - (2) By Employees (1950)
 - b. Motion to Withdraw from Consent Election Agreement (1960)
2. Ordered Elections (1937-39)
 - a. Evidence of Petitioning or Intervening Union's Interest (1941)
 - (1) Deceptive Names (1960)
 - (2) Intervention to Contest Unit (1964)
 - (3) Employer's Petitions (1968)
 - b. Organizations Eligible for Listing on Ballot (1937-39)
 - (1) Use of Deceptive Names (1959)
 - c. Form of Ballot (1937-39)
 - d. Eligibility of Voters (1937-39)
 - (1) Strikers (1944)
 - (a.) Strikers Who Left Their Jobs After Reinstatement (1953)
 - (b.) Strikers Who Refused Reinstatement (1953)
 - (c.) Lack of Work (1956)
 - (d.) Strikers Who Abandoned Employment (1956)
 - (e.) Substantially Equivalent Employment (1956)
 - (2) Challenged Ballots (1944)
 - (a.) Eligibility (1956)
 - (b.) Board Challenges (1967)
 - (c.) Opening Challenged Ballots (1967)
 - (d.) Impounding Ballot Box Pending Determination of Challenge (1971)
 - (3) Discharged Employees (1946)
 - (a.) Uneffectuated Discharge (1957)
 - (4) Employers' Relatives (1946)
 - (5) Military Employees (1946)
 - (6) Absent Employees (1946)
 - (7) Employees Not Within the Appropriate Unit (1946)
 - (8) Employees Within More Than One Unit (1946)
 - (9) Waiver of Objections to Eligibility of Voters (1946)
 - (10) Rehired Employees (1947)
 - (11) Unsatisfactory Employees (1947)
 - (12) Reclassified Employees (1947)
 - (13) Strikers and Their Replacements (1949)
 - (14) Laid Off Employees (1949)
 - (15) Employee Status (1951)

- (16) New Employees (1951)
- (17) Part-Time and Extra Employees (1951)
- (18) Stockholders (1951)
- (19) Prospective Discharge (1952)
- (20) Employees in Other Employment on the Date of the Election (1952)
- (21) Temporary Employees (1953)
- (22) Employees Who Quit Voluntarily/Abandoned Employment (1954)
- (23) Sick Employees (1954)
- (24) Requirements Which Determine Eligibility to Vote (1955)
- (25) Voters Who Engaged in Organizational Activity (1955)
- (26) Events Occurring After the Election (1955)
- (27) Dual Employment (1955)
 - (a.) Eligibility in More than One Unit (1969)
- (28) Challenging Eligibility (1956)
 - (a.) Impounding Ballot Box Pending Determination of Challenge (1965)
- (29) Seasonal Employees (1956)
- (30) Eligibility List (1960)
- (31) Termination of Employment (1960)
 - (a.) Voluntary Quitting (1964)
 - (b.) Discharged Employees (1964)
- (32) Civil Service Employees (1960)
 - (a.) Provisional, Probationary and Temporary Employees (1960)
- (33) Challenging Eligibility of Voter on Stipulated Eligibility List (1961)
 - (a.) Grounds Known Prior to Stipulation (1961)
- (34) Employee Status (1966)
 - (a.) Military Leave (1971)
 - (b.) Attending School (1971)
 - (c.) Sickness (1971)
 - (d.) Leave of Absence (1972)
 - (e.) Temporary Employees (1972)
- (35) Employees Whose Duties Were Not Specified (1966)
- (36) Board Challenges (1969)
- (37) Employees on Leave of Absence (1969)
- (38) Casual Employees (1971)
- e. Notice of Election (1937-39)
- f. Objection to the Holding of an Election (1940)
- g. Prospective Sale (1954)
- h. The "Right" to an Election (1955)
- i. Effect of Picketing (1956)
- j. No-Raiding Agreements (1961)
- k. Effect of Unfair Labor Practices (1961)
 - (1) Settlement Stipulations (1966)
- l. Effect of Collective Bargaining Negotiations (1962)
- m. Place on Ballot (1962)

- (1) Agreement by One Union to Act for Another Union (1964)
- (2) Interest in Unit (1965)
- (3) Status as a Labor Organization (1965)
- (4) Union's Jurisdiction (1965)
- (5) Company Unions (1965)
- (6) Effect of Contracts Obtained Through Unlawful Employer Assistance (1965)
- (7) Joint Petitioners (1966)
- (8) Unions Which Represent Supervisory or Protection Employees and Rank and File Employees (1966)
- n. Eligibility Period (1946)
 - (1) Strikers (1950)
 - (2) Seasonal Employment (Horse Racing) (1961)
- o. Date of Election (1946)
 - (1) Postponed Elections (1952)
 - (2) Accelerated Elections (1952)
- p. Eligibility Formula (1962)
 - (1) Horse Racing (1962)
 - (2) Other Irregular Employment (1962)
 - (3) Seasonal, Part-Time, and Casual Employees (1962)
 - (a.) Hospitals and Residential Care Centers (1964)
 - (b.) Restaurants (1965)
 - (c.) Taxicabs (1965)
 - (d.) Other Industries (1966)
 - (e.) Catering Establishments (1967)
 - (f.) Colleges and Universities (1970)
 - (g.) School Bus Transportation (1970)
 - (4) Strikers (1962)
 - (5) Amended Eligibility Formula (1962)
 - (6) Meaning of "During the Payroll Period" (1965)
 - (7) Multi-employer Units (1965)
 - (8) Sick Employees (1967)
- q. Private Elections and Private Certifications (1963)
- r. Further Elections (1965)
- s. Prospective Consolidation (1966)
- t. Agreement by One Union to Act for Another Union (1968)
- u. Consolidation (1971)
- 3. Post-Election Objections (1937-39)
 - a. The Polling Place as Affecting the Employees' Choice (1946)
 - b. Employer's Failure to Follow Pre-Election Procedure (1947)
 - c. Wage Increases and Other Benefits (1947)
 - d. Rumors of Wage Increases (1947)
 - e. Spying (1947)
 - f. Scheduling Voters (1947)
 - g. Prospective Parties to Celebrate the Union's Defeat (1947)

- h. Telegrams to Vacationing Eligible Employees (1947)
- i. Taxicab Transportation (1947)
- j. Employers' Letters to Employees (1947)
- k. Union Circulars (1947)
- l. Election Observers (1947)
- m. Voters Who Cannot Read English (1947)
- n. Erroneous Ballots (1947)
- o. "Captive" Audiences (1948)
- p. Discharges Prior to the Election (1948)
- q. The Presence of Employer's Detectives at the Election (1948)
- r. Simultaneous Distribution of Employer's Leaflets and Board's Election Notices (1948)
- s. Employers' Pre-election Statements (1949)
- t. Late Voters (1949)
- u. Failure to Post Notices of Election (1949)
- v. Benefits or Promise of Benefits (1948)
 - (1) Improved Working Conditions and Merit Reviews (1948)
 - (2) Christmas Bonuses and Medical Plans (1948)
 - (3) Reduced Overtime (1948)
 - (4) Miscellaneous Benefits (1948)
- w. Criteria to Determine Whether an Election Should be Set Aside (1948)
- x. Assistance to a Rival Union (1948)
- y. Authority of Board's Agent (1948)
- z. Inconvenient Time and Place of Election (1950)
- aa. Failure to Post Eligibility List and Notices of Election (1950)
- bb. Insufficient Notice of Election (1950)
- cc. Voters were Unfamiliar with "Instructions to Voters" (1950)
- dd. Inadequate Identification at the Polls (1950)
- ee. Election Lacked Privacy and Decorum (1950)
- ff. Union Showed Insufficient Interest (1950)
- gg. Board Lacked Jurisdiction (1950)
- hh. Inappropriate Unit (1950)
- ii. Interference by the Employer (1951)
 - (1) Questioning the Employees About How They Intend to Vote (1951)
 - (2) Promises and Threats (1951)
 - (3) Wage Increases and Other Benefits (1951)
 - (4) Scheduling Voters (1952)
 - (5) Rumors of Communist Domination of the Union (1952)
 - (6) Promise of Benefits (1952)
 - (7) Benefits (1953)
 - (8) Thanksgiving Day Greetings (1953)
 - (9) Christmas Bonuses (1953)
 - (10) Employer's Statements (1953)
 - (11) Employer's Circulars (1953)
 - (12) Activities of Supervisory Employees and Employer's Agents (1953)

