

means of contacting the employees it was seeking to organize, before permitting the NFFE organizer access to its premises, including common areas. According to the RD, the Activity permitted the NFFE organizer improper access when the only limit it placed on him was to solicit signatures of employees in work areas on their non-duty time.

The RD concluded that, under the totality of the circumstances, the Activity had unlawfully assisted NFFE, because it controlled the premises, it failed to verify whether NFFE had alternative means of contact, and it permitted NFFE access to the premises. The RD concluded that, because the unlawful assistance interfered with the employees' rights under section 7102 of the Statute, any cards signed during the period of the Activity's unlawful assistance were tainted. Therefore, the RD dismissed the petition.

### 3. The Application for Review

As applicable here, NFFE contends that its non-employee organizer had a right to be on the Activity's premises because NFFE represents employees at that Activity and because NFFE did not do anything illegal in its solicitation of the showing of interest. NFFE contends that the signatures on its showing of interest petition were validly obtained by bargaining unit employees. NFFE asserts that its organizer merely gathered the petition sheets from the employees who had obtained the signatures. NFFE also asserts that there was no showing that any of the signatures was improperly obtained.

NAGE asserts that the facts support the conclusion that the Activity unlawfully assisted NFFE in obtaining signatures.

Addressing NFFE's contentions, the Authority concluded that NFFE did not establish that the RD committed prejudicial procedural error in holding a hearing or that the RD disregarded Authority Regulations, and denied NFFE's application in these and other respects. NFFE did not raise and the Authority did not reach the question of whether the RD properly applied the standards set forth in *Social Security*.

Finding that there is an absence of precedent, the Authority granted the application for review on the issue of what standard should apply to evaluate whether the type of improper conduct alleged in this case warrants dismissal of an otherwise valid election petition.

### 4. Question on Which Briefs Are Solicited

The Authority has directed the parties in the case to file briefs addressing the

following question: What standard should be used to determine whether an activity's improper conduct should lead to the dismissal of an election petition on the basis that the accompanying showing of interest was tainted?

As this matter is likely to be of concern to agencies, labor organizations, and other interested persons, the Authority finds it appropriate to provide for the filing of amicus briefs addressing these issues.

(Authority: 5 U.S.C. 7105(a)(2) (B) and (I)).

For the authority.

**Peter J. Constantine,**

*Director, Case Control Office, Federal Labor Relations Authority.*

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## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 2, 1998.

**A. Federal Reserve Bank of Atlanta** (Lois Berthaume, Vice President) 104 Marietta Street, NW, Atlanta, Georgia 30303-2713:

1. *Philip Bachman & Martha Bachman*, both of Greeneville, Tennessee; to retain voting shares of Greene County Bancshares, Inc., Greeneville, Tennessee, and thereby indirectly retain voting shares of Greene County Bank, Greeneville, Tennessee.

2. *James G. Tanner, III*, Baton Rouge, Louisiana; to acquire voting shares of First National Bancshares of Eunice, Inc., Eunice, Louisiana, and thereby indirectly acquire voting shares of First Bank, Eunice, Louisiana.

Board of Governors of the Federal Reserve System, November 12, 1998.

**Robert deV. Frierson,**

*Associate Secretary of the Board.*

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## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 11, 1998.

**A. Federal Reserve Bank of Boston** (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. *Marlborough Bancorp*, Marlborough, Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of Marlborough Co-Operative Bank, Marlborough, Massachusetts.

**B. Federal Reserve Bank of Philadelphia**, (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

1. *Commerce Bancorp, Inc.*, Cherry Hill, New Jersey; to acquire 100 percent of the voting shares of Prestige Financial