

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

AMIT, INC.

Petitioner

and

DISTRICT COUNCIL 37

Union

Case 02-RM-357713

**DECISION AND ORDER DISMISSING PETITION AND
WITHDRAWING NOTICE OF REPRESENTATION HEARING**

On January 3, 2024, AMIT Inc. (“Petitioner”) filed a petition seeking an election among a unit of its employees represented by District Council, 37 (“Union”). The same day, the Region issued a Notice of Representation Hearing scheduling a hearing concerning the petition for Monday, January 13, 2025. During the initial processing of the petition, the Petitioner asserted, and the Union did not dispute, that the bargaining unit at issue contained only one employee.

Therefore, on January 10, 2025, the Region issued an Order to Show Cause Why Petition Should Not be Dismissed and Indefinitely Postponing Hearing, with a January 17, 2025, deadline. No party submitted a response.

It is contrary to Board policy to certify a representative for bargaining purposes in a unit consisting of less than two employees. *Roman Catholic Orphan Asylum of San Francisco, d/b/a Mount St. Joseph's Home for Girls*, 229 NLRB 251 (1977); *Sonoma-Marin Publishing Company*, 172 NLRB 625 (1968); and *Griffin Wheel Company*, 80 NLRB 1471 (1948); cf. discussion in *Louis Rosenberg, Inc.*, 122 NLRB 1450, 1453 (1959); see also *Foreign Car Center, Inc.*, 129 NLRB 319 (1960); and *Teamsters Local No.115 (Vila-Barr Company)*, 157 NLRB 588 (1966). The Board has held that since it is not empowered to require bargaining or to certify a bargaining representative in a unit comprising no more than one employee, it does not direct elections in such units either under Section 9(c) or under Section 8(b)(7)(c). Further, the Board will not direct bargaining in such a unit, and it is not an unfair labor practice if an employer refuses to bargain with a representative on behalf of a one-person unit. *Foreign Car Center*, 129 NLRB 319 (1961).

As no party has contended that there is more than one employee in the petitioned-for unit and conducting an election for a one-person unit would conflict with Board policy, further processing of the current petition is not warranted. Therefore,

IT IS HERBY ORDERED that the petition is dismissed

IT IS FURTHER ORDERED that the Notice of Representation Hearing previously issued in this matter is withdrawn.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67(c) of the Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary of the National Labor Relations Board. The request for review must conform to the requirements of Section 102.67(d) and (e) of the Board's Rules and Regulations and must be filed by March 18, 2025.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlrb.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Dated: March 4, 2025
New York, New York

A handwritten signature in black ink that reads "John D. Doyle, Jr." with a stylized flourish at the end.

John D. Doyle, Jr.
Regional Director
National Labor Relations Board
Region 2
26 Federal Plaza, Ste. 41-120
New York, NY 10278-0104