- (13) Transportation to the Polls (1954)
- (14) Known Acts of Interference Before Consent Election Agreement (1954)
- (15) Inducements (1962)
- (16) Employer's Good Faith (1963)
- (17) Employer's Statements as Opinions or Threats (1966)
- (18) Change of Work Schedules (1967)
- (19) Salary Increases (1967)
- (20) Misrepresentations (1970)
- jj. Interference by the Union (1950)
 - (1) Campaign Promises (1950)
 - (2) Campaign Threats (1950)
 - (3) Employees as Union Agents (1950)
 - (4) Threats, Intimidation and Misleading Statements (1951)
 - (5) The Union's Responsibility for the Actions of its Members (1951)
 - (6) Pre-Election Statements (1962)
 - (7) Assault and Threats (1964)
 - (8) Failure to Disclose Union Official's Misconduct (1964)
 - (9) Improper Sample Ballots (1964)
 - (10) Offer of Transportation to Polls (1964)
 - (11) Promise of Benefits (1964)
 - (12) Victory Celebrations (1964)
 - (13) Waiver of Initiation Fees (1964)
 - (14) Trespass (1965)
 - (15) Gifts (1965)
 - (16) Misrepresentation (1966)
 - (17) Alleged Unauthorized Use of Designation "AFL-CIO" (1966)
 - (18) Coercion and Intimidation (1969)
 - (19) "Laboratory Conditions" (1970)
 - (20) Bribery (1971)
 - (21) Keeping Off Eligibility List by Union (1971)
- kk. Electioneering At or Near the Polls (1951)
 - (1) Campaign Buttons (1965)
- ll. Interference with an Election (1959)
 - (1) Threats or Inducements by Employer (1959)
 - (2) Activities of Supervisory Employees (1959)
 - (3) Threats by the Union (1959)
 - (4) Activities of Rank-and-File Employees (1959)
 - (5) Surveillance (1959)
 - (6) Known Acts of Interference Prior to Consent Election Agreement (1959)
- mm. Board's Jurisdiction (1953)
- nn. The Union's Status as a Labor Organization (1953)
- oo. Known Acts of Interference Prior to an Election (1953)
- pp. Void Ballots (1950)
- qq. Statements by Employees as to how they Voted (1958)

- rr. Administrative Changes (1960)
- ss. Marked Sample Ballots (1966)
- tt. Activities of Governmental Officials (1966)
- uu. Non-Representative Elections (1966)
- vv. Asserted Grounds for Post-Election Objections (1961)
 - (1) Propriety of Board's Absentee Ballot Procedure (1961)
 - (2) Failure to Furnish Absentee Ballots (1961)
 - (3) Absentee Ballots Allegedly Furnished Too Late (1961)
 - (4) Employee Did Not Want Union to Represent Him (1961)
 - (5) Employee Currently Does Not Want Union to Represent Him (1961)
 - (6) Post-Election Statement Renouncing Union (1961)
 - (7) Promise Not to Vote for Union (1961)
 - (8) Electioneering at the Polls (1961)
 - (9) Interference by Employer: Threats or Inducements (1961)
 - (10) Interference by Union (1961)
- ww. Rule17 (1961)
 - (1) Supporting Affidavits (1961)
 - (2) Fear of Disclosure (1961)
 - (3) Late Filing (1963)
- xx. Union's Responsibility for Acts of its Members (1961)
- yy. Failure to Produce Evidence (1961)
- zz. Change of Personnel (1963)
- aaa. Waiver of Objections (1964)
- bbb. Wage Increases in Compliance with Statute (1968)
- ccc. Burden of Proof (1971)
- ddd. Misrepresentations (1965)
 - (1) Opportunity to Reply to Pre-Election Statements (1965)
 - (2) Permissible Propaganda During Pre-Election Campaigns (1965)
- eee. Opportunity to Reply to Pre-Election Statements (1964)
 - (1) Threats (1964)
 - (2) Misrepresentation (1964)
- fff. Election Procedure (1953)
 - (1) Preparation of Eligibility List (1953)
 - (2) Failure to Post Notices of Election and to Distribute Sample Ballots (1953)
 - (3) Observers (1953)
 - (a.) Observer's Function (1963)
 - (b.) Supervisory Employees as Observers (1963)
 - (4) Notice of Election (1954)
 - (5) Voting Hours (1954)
 - (6) Voting Procedure (1954)
 - (7) Failure of All Eligible Employees to Vote (1954)
 - (8) Interpreters (1955)
 - (9) Absentee Ballots (1959)
 - (10) Late Voting (1959)

- (11) Authority of Board's Agent (1964)
- (12) The Polling Place (1964)
 - (a.) Employer's Premises as Polling Place (1964)
- (13) Identification of Voters (1965)
- (14) Presence and Conduct of Parties' Representatives Near Polls (1965)
- (15) Oral Arguments and Hearings on Objections (1965)
- (16) Inability to Conduct or Conclude Election (1966)
- (17) Void Ballots (1966)
- (18) Challenges (1967)
- (19) Impounded Ballots (1967)
- (20) Alleged Election "Impropriety" (1967)
- (21) Challenged Ballots (1969)
- (22) Conduct of Board Agent (1971)
- (23) Form of Ballot (1971)
- (24) Prehearing Elections (1971)
- ggg. Conduct of Election (1952)
 - (1) Denial of Ballots to Employees (1952)
 - (2) Extension of Voting Hours (1952)
 - (3) Observers (1952)
- 4. Certification After Elections; Run-off Elections (1937-39)
 - a. The Board's Power to Conduct Run-Off Elections (1963)
 - b. Choices on Ballot (1963)
- 5. Extension of Certification (1937-39)
- 6. Accelerated Elections (1950)
- 7. Postponed Elections (1950)
- 8. Observers (1951)
- 9. Impounding of Ballots (1954)
- 10. Employers' Petitions (1957)
 - a. Effect of Picketing (1960)
 - b. Lack of Proof of Union's Status as a Labor Organization (1965)
- 11. Certifications (1957)
 - a. Amendment of Certification (1957)
 - b. Motion to Shorten the Life of a Certification (1957)
 - c. Employees' Subsequent Preference for Another Union (1959)
 - d. New Owners (1959)
 - e. Motion to Vacate Certification (1959)
 - f. Discharge of Sole Employee (1965)
 - g. Employees' Change of Mind After Election (1966)
 - h. Length of Certification
- 12. Prehearing Elections (1958)
- 13. Election Not Resulting in Representation (2010 or later)
- 14. Simultaneous Elections (1960)

