

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 02**

GOLDEN KRUST CARIBBEAN BAKERY INC.

Employer

and

Case 02-RC-390260

PROGRESSIVE WORKERS UNION LOCAL 311

Petitioner

and

**LOCAL 1430, INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS, AFL-CIO**

Intervenor

ORDER DISMISSING PETITION AND VACATING NOTICE OF HEARING

On July 8, 2026, Progressive Workers Union Local 311 (“Petitioner”) filed the instant petition seeking certification as the exclusive bargaining representative for all full time and regular part-time employees and shipping employees, including all drivers, maintenance, mechanics, mixing, grinding, sheeting, packing and cleaning, and warehouse employees employed by Golden Krust Caribbean Bakery, Inc. (“Employer”) at the Employer’s facility located at Park Avenue and Washington Avenue, Bronx, NY 10457, but excluding all other employees, including office clerical, managers, sales employees and supervisors, as defined in the Act. On July 9, 2026, I issued a Notice of Hearing, scheduling a pre-election hearing in this matter for July 17, 2026.

On July 9, 2026, International Brotherhood of Teamster Local 1430 (“Intervenor”) requested to intervene in the proceeding and urged that the Region should dismiss the petition based on the Board’s contract-bar doctrine. In support of its position, the Intervenor submitted that the Employer and the Intervenor are signatories to a collective-bargaining agreement in effect from March 21, 2025, to and including March 20, 2028 (the “CBA”), and that the CBA is a bar to proceeding with the petition in this matter. *Appalachian Shale Products Co.*, 121 NLRB 1160 (1958).

On July 16, 2026, the undersigned issued an Order to Show Cause, which granted the Intervenor’s request to intervene, postponed the scheduled hearing indefinitely, and required that the parties file with the Region, on or before Monday July 27, 2026, responses identifying any reason why the petition should not be dismissed in accordance with the Board’s contract-bar doctrine. The Region did not receive any responses to the Order to Show Cause.

For the reasons discussed below, the petition is barred from being processed pursuant to the Board’s contract bar standards. Accordingly, I am dismissing the petition.

BOARD LAW AND ANALYSIS

The Board's well-settled contract bar doctrine balances the interests of employee free choice and industrial stability. See, e.g. *Seton Medical Center*, 317 NLRB 87, 88(1995). The Board has established the general rule that where a contract of definite duration is reduced to writing and signed by both parties, it will act as a bar for up to three years of its term to an election petition filed by an employee or rival union after the contract is signed. *General Cable Corp.*, 139 NLRB 1123(1962). The Board's contract-bar rules provide for a thirty-day "open period," which, for employers other than health care institutions,¹ begins ninety days before the expiration of the contract and ends sixty days before the expiration of the contract, during which election petitions may be timely filed. See *Leonard Wholesale Meats Co.*, 136 NLRB 1000, 1001(1962). The sixty-day period before the contract's expiration is an "insulated period" during which no petitions may be filed; this period enables contracting parties to reach a new agreement during the final days of the existing agreement. *Id.* This doctrine is intended to afford contracting parties and the employees a reasonable period of stability in their relationship without interruption and at the same time, to afford the employees the opportunity, at reasonable times, to change or eliminate their bargaining representative if they wish to do so. *Union Fish Co.*, 156 NLRB 187, 191(1965).

Here, the Employer and Intervenor are parties to a collective bargaining agreement effective by its terms from March 21, 2025, through March 20, 2028. The agreement covers an appropriate unit that is the same unit sought in the representation petition, has been reduced to writing, was signed by all parties prior to the filing of the petition, and contains substantial terms and conditions of employment sufficient to stabilize the bargaining relationship. *Appalachian Shale Products Co.*, 121 NLRB 1160 (1958). The contract contains, among other things, a dues checkoff provision, a grievance and arbitration clause, and a facially valid union security clause. The contract also provides for medical coverage, bereavement leave, paid holidays and vacation days.

The petition was filed on July 8, 2026, a date outside the thirty-day "open period" for filing a representation petition. Therefore, there is a contract bar to processing of the petition. Accordingly,

IT IS ORDERED THAT the petition be, and it hereby is, dismissed.

IT IS FURTHER ORDERED THAT the notice of hearing be, and hereby is, vacated.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review of this Order 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.nlr.gov, select E_File Documents, enter the NLRB

¹ For collective-bargaining agreements to which health care institutions are parties, the insulated period is 90 days; thus, the 30-day window period that begins 120 days and ends 90 days prior to contract expiration. See *Trinity Lutheran Hospital*, 218 NLRB 199 (1975). The Employer in this matter is not a health care institution.

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 to the proceeding and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review. This request must be received by the Board in Washington by 5 p.m., EST on August 12, 2026. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was offline or unavailable for some other reasons, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which must also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Any party may, within 5 business days after the last day on which the request for review must be filed, file with the Board a statement in opposition to the request for review. An opposition must be filed with the Board in Washington, DC, and a copy filed with the Regional Director and copies served on all the other parties. The opposition must comply with the formatting requirements set forth in §102.67(i)(1). Requests for an extension of time within which to file the opposition shall be filed pursuant to §102.2(c) with the Board in Washington, DC, and a certificate of service shall accompany the requests. The Board may grant or deny the request for review without awaiting a statement in opposition. No reply to the opposition may be filed except upon special leave of the Board.

Dated: July 29, 2026

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 02
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New York, NY 10278-3699