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for the Third Circuit

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2-6-1997

## Hertz Corp. v. NLRB

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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Nos. 95-3621 & 96-3000

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HERTZ CORPORATION,

Petitioner

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

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On Petition for Review of an Order of the National Labor  
Relations Board , United States Department of Labor  
(NLRB No. 5-CA-23956)

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Argued June 11, 1996

Before: SCIRICA and ROTH, Circuit Judges  
and RESTANI<sup>1</sup>, Judge, U.S. Court of International Trade

(Opinion Filed January 28, 1997)

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ORDER AMENDING SLIP OPINION

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<sup>1</sup>Honorable Jane A. Restani, United States Judge for the United States Court of International Trade, sitting by designation.

It is hereby ordered that the slip opinion in the above-entitled matter on January 28, 1997 is hereby amended in accordance with the following:

The caption is amended to include appeal No. 96-3000 and the first complete paragraph on page 13 of the slip opinion shall read:

Information pertaining to individuals who are not members of a union bargaining unit is not available to a union on demand. A union must communicate facts that reasonably support its suspicion of discrimination in hiring. Because Local 922 failed to do so in this case, we will grant Hertz's petition for review, reverse the NLRB panel decision, and remand the case to the NLRB to dismiss the Union's complaint. We will also deny the Board's cross-application for enforcement.

BY THE COURT:

/s/ Jane R. Roth

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Circuit Judge

DATED: February 6, 1997