

Federal Labor Laws

Paul K. Rainsberger, Director
University of Missouri – Labor Education Program
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III. Classification of Cases under the Labor Management Relations Act

A. Representation Cases

1. Representation cases are those cases in which the issue before the National Labor Relations Board is whether, or on what terms, a particular union is able to act as the bargaining agent for a unit of employees covered by the Act.
2. Representation cases are also known as "R" cases.
3. There are six distinct types of representation cases handled by the NLRB. The six categories are:
 - a. "RC" or Certification Cases: Initiated by a petition filed by or on behalf of a proposed unit of workers, alleging that a substantial number of employee wish to be represented for purposes of collective bargaining by the union seeking certification as a bargaining agent.¹
 - b. "RM" Cases: Initiated by an employer's petition alleging that one or more labor organizations have made a demand for recognition as the bargaining agent of a proposed unit of employees.²
 - c. "RD" or Decertification Cases: Initiated by a substantial number of employees seeking to revoke the certification of a union as bargaining agent for the unit including those employees.³
 - d. "UD" or Deauthorization Cases: Initiated by a petition alleging that at least 30% of a bargaining unit seeks to withdraw the authority of a labor organization to negotiate a union shop agreement.⁴
 - e. "UC" or Unit Clarification Cases: Initiated by a petition requesting clarification of an existing bargaining unit. This

¹ 29 USCA § 159(c)(1)(A)(i).

² 29 USCA § 159(c)(1)(B).

³ 29 USCA § 159(c)(1)(A)(ii).

⁴ 29 USCA § 159(e)(1).

type of petition is most common in situations involving new jobs and whether those jobs belong within a unit.

- f. "AC" or Amendment of Certification Cases: Initiated by a petition seeking a change in the wording of the certification of a labor organization. This might occur in cases involving union or company mergers, name changes or similar procedural changes in the identity of the parties.

B. Unfair Labor Practice Cases

1. Unfair labor practice cases (also known as "C" cases) are those cases in which the issue is whether an employer, union or both have engaged in any of the specific types of conduct enumerated in § 8 of the Act.
2. There are seven classifications of "C" cases, based on distinct types of unlawful conduct. The seven categories are:
 - a. "CA" Cases or Charges against an Employer: Initiated by a charge alleging that an employer has violated one or more of the specific unfair labor practice provisions of § 8(a).
 - b. "CB" Cases or Charges against a Labor Organization: Initiated by a charge alleging that a union has violated one or more of the specific unfair labor practice provisions of §§ 8(b)(1), 8(b)(2), 8(b)(3), 8(b)(5), or 8(b)(6).
 - c. "CC" or Secondary Pressure Cases: Initiated by a charge alleging that a labor organization has used or threatened unlawful secondary pressure under the provisions of §§ 8(b)(4)(i)(A), 8(b)(4)(i)(B), 8(b)(4)(ii)(A) or 8(b)(4)(ii)(B).
 - d. "CD" or Jurisdictional Dispute Cases: Initiated by a charge alleging that a labor organization has used or threatened unlawful pressure to resolve a jurisdictional dispute under the provisions of §§ 8(b)(4)(i)(C), 8(b)(4)(i)(D), 8(b)(4)(ii)(C), or 8(b)(4)(ii)(D).
 - e. "CG" or Health Care Picketing Cases: Initiated by a charge against a labor organization alleging that a health care institution is being picketed or struck in a manner which violates § 8(g). Specifically, this would be a charge that the union engaged in a strike or picket has failed to give the institution and the Federal Mediation and Conciliation Service the required 10 days notice.
 - f. "CP" or Recognitional Picketing Cases: Initiated by a charge alleging that a labor organization is engaged in or has threatened picketing for purposes of organizing or recognition in ways which violate § 8(b)(7).

- g. "CE" or Hot Cargo Cases: Initiated by a charge alleging that an employer and a labor organization have entered into a hot cargo agreement which violates § 8(e).