F. The Appropriate Bargaining Unit (1937-39)

1. Form of Self-Organization (1937-39)
 - a. Jurisdiction of the Union; Eligibility for Membership (1937-39)
 - b. Availability of Other Unions (1937-39)
 - c. Extent of Organizational Activity (1937-39)
 - d. Expressed Desires of Employees (1937-39)
 - e. Separate Elections (1937-39)
 - f. Extent of Self-Organization (1941)
2. Mutuality of Interest (1937-39)
 - a. Functional Differences (1937-39)
 - b. Skill (1937-39)
 - c. Degree of Contact Between Groups (1937-39)
 - d. Similar Conditions of Employment (1937-39)
 - e. Joint Action (1937-39)
 - f. Seasonal, Part-time and Casual Employees (1937-39)
 - g. Timing in Relation to Petition and Certification (1948)
 - h. Supervisory Employees (1937-39)
 - i. Interchangeability of Employees (1940)
3. Collective Bargaining Experience (1937-39)
 - a. With Same Employer (1937-39)
 - b. In Similar Business Establishments (1937-39)
4. Geographical Separation (1937-39)
5. Organization of Employer's Business (1937-39)
 - a. Functional Integration (1937-39)
 - b. Form of Administrative Unit (1937-39)
 - c. Chain Establishments (1937-39)
6. Scope of Employer Unit (1937-39)
 - a. Effect of Stipulation as to Appropriate Unit (1937-39)
7. Desires of the Employees (1940)
 - a. Preliminary Elections (1940)
 - (1) The Craft Unit Proviso (1940)
 - (2) Other Preliminary Elections (1941)
 - b. Extent of Organizational Activity (1940)
 - c. Jurisdiction of the Union; Eligibility for Membership (1940)
 - d. Availability of Other Unions (1940)
8. Unit of One Employee (1940)
9. Multiple Plants, Chains and Systems (1941)
10. Multiple Employer Units (1941)
 - a. Association-wide Units (1951)
 - b. Industry-wide Units (1951)
11. Craft Units (1943)
 - a. Election Procedure (1945)
12. Multiple Enterprise and Chain Units (1943)
 - a. Multiple Enterprises with Plants in and Outside New York State (1945)

- b. Effect of Temporary Closing of One Shop (1965)
 - c. Apartment Buildings (1965)
 - d. Statutory Change (1967)
 - e. Multiple Plants (1967)
- 13. Supervisory Employees (1943)
 - a. Inclusion or Exclusion from Unit (1944)
 - (1) Authority to Recommend Hiring (1951)
 - (2) Limited Authority to Discharge (1951)
 - (3) Length of Service (1951)
 - (4) Building Superintendents (1951)
 - b. Units of Supervisory Employees (1944)
 - (1) The *Bain* Case (1951)
 - c. Building Superintendents (1950)
 - d. Civil Service Employees (1960)
 - e. Building Service Employees (1961)
 - f. Horse Racing (1961)
 - (1) Foremen (1961)
 - (2) Assistant Trainers (1961)
 - (3) Exercise Boys (1961)
 - g. Hotel Operated by Y.M.C.A. (1966)
- 14. Department Stores Unit (1945)
 - a. Leased Departments (1958)
- 15. Confidential and Administrative Employees (1945)
 - a. Security Agents (1966)
 - b. Payroll Clerks (1966)
- 16. Corporate Officers; Relatives as Employees (2010 or later)
- 17. Investigatory Employees (1947)
- 18. Protection Employees (1947)
- 19. Veterans in Training (1947)
- 20. Part Time, Casual and Extra Employees (1947)
- 21. Employees with Dual Employment (1947)
- 22. The Effect on the Unit of Changes in Ownership (1947)
- 23. The Effect on the Unit of a Strike Followed by the Elimination of all Jobs (1947)
- 24. The Effect of an Existing Contract on Controversies Concerning the Appropriate Unit (1947)
- 25. The Appropriate Unit in Unfair Labor Practice Proceedings (1947)
- 26. Plant Maintenance Employees (1948)
- 27. Drivers (1948)
- 28. Cafeteria Employees (1948)
- 29. Employers' Agent (1948)
- 30. Preliminary Elections to Determine Unit (1948)
- 31. The Effect of Other Provisions of the Labor Law (1948)
- 32. Bakeries (1949)
- 33. Beer Distributor and Sauerkraut Processer (1949)
- 34. Building Construction (1949)

35. Hotels (1949)
 - a. Hotel Operated by Y.M.C.A. (1966)
36. Office Buildings (1949)
37. Restaurants with Bar and Grill (1949)
38. Retail Cleaning and Dyeing Stores and Plants (1949)
39. Wholesale Groceries (1949)
40. Managerial Employees (1950)
41. Golf Clubs (1950)
42. Apartment Buildings (1951)
 - a. Husband and Wife (1961)
43. Automobile Repair and Gasoline Station (1951)
44. Cleaning Establishments (1951)
45. Hospitals and Residential Care Centers (1951)
 - a. Ambulance Drivers and Attendants (1963)
 - b. Clerical Employees and Clerks (1963)
 - (1) Medical Clerks (1963)
 - (2) Stock Clerks (1963)
 - (3) Ward and Clinic Clerks (1963)
 - (4) Messenger (1965)
 - (5) Telephone Operators, Receptionists and Cashiers (1966)
 - (6) Complaint Clerks (1967)
 - (7) Multi-Lithograph Operators (1968)
 - c. Hostesses (1963)
 - d. Professional Employees (1963)
 - (1) Pharmacists (1966)
 - (2) Invoking The Proviso in Section 705 (2) (1966)
 - (3) Social Workers (1967)
 - (4) Physical Therapists (1967)
 - (5) Resident Physicians (1969)
 - (6) Permit Nurses (1969)
 - e. Nurses (1963)
 - (1) Nursing Assistants (1963)
 - (2) Baby Nurses (1963)
 - (3) Co-Op Nurses' Aides (1963)
 - (4) Licensed Practical Nurses (1967)
 - (5) Permit Nurses (1967)
 - (6) Faculty Nurses (1967)
 - (7) Registered Professional Nurses (1971)
 - f. Pharmacy Department Assistants (1963)
 - g. Security Employees (1963)
 - h. Technical Employees (1963)
 - (1) Therapists (1963)
 - (2) Infant Care Technicians (1967)
 - (3) Case Aides (1967)

- i. Part-Time Employees (1963)
 - j. Supervisory Employees (1963)
 - (1) Units of Supervisory and Confidential Employees (1965)
 - k. Service and Maintenance Units (1964)
 - (1) Effect of Size and Integration of Operation (1964)
 - (2) History of Collective Bargaining in Industry (1964)
 - (3) Alleged Quasi-Governmental Operation (1964)
 - (4) Engineer-Maintenance Employees (1964)
 - (5) Laundry and Linen Room (1964)
 - (6) Inclusions and Exclusions (1965)
 - (7) Maintenance Department (1965)
 - (8) Nurses' Aides and Nurses' Assistants (1965)
 - l. Students (1966)
 - (1) Co-Op Student Aides (1968)
 - m. Food Service Supplier (1966)
 - n. Maintenance Department (1967)
 - (1) Inclusions and Exclusions (1968)
 - o. Supervisory, Confidential and Managerial Employees (1967)
 - p. Operating Room Technicians (1968)
 - q. Social Workers (1970)
 - (1) Uncertified Social Workers (1970)
 - r. Invoking The Proviso in Section 705 (2) (1970)
46. Photographic Studios (1951)
47. Restaurants (1951)
- a. Bartenders (1952)
 - b. Dining Room Employees (1952)
 - (1) Waiters as a Craft (1952)
 - c. Kitchen Help (1952)
 - d. Restaurant-Diners (1954)
 - e. Proof of Extent of Self-Organization (1961)
 - (1) Cards Signed Under Union Security Provisions of a Non-Representative Contract (1961)
 - (2) Expansion of Unit (1964)
 - f. Food Service Supplier (1965)
48. Watchmen (1951)
49. Clerical Workers (1951)
- a. Civil Service Employees (1960)
50. Prospective Unit Expansion (1951)
51. Preliminary Elections (1951)
52. Buildings (1952)
- a. Apartment Buildings (1952)
 - b. Office-Loft Buildings (1952)
53. Funeral Directors (1952)
54. Lumber Companies (1952)

