

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

Industrial Roofing, Inc.

Employer

and

Case 19-RD-3859

Thomas Mack, an Individual

Petitioner

and

Roofers, Waterproofers and Allied Workers,  
Local 190, AFL-CIO

Union

**REPORT ON OBