

117 L.R.R.M. (BNA) 3299, 102 Lab.Cas. P 11,256  
(Cite as: 748 F.2d 1121)

**NATIONAL LABOR RELATIONS  
BOARD, Petitioner,**

v.

**ARCHITECTURAL RESEARCH  
CORPORATION, Respondent.**

Nos. 83-5853, 83-5857.

United States Court of Appeals,  
Sixth Circuit.

Submitted Oct. 2, 1984.

Decided Nov. 27, 1984.

The National Labor Relations Board applied for enforcement of an order requiring employer to reinstate employees who were discharged for insubordination and walking off the line. The Court of Appeals, Krupansky, Circuit Judge, held that employees' conduct in walking off the line was not protected activity but rather was an attempt to supplant the union as exclusive bargaining representative of employees.

Petition denied.

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Employees' conduct in walking off the line to take a work break was not an attempt to present a grievance and thus protected activity but, rather, was an effort by the employees to bargain directly with employer and thus to supplant the union as the exclusive bargaining representative of the employees where, despite repeated admonitions from union and company officials that the work break was the proper subject for union-company negotiations, employees had stopped working and confronted company officials about the break; thus, termination of employees for walking off the line and insubordination did not violate the National Labor Relations Act. National Labor Relations Act, § 8(a)(1), as amended, 29 U.S.C.A. § 158(a)(1).

\*1121 Elliott Moore, Deputy Associate Gen. Counsel, N.L.R.B., Washington, D.C., for petitioner.

Elliott C. Winograd, New York City, Karl R. Lukens, Livonia, Mich., for respondent.

Before KRUPANSKY and WELLFORD, Circuit Judges, and CELEBREZZE, Senior Circuit Judge.

KRUPANSKY, Circuit Judge.

The instant appeal presents an application for enforcement of a National Labor Relations Board (NLRB) order requiring the respondent, Architectural Research Corporation (the Company) to reinstate two former employees who were discharged for "walking off the line." The petition resulted from the circumstances set forth below.

The Company manufactured resinous floor block and related products at its Livonia, Michigan facility. At all relevant times, Engineer David Flodquist was in charge of production, and Mathew Ferrari was a supervisor under Flodquist. Company production and maintenance employees were represented by Local Union No. 247 (the Union), a Teamsters' affiliate, and thus their working conditions were governed by a collective bargaining agreement. The union steward was Tony Paglione.

Under the collective bargaining agreement, employees were entitled to two work breaks during the day shift: one in the morning and one in the afternoon. Due to its precarious financial position in the fall of 1980, the Company proposed altering the contract, inter alia, by eliminating the afternoon work break to increase production. On October 6, 1980, the Union members unanimously affirmed the Company's proposed amendments. Phillip Searls, one of the discharged employees and a petitioner herein, was among the union members who \*1122 approved the change. The other terminated employee, Gregory Sitarski, was not a union member and was thus ineligible to vote. However, Sitarski was subject to the same rights and rules under the collective bargaining agreement as were members of the union.