55. Photographers (1952)
56. Taxicab Industry (1952)
57. Cemeteries (1953)
58. Commercial Stationery and Printing (1953)
59. Metal Casting Manufacturer (1953)
60. Moving, Storage and Trucking (1953)
61. Reportorial Service (1953)
62. Funeral and Burial Services (1954)
63. Garages (1954)
64. Manufacturer of Clinical Thermometers (1954)
65. Milk Distributor (1954)
66. Retail Stores (1953)
67. Supermarkets (1954)
68. Employees' Relatives (1954)
69. Stockholders and Directors (1954)
70. Dry Cleaners (1955)
71. Electrical Supply Business (1955)
72. Laundries (1955)
73. Marble Industry (1955)
74. Association-Wide Units (1955)
 - a. Crucial Issues (1955)
 - b. Existence of an Employers' Association (1955)
 - c. Association's Authority to Bind its Members to a Collective Bargaining Agreement (1955)
 - d. History of Collective Bargaining (1955)
 - e. Extent of Self-Organization (1955)
 - f. Extent of Union Organization
75. Shoe Repair (1955)
76. Cooperative Apartment Buildings (1956)
77. Fuel Oil Distributor (1956)
78. Inns (1956)
79. Pie Distributors (1956)
80. Racetracks (1956)
 - a. Observers (1956)
 - b. Security Agents (1956)
 - c. Guards (1956)
81. Tire Recapping and Selling (1956)
82. Military Service (1956)
83. Driver Whose License Was Suspended (1956)
84. Clubs (1957)
85. Department Store Concessions (1957)
86. Men's Clothing Stores (1957)
87. Bowling Alleys (1958)
88. Loft Buildings (1958)
89. Mannequin Manufacturer (1958)

90. Motion Picture Theatre (1958)
91. Floor Covering Installation (1959)
92. Printing (1959)
93. Wardrobe Manufacturer (1959)
94. Security Employees (1959)
95. Effect of a Contract on the Unit Determination (1959)
96. Garage and Service Station (1960)
97. Paint Business (1960)
98. Civil Service Employees (1960)
 - a. Water Authority (1960)
 - (1) Effect of Civil Service Employees (1960)
 - (2) Trainees (1960)
99. Automotive Service (1961)
100. Heating and Air Conditioning Installation and Service (1961)
101. Horse Racing (1961)
 - a. The Employees (1961)
 - (1) Gardeners (1961)
 - (2) Jockeys (1961)
 - b. Geographical Scope (1961)
 - (1) Employees Who Work Outside the State (1961)
 - (2) Mutuality of Interest (1961)
 - (3) Special Problems (1961)
102. Manufacturer of Children's Sportswear (1961)
103. Coat Hanger Manufacturer (1962)
104. Drug and Self-Service Retail Store (1962)
105. Janitorial Service Business (1962)
106. Publisher-Seller of Souvenir Programs (1962)
107. Surveying Business (1962)
108. Employer's Officers (1962)
109. Exterminating Service (1963)
110. Glass Fabricator (1963)
111. Landscaping Business (1963)
112. Limousine Transportation (1963)
113. Lithographic Plate Manufacturer (1963)
114. Milk and Dairy Products Distributor (1963)
115. Food Products Manufacturer and Retailer (1964)
116. Motel (1964)
117. Self-Determination Elections (1964)
 - a. Skilled Maintenance Employees (1966)
 - b. Professional Employees (1966)
118. Egg Distributors (1965)
119. Funeral Establishments (1965)
120. Kitchen Cabinet Manufacturer (1965)
121. Poster Advertising and Installation (1965)

122. Taxi Meters Installation and Service (1965)
123. School Bus Service (1966)
124. Students (1966)
125. Hospitals Operated by Educational Institutions (1967)
126. Moving Van and Used Furniture Business (1967)
127. Paving Company (1968)
128. Affiliation Agreement Units (1968)
129. History of Collective Bargaining in Industry (1968)
130. History of Collective Bargaining in Establishment (1968)
131. Policy Against Over-Compartmentalization (1968)
132. Educational, Charitable and Religious Institutions (1969)
133. Beauty Salon (1970)
134. Blood Bank (1970)
135. Commercial Office Building (1970)
136. Sheltered Workshop (1970)
137. Maintenance Department (1970)
138. Cable Television Company (1972)
139. Community Chest (1972)
140. Pest Control Company (1972)
141. Manufacturing Employees (1972)
142. Wholesale Enterprise (1972)

III. COVERAGE OF THE ACT

A. Jurisdiction of the Board (1951 or prior)

1. Interstate Commerce (1951 or prior)
 - a. Electric Equipment (1951 or prior)
 - b. Franchised Dealer (1951 or prior)
 - c. Hospitals (1951 or prior)
 - d. Nurseries (1951 or prior)
 - e. Office Supplies (1951 or prior)
 - f. Restaurants (1951 or prior)
 - (1) Restaurants with Branches out of the State (1952)
 - g. Taxicab Industry (1951 or prior)
 - (1) Evidence Relating to the Industry as a Whole (1951 or prior)
 - h. Telephone Answering Service (1951 or prior)
 - i. Enterprises with Branches in and out of New York State (1951 or prior)
 - j. Burden of Proof of Interstate Commerce (1951 or prior)
 - k. The Effect of Rulings on Jurisdiction by a Regional Director or General Counsel of the National Labor Relations Board (1952)
 - l. Construction (1952)
 - (1) Residential Buildings (1952)
 - m. Men's Clothing Stores (1952)
 - n. Metal Products (1952)
 - o. Shoe Manufacturer (1952)
 - p. Disputes Over Which the National Labor Relations Board Declined to Exercise Jurisdiction (1953)
 - q. Elevator Construction (1953)
 - r. Retail Appliance Dealer (1953)
 - s. Wholesale Distributors of Radio and Television Parts (1953)
 - t. Elevator Repair and Maintenance (1954)
 - u. Manufacturer of Clinical Thermometers (1954)
 - v. Manufacturer of Mirrors (1954)
 - w. Automobile Dealer (1955)
 - x. Beer Distributor (1955)
 - y. Hospital and Home (1955)
 - z. Lumber Dealer (1956)
 - aa. Newspaper (1957)
 - bb. Automobile (1957)
 - (1) Glass Distributor (1957)
 - (2) Seat Cover Manufacturer (1959)
 - (3) Service Station (1962)
 - cc. Racetracks (1957)
 - (1) State Regulation of Union Security Clauses: Section 52-A of the Pari-Mutuel Law (1957)
 - (2) Application of Section 52-A (1957)

- (3) Criteria to Determine Jurisdiction (1962)
 - (4) Exclusions Under Section 715 (1962)
- dd. Telephone Answering Service (1958)
- ee. Vending Machine Business (1958)
- ff. Disputes Which Fall Within the Area of The National Labor Relations Board's Jurisdiction (1959)
 - (1) Before the Effective Date of the 1959 Amendments to the National Labor Relations Act (1959)
- gg. Enterprises Which Meet the National Labor Relations Board's Revised Standards (1959)
 - (1) Nonretail (1959)
 - (2) Retail (1959)
 - (3) Enterprises That are Both Retail and Wholesale (1959)
- hh. Proof of Interstate Commerce (1959)
- ii. Soft Drink Bottler and Distributor (1959)
- jj. Effect of Section 14(b) of the National Act (1960)
- kk. Effect of the 1959 Amendments to the National Act (1960)
 - (1) Proceedings Initiated Prior to Effective Date (1960)
 - (a.) Representation Proceedings (1960)
 - (b.) Unfair Labor Practice Proceedings (1960)
- ll. Particular Industries (1960)
 - (1) Ice Cream Mix Distributor (1960)
 - (2) Racetracks (1960)
 - (3) Taxicab Industry (1960)
- mm. Multiple Employers (1960)
- nn. Conflicting Commerce Data Submitted to National and State Boards (1960)
- oo. Effect of National Board's Declination of Jurisdiction (1961)
 - (1) The National Board's Rules Providing for Advisory Opinions (1961)
 - (2) Horse Racing (1961)
 - (a.) Board and Collateral Proceedings (1961)
 - (b.) The National Board's Application of Section 14(c) (1961)
 - (c.) Inapplicability of the National Board's Non-Retail Standard (1961)
- pp. Wholesale and Retail Establishments (1961)
- qq. The Right to Challenge the Board's Jurisdiction (1961)
- rr. Publisher-Seller of Souvenir Programs (1962)
- ss. Application of Section 14(c) (1) and 14(c) (2) of the National Act (1963)
 - (1) Horse Racing (1963)
 - (2) Hospitals (1963)
 - (3) School Bus Service (1964)
 - (4) Background (1966)
 - (5) Noncommercial Educational Institutions (1966)
 - (6) Non-Profitmaking Hospitals (1966)
 - (7) Proprietary Hospitals (1966)
 - (8) Lithographic Printing Business (1966)
 - (9) School Bus Transportation (1966)

- (10) The Requirement of Consistency (1966)
- (11) Retail and Non-Retail Establishments (1967)
- (12) Private Proprietary Hospitals (1967)
- (13) Proprietary Nursing Homes (1967)
- (14) Retroactive Application of Jurisdictional Standards (1967)
- (15) Private Secondary Schools (1972)
- (16) Racetracks (1972)
- tt. Retail and Non-Retail Establishments (1963)
- uu. Photographic Film Dealer (1964)
- vv. Employers' Associations (1964)
- ww. Jurisdictional Criteria of the National and State Boards Distinguished (1966)
- xx. Enterprises Subject to Extensive State Regulation (1966)
- yy. Educational Institutions (1970)
- zz. Non-Profit Charitable Institution (1970)
- (2) Exclusions under Section 715 (1951 or prior)
 - a. Charitable Institutions (1951 or prior)
 - (1) Fraternal Organizations (1955)
 - (2) Organizations Which Engage in Incidental Charitable Activity (1955)
 - (3) Non-Profit Organization (1955)
 - (4) Hospitals (1955)
 - b. Religious Institutions (1951 or prior)
 - c. Educational Institutions (1951 or prior)
 - (1) Cafeteria Employees (1951 or prior)
 - d. The Exception in Section 715 (1951 or prior)
 - (1) Restaurant Employees of Educational Institutions (1952)
 - e. Agencies of the State/Public Entities (2010 or later)
 - f. Effect of 1955 Amendment of Section 715 (1955)
 - g. Government Employees (1956)
 - h. Non-Profit Organizations (1956)
 - i. Preliminary Hearings to Determine Jurisdiction (1955)
 - j. The Right to Challenge the Board's Jurisdiction (1957)
 - (1) Timeliness of Challenge to Board's Jurisdiction (1957)
 - k. Hospitals (1963)
 - (1) Constitutionality of Section 715 Amendments (1964)
 - (2) Constitutionality of 1963 and 1965 Amendments (1966)
 - (3) Educational Institutions (1966)
 - l. Charitable, Educational and Religious Associations Operating Hotels and Restaurants (1966)
 - m. Enterprises Supplying Services to Exempt Organizations (1966)
 - n. Constitutionality of Section 715 Amendments (1967)
 - (1) Educational Institutions (1967)
 - (2) Nursing Home (1967)
 - (3) Hospitals Operated by Educational Institutions (1967)

B. Scope of Definitions in the Act (1951 or prior)

1. Employers (1951 or prior)
 - a. Concessionaires (1951 or prior)
 - b. Employers' Predecessors (1951 or prior)
 - c. Employers' Relatives (1951 or prior)
 - d. Managing Corporations (1951 or prior)
 - e. Trustees (1951 or prior)
 - f. Employers' Associations (1951 or prior)
 - g. Lessors (1952)
 - h. Inactive Corporations (1952)
 - i. Service Corporations (1952)
 - j. Integrated Enterprises (1953)
 - k. Building Management Corporations (1953)
 - l. Corporate Officers (1954)
 - m. Department Store Concessionaires (1957)
 - n. New Owners (1958)
 - o. Horse Racing (1961)
 - p. Receiver (1962)
 - (1) Receiver's Individual Liability (1962)
 - q. Hospitals and Residential Care Centers (1964)
 - (1) Homes for the Aged (1964)
 - (2) Shelter for Unwed Mothers (1965)
 - r. Multiple Enterprises (1965)
 - s. Successors and Assigns (1965)
 - t. Independent Contractor (1965)
 - u. Food Service Supplier (1966)
 - v. Hospital Affiliation (1966)
 - w. Hotels and Restaurants (1966)
 - x. Faculty Club (1968)
 - y. Agency Affiliation (1970)
2. Employees (1951 or prior)
 - a. Employees with Dual Employment (1951 or prior)
 - b. Relatives (1951 or prior)
 - (1) Of Employer (1951 or prior)
 - (2) Of Employees (1951 or prior)
 - c. Farm Laborers (1951 or prior)
 - d. Students (1969)
 - (1) Dual Status (1969)
 - e. The Effect of Income and Social Security Tax Deductions, and Unemployment and Workmen's Compensation Insurance (1951 or prior)
 - f. Strikers (1952)
 - (1) Substantially Equivalent Employment (1952)
 - (2) Effect of Cessation of Picketing (1962)
 - (3) Abandonment of Employment (1962)

- (4) Strikers Employed Elsewhere During Strike (1969)
- g. Discharge (1951 or prior)
 - (1) Prospective Discharge (1952)
 - (2) Uneffectuated Discharge (1956)
 - (3) Discharged Employees (1953)
- h. Employees' Assistants (1953)
- i. Temporary Employees/Non-continuous Employees (1953)
 - (1) Piece Workers (1951 or prior)
- j. Business Employees (1951 or prior)
 - (1) Stockholders and Directors (1954)
 - (2) Partners (1957)
 - (a.) Alleged Partners (1953)
- k. Drivers of Leased Milk Routes (1954)
- l. Industrial Insurance Agents (1954)
 - (1) Tax Deductions (1954)
- m. Independent Contractors (1954)
 - (1) Dual Employers (1954)
- n. Employees Who Engaged in Organizational Activity (1955)
- o. Employees in Domestic Service (1956)
- p. Part-Time Employees (1957)
- q. Apartment House Employees (1958)
- r. Building Superintendents (1960)
 - (1) Uneffectuated Discharge (1962)
 - (2) Dual Employment (1962)
 - (3) Building Superintendent as Tenant (1962)
 - (4) Termination of Employment (1965)
- s. Building Service Employees (1963)
 - 1. Uneffectuated Discharge (1963)
 - 2. Dual Employment (1963)
 - 3. Husband and Wife (1963)
 - 4. Failure to Procure Bond (1963)
- t. Hospitals and Residential Care Centers (1963)
 - (1) Employees of Non-Profitmaking Hospital (1967)
 - (2) Resident Physicians and Interns (1970)
- u. Supervisory, Confidential and Managerial Employees (1953)
- v. State-Regulated Enterprises (1966)
- w. Professionals as Employees (1969)
- x. Sheltered Workshop (1970)
- y. Husband and Wife (1970)
- z. Aliens (1970)

C. Labor Organizations (1951 or prior)

- 1. Variations in the Union's Name (1952)
- 2. Defunct Organizations (1953)

3. The Test to Determine “Labor Organization” Status (1955)
4. Internal Affairs of Labor Organizations (1955)
5. Change of Affiliation (1955)
6. Joint Boards (1955)
7. Labor Organizations Acting Jointly (1955)
8. Alleged Criminal Connections or Purposes (1957)
9. Organizations Formed to Aid Employer (1957)
10. Effect of Employer’s Assistance (1957)
11. Mergers (1957)
12. Alleged Communist Purposes (1958)
13. Alleged Improper Conduct or Criminal Acts of Union Officials (1958)
14. Unions Under Trusteeship (1958)
15. Official’s Failure to Testify (1960)
16. Deceptive Names (1960)
17. Jurisdiction of the Union (1960)
18. Employer Members (1960)
19. Necessity of a Charter (1960)
20. Incorporated Labor Organizations (1960)
21. Consolidated Unions (1960)
22. Failure to Adduce Testimony Concerning Status (1961)
23. Conduct of Union’s Representative (1961)
24. Disavowal of Right to Strike (1962)
25. Improper Tactics (1963)
26. Joint Petitioners (1964)
27. Agreement to Permit Representation by Other than the Certified Union (1964)
28. Change/Amendment of Name (1964)
29. Right to Use Designation “AFL-CIO” (1965)
30. Arrangement to Share Dues with Another Union (1966)
31. Agreement By One Union to Act for Another Union (1966)
32. Organizing Committees (1966)

D. Company Unions (1951 or prior)

1. Predecessor Unions (1951 or prior)
2. Activities of Supervisory Employees (1954)
3. Acquisition of Corporate Stock by Former Union Members (1961)

E. Representatives (1951 or prior)

F. Challenges to the Act and the Farm Laborers’ Fair Labor Practices Act (2010 or later)

G. Charges Not Covered by The Act (2010 or later)

H. Labor Disputes (1966)

1. Cessation of Picketing (1966)

IV. DECISIONS ON QUESTIONS OF PROCEDURE

A. Unfair Labor Practice Proceedings (1951 or prior)

1. Complaint/Charge (1951 or prior)
 - a. Withdrawal of Complaint (1951 or prior)
 - b. Reinstatement of Complaint (1951 or prior)
 - c. Motions to Dismiss (1953)
 - d. Deficient Complaint/Charge (1958)
 - e. Withdrawal of Certain Allegations of the Complaint (1959)
 - f. Res Judicata (1969)
 - g. Amendment (1953)
 - h. Laches in Filing (1964)
 - i. Election of Remedies (1969)
2. Parties (1951 or prior)
3. Motions (1951 or prior)
 - a. To Dismiss a Pleading (1951 or prior)
 - b. For Bill of Particulars (1951 or prior)
 - (1) Timeliness of Motion (1971)
 - c. After Issuance of Order or Decision (1952)
4. Defenses (1952)
5. Intervention (1952)
6. Answer (1953)
 - a. Motions to Amend (1953)
 - b. Motions to Strike Affirmative Defense (1953)
 - c. Amendment of Answer (1961)
7. Amendment of Pleadings (1952)
8. Trial Examiner's Intermediate Report (1951 or prior)
 - a. Stipulation to Adopt (1960)
 - b. Exceptions (1958)

B. Representation Proceedings (1951 or prior)

1. Petitions (1951 or prior)
 - a. Motion to Withdraw (1954)
 - b. Motions to Dismiss (1953)
 - c. Intervention (1954)
 - d. Motions After Issuance of Decision (1954)
 - e. Oral Arguments (1954)
 - f. Res Judicata (1954)
 - g. Amendment of Petition (1955)
 - h. Prior to Employer Status (1971)
2. Parties (1966)
 - a. Non-Joinder and Misjoinder (1966)
3. Motions (1951 or prior)
 - a. For Bill of Particulars (1959)

- b. To Stay Election (1964)
 - c. To Amend Unit (1962)
 - d. To Set Aside Election (1969)
 - e. After Issuance of Decisions (1952)
 - f. For Reconsideration of Board's Unit Determination and Stay of Election (1959)
4. Elections (1951 or prior)
- a. Additions to the Eligibility List (1951 or prior)
 - b. Preliminary Election (1970)
 - c. Report of Tally (1968)
 - d. While Unfair Labor Practice Charge is Pending (2010 or later)
5. Oral Argument (1951 or prior)
6. Amendment of Certification (1952)
7. Consenting to Decision (1968)
8. Stipulation Setting Aside Election (1971)
9. Post-Election Objections (1951 or prior)
- a. Informal, Preliminary Investigations (1951 or prior)
 - b. Motion to Amend Post-Election Objections (1951 or prior)
 - c. Amendment of Objections (1953)
 - d. Unsupported Objections (1953)
 - e. Report Upon Secret Ballot (1953)
 - f. Failure to File an Exception (2010 or later)

C. Informal Conferences (1951 or prior)

D. Res Judicata; Laches (1951 or prior)

E. Special Appearances (1951 or prior)

F. Hearings (1951 or prior)

- 1. Powers and Duties of Trial Examiner (1951 or prior)
 - a. Ultimate Disposition of Proceedings (1951 or prior)
 - b. Alleged Bias and Prejudice (1951 or prior)
 - c. Function (1966)
 - (1) Evaluation of Testimony (1967)
 - d. Reopened Hearing (1970)
- 2. Evidence (1951 or prior)
 - a. Prior Evidence (1951 or prior)
 - (1) Prior Unfair Labor Practice Proceedings (1951 or prior)
 - (2) Decisions in Prior Representation Proceedings (1957)
 - (3) Prior Written Statements (1956)
 - (4) Prior Agreements (1968)
 - (5) Record in Prior Proceeding (1960)
 - b. Evidentiary Rules (1951 or prior)
 - (1) Substantial Evidence Rule (1954)

- (2) Best Evidence Rule (1956)
- (3) Circumstantial Evidence (1954)
- (4) Hearsay Evidence (1951 or prior)
- (5) Presumption Relating to Delivery of Mail (1961)
- c. Types of Evidence (1951 or prior)
 - (1) Telephone Conversations (1951 or prior)
 - (2) Newspaper Exhibits (1952)
- d. Content of Evidence (1951 or prior)
 - (1) Testimony Relating to How Employees Voted (1956)
 - (2) Cross-Examination As to Conviction of a Crime (1956)
 - (3) Events Prior to Employer's Ownership of Business (1964)
 - (4) Occurrences After Issuance of Complaint (1962)
 - (5) Interstate Commerce (1961)
 - (a.) Horse Racing – Evidence Relating to Industry as a Whole (1961)
- e. Erroneous Rulings (1966)
 - (1) Testimony Relating to "Motive" and Loss of Earnings (1966)
 - (2) Non-Prejudicial Improper Rulings (1966)
- f. Governmental Bodies (1951 or prior)
 - (1) Minutes of a Governmental Body (1961)
 - (2) Rulings of other Governmental Agencies (1964)
 - (3) Evidence Before Other Agencies (1956)
 - (4) Record of Public Hearing (1971)
- g. Consolidated Unfair Labor Practice and Representation Proceedings (1952)
- h. Conferences Before the Mediation Board (1952)
- i. Oral Argument (1964)
- j. Variance Between Pleading and Proof (1953)
- k. Confidential Exhibits/Information (1953)
- l. Failure to Produce Records (1953)
- m. Evidence Submitted After the Hearing (1960)
- n. Effect of the Dismissal of Unfair Labor Practice Charges (1952)
- o. Exhibits (1970)
- 3. Witnesses (1951 or prior)
 - a. Failure to Call (1951 or prior)
 - b. Failure to Appear (1954)
 - c. Cross-Examination (1954)
 - d. Non-English Speaking Witnesses (1954)
 - e. Subpoenas (1960)
 - f. Motion to Strike Testimony (1960)
 - g. Credibility (1960)
- 4. Adjournments (1951 or prior)
- 5. Reopening of Hearing (1952)
 - a. Board Order (1967)
 - b. Motion to Reopen Hearing (1963)
- 6. Waiver of Hearing (1958)

7. Motions Made Before or After Hearing (1955)
 8. Elections (1961)
 - a. Propriety of Board's Absentee Ballot Procedure (1961)
 9. Conduct (1962)
 - a. Of Attorneys (1962)
 - b. Of Parties (1962)
- G. Other Rulings on Procedure** (2010 or later)
- H. Procedure in Regional Offices** (1951 or prior)
- I. Consolidation or Severance of Proceedings** (1953)
- J. Motions to Board** (1951 or prior)
 1. During Hearing (1960)
 2. For Reconsideration and Amendment of Board's Decision (1964)
- K. Burden of Proof** (2010 or later)
- L. Standard of Proof** (2010 or later)
- M. Intervention** (1956)
- N. Decision and Order in Advance of Board's Opinion** (1958)
- O. Labor Relations Examiner** (1961)
- P. Oral Argument** (1971)
- Q. Exceptions to Intermediate Report or Board's Proposed Findings** (1964)
- R. Expediting Decision** (1969)
 1. Waiver of Intermediate Report (1969)
- S. Subpoena** (1971)

V. ANALYSIS OF COURT DECISIONS

A. Constitutionality of the Act (1937-39)

B. Scope of the Act: Jurisdiction of the Board (1937-39)

1. White-Collar Workers (1937-39)
2. Employees of City or State or Subdivision (1937-39)
3. Employees of Insurance Companies, Banks and Hospitals (1937-39)
4. Non-Profitmaking Hospitals (1966)
 - a. Constitutionality of Sections 701, 713, 715, and 716, as amended (1966)
 - (1) The State Constitution (1966)
 - (2) The Federal Constitution: Equal Protection (1966)
 - (3) Section 716 (1966)
 - b. Interstate Commerce (1966)
5. Exclusions Under Section 715 (1966)
 - a. Non-Profit Corporations (1968)
 - b. Educational Institutions (1966)
 - (1) Non-Profitmaking Hospitals with Nursing Schools (1966)
 - (2) Non-Profitmaking Hospitals with Medical Schools (1967)
6. Interstate Commerce: Relation to National Labor Relations Board (1937-39)
 - a. Burden of Proof (1962)
 - b. Application of Section 14(c) of the National Labor Relations Act
 - (1) Hotels (1962)
 - (2) Horse Racing (1961)
 - (a.) Collateral Attack on National Labor Relations Board's Declination of Jurisdiction (1961)
 - (b.) Action for Declaratory Judgment (1961)
 - c. Proceedings Prior to the Taft-Hartley Act (1949)
 - d. Action for Declaratory Judgment that the Board Lacks Jurisdiction (1956)
 - e. Injunction Proceeding to Restrain the Board (1951)
 - (1) The Doubt as to the Jurisdiction of the National Labor Relations Board (1951)
 - (2) Laches (1951)
 - f. Race Tracks (1960)
 - g. Proof of Effect on Interstate Commerce (1961)
 - h. Contention Not Urged Before the Board (1961)
 - i. Taxicab Industry (1954)
 - j. The *Taxi Transit* Case (1952)
 - k. The *Charman* Case (1951)
 - (1) The Factual Inquiry in Each Case as Determining Jurisdiction (1951)
 - (2) The Effect of Taxicab Transportation by the Employer to and from Terminal Points (1951)
 - (3) The Effect of Out-of-State Purchases: The Inflow Theory (1951)
 - (4) The Effect of a Strike by Taxicab Drivers on Interstate Commerce (1951)

- (5) The Taxicab Industry as a Whole (1952)
 - I. Exclusions Under Section 715 (1954)
 - (1) Charitable Institutions (1955)
 - (a.) Fraternal Orders (1956)
 - (2) Educational Organizations (1956)
 - (3) Agencies of the State (1955)
 - (a.) The Erie County Water Authority (1957)
 - i. The Applicable Rules of Statutory Construction (1957)
 - ii. The Legislative Direction that the Authority Shall be an Employer Under the Act (1957)
 - iii. Compatibility of the Civil Service Law with the Act (1957)
 - 7. Supervisory Employees (1944)
 - a. Supervisory Employees Employed in Interstate Commerce (1944)
 - 8. Employees of Charitable or Educational Corporations (1944)
 - 9. Employers (1946)
 - 10. Local Enterprises (1949)
 - a. Restaurant (1949)
 - b. Taxicab Industry (1950)
 - 11. Newsdealers (1946)
- C. Scope of Definitions in the Act (1954)**
- 1. Employers (1954)
 - a. Corporations and Their Officers and Stockholders (1954)
 - b. Partners (1954)
 - c. Successors and Assigns (1954)
 - d. Receiver (1962)
 - e. Receiver's Individual Liability (1962)
 - f. Managing Agent (1965)
 - 2. Employees (1954)
 - a. Industrial Insurance Agents (1954)
 - b. Independent Contractors (1955)
 - 3. Labor Organizations (1954)
- D. Judicial Review of the Board's Jurisdiction (1937-39)**
- E. Judicial Review of Intermediate Determinations (1937-39)**
- 1. Injunctions (1937-39)
 - 2. Prohibition (1937-39)
 - 3. Declaratory Judgment (1937-39)
- F. Scope of Judicial Review (1948)**
- 1. The Substantial Evidence Rule (1956)
 - 2. Fair Hearing (1962)
 - 3. Unfair Labor Practice Proceedings (1953)

- a. Objections Not Raised Before the Board (1955)
- 4. Representation Proceedings (1953)
- 5. Effect of Compliance or Changed Circumstances After Board's Order (1955)
- 6. Judicial Review of Board's Approval of Settlement Stipulations (1959)
- 7. Events Occurring Subsequent to Board's Order (1959)
 - a. Objections Not Urged Before the Board (1959)
- 8. The Questions Presented (1954)
 - a. The Effect of Compliance with Board's Order (1954)
 - b. Objections Not Raised Before the Board (1954)
 - c. Documents Not Included in Board's Record (1958)

G. Decisions Relating to Representation Cases (1940)

- 1. Judicial Review (1957)
 - a. Final Order (1972)
 - b. The Board's Power to Vacate Elections in Representation Proceedings Because of Employer Interference (1965)
 - c. Applicability of *Leedom v. Kyne* (1965)
- 2. Action for Declaratory Judgment (1957)
 - a. Motions for Preliminary Injunction (1965)
- 3. Proceedings Under Article 78 of the Civil Practice Act (1957)
- 4. Motion to Shorten Life of a Certification (1952)
- 5. Action for Injunction (1964)
 - a. Motion for Temporary Injunction (1964)
- 6. The Appropriate Bargaining Unit (1955)
 - a. Employers' Relatives (1955)
 - b. Association-wide Units (1958)

H. Decisions Relating to Unfair Labor Practices (1937-39)

- 1. Discrimination Against Union Members (1937-39)
 - a. Discharge (1954)
 - (1) Oral Discharge (1954)
 - (a.) Prior Oral Discharge (1969)
 - (2) Striking Building Superintendents (1954)
 - (3) Discharge Because of Relative's Union Activity (1957)
 - (4) Business Reasons (1957)
 - (5) Misconduct (1957)
 - (6) Voluntary Quitting (1957)
 - (7) Acts or Statements Constituting Discharge (1962)
 - (8) Failure to Procure Bond (1963)
 - (9) Knowledge of Union Membership (1963)
 - (10) Motivation in Part by Union Activity (1955)
 - (11) Pressure by the Employer's Landlord (1955)
 - (12) Rule Prohibiting Solicitation (1955)
 - (13) Laches (1955)

- (14) Voluntary Quitting (1955)
- (15) Preferential Hiring List (1952)
- (16) Asserted Justification for Discharge (1958)
- (17) Temporary Employment (1958)
- (18) Refusal to Reinstate Strikers (1957)
 - (a.) Strike in Violation of Contract (1957)
 - (b.) Union Security Clause (1957)
- b. Reduction of Working Hours (1962)
- 2. Lockout (1955)
- 3. Refusal to Hire (1948)
 - a. Remedy (1949)
- 4. Surveillance of Union Activities (1937-39)
- 5. Domination or Support of Employee Organizations (1937-39)
- 6. Refusal to Bargain (1937-39)
 - a. Majority Representation (1937-39)
 - b. Proof of Majority Representation (1958)
 - (1) The Appropriate Bargaining Unit (1958)
 - (a.) Clerical Employees (1958)
 - (b.) Employer's Relatives (1958)
 - (2) Necessity of Certification (1963)
 - (3) Eligibility of Voters (1965)
 - (a.) Dual Employment (1965)
 - (4) Strikers (1965)
 - c. Loss of Majority Status (1950)
 - (1) After Refusal to Bargain (1950)
 - (2) After Certification (1951)
 - (3) After Unfair Labor Practices (1965)
 - (4) Death of Sole Employer (1966)
 - d. The Bargaining Demand (1965)
 - (1) Demand Upon Managing Agent (1965)
 - (2) Strike as Continuing Demand for Bargaining (1965)
 - e. Repudiation of Collective Bargaining Agreement (1961)
 - f. Successor Union (1961)
 - g. Refusal to Enter a Written Contract (1950)
 - h. Unsatisfactory Employees (1950)
 - i. Union Security Clauses (1950)
 - j. Unilateral Action (1956)
 - (1) Unilateral Changes in Working Conditions (1953)
 - (2) Unilateral Wage Increase (1965)
 - k. Welfare Fund (1953)
 - l. Lack of Good Faith in Bargaining (1937-39)
 - m. Asserted Justifications for Refusal to Bargain (1956)
 - (1) Employer Too Busy (1956)
 - (2) Pending Unfair Labor Practice Proceedings (1956)

- (3) Board's Alleged Lack of Jurisdiction (1956)
- (4) Lack of Authority to Bargain (1956)
- (5) Union's Alleged Insistence That Its Printed Form of Contract be Signed (1956)
- (6) Doubt as to Union's Majority Status (1958)
- (7) Rival Unions (1965)
- n. Duty to Bargain During a Strike (1937-39)
- o. Remedy (1950)
- p. Unfair Labor Practice Strikers (1953)
- q. Motion to Remand Proceedings to the Board (1952)
- r. Unlawful Conditions Precedent to Bargaining (1952)
- s. The Effect of Filing Unfair Labor Practice Charges (1954)
- t. Challenged Certifications (1954)
- u. Certifications (1964)
 - (1) New Owners (1964)
- v. Authority of Employer's Representative (1954)
- w. Dissension Among Stockholders (1954)
- x. Arbitration Clauses (1954)
- y. Refusal to Sign Agreement (1954)
- z. Duty to Bargain During a Strike (1954)
- aa. Board's Alleged Lack of Jurisdiction (1955)
- bb. Receiver (1962)
- cc. Duty to Meet and Negotiate with Employee Representatives (1965)
- dd. Discharge to Avoid Bargaining (1963)
- 7. Discrimination for Participation in Proceedings Before the Board (1962)
- 8. Interference with Rights of Employees (1937-39)
 - a. Questioning Employees Concerning Their Union Activities (1956)
 - (1) Application Forms (1956)
 - b. Threats or Inducements (1956)
 - c. Union Security Clauses (1957)
 - d. Rule Prohibiting Union Activity (1962)
- 9. Employer's Disregard of Board's Process and Procedure (1964)
- 10. Determination of the Appropriate Bargaining Unit (1937-39)
- 11. General Rule on Enforcement (1947)
- 12. Reading of Record by Board Members (1947)
- 13. The Trial Examiner's Report (1951)
- 14. Proscribed Activities (1947)
- 15. Judicial Review (1965)
 - a. Objections Not Urged Before the Board (1965)
 - b. Jurisdiction of the Board (1965)
 - c. Failure to File Exceptions to Intermediate Report (1965)
 - d. Substantial Evidence Rule (1969)
 - e. Events Occurring Subsequent to Board's Order (1965)
 - f. Compliance with Board's Order (1965)
 - g. Laches (1971)

16. Motion to Reopen Hearing (1964)
17. Motion for Re-argument of Court Order (1963)
18. Remedial Orders (1962)
 - a. Successors and Assigns (1962)

I. Decisions Relating to Procedure and Evidence (1937-39)

1. Failure to Adduce Evidence (1963)
2. Examination Before Trial (1953)
3. Venue (1953)
4. Rule 59 (1958)
5. Presumption of Regularity of Performance (1970)
6. Presumption of Regularity of Mails (1970)
7. Board's Right to Appeal from an Intermediate Order of Special Term (1958)
8. Death of Judge Following Decision (1958)
9. Petitions (1961)
 - a. Right to Withdraw (1961)
10. Subpoenas (1961)
 - a. Motion to Quash (1961)
11. Hearings (1965)
 - a. Alleged Bias and Prejudice of Trial Examiner (1965)
 - b. Motion for Leave to Adduce Additional Evidence (1965)
 - c. Witnesses (1966)
 - d. Trial Examiner (1967)

J. Finality of Board Findings: The Substantial Evidence Rule (1937-39)

K. Propriety of Board Orders and Remedies (1937-39)

1. Back Pay (1937-39)
 - a. Seeking Other Employment (1955)
 - b. Unemployment Insurance and Other Benefits (1955)
2. Reinstatement (1937-39)
3. Moving Expenses (1954)
4. Earnings in Other Employment (1956)
5. Unfair Labor Practice Strikers (1956)
6. Motion to Intervene (1962)

L. Liability of Successors and Assigns (1937-39)

M. Res Judicata (1954)

N. The Trial Examiner's Intermediate Report (1954)

O. Contempt Proceedings (1937-39)

1. Corporate Officers, Agents, Successors and Assigns (1951)

2. Motion to Resettle Commitment Order (1958)
3. Necessity of Jury Trial in Contempt Proceedings (1958)

P. Actions for Declaratory Judgment (1966)

1. Applications for Preliminary Injunction (1966)

Q. Habeas Corpus Proceedings (1958)

1. Burden of Proof When the Court's Jurisdiction is Challenged (1958)
2. Objections Not Urged Before the Board or Court (1958)

R. Laches (1956)

S. Miscellaneous Proceedings (1937-39)

1. Power of Federal Courts to Prevent Enforcement of Board Order (1937-39)
2. Enforcement of Subpoena Issued by Board (1937-39)
3. Power of Court to Direct Board to Grant Bill of Particulars (1937-39)
4. Civil Liability of Board Members (1937-39)
5. Mandamus Proceedings Against Board (1937-39)
6. Status of Trial Examiners (1937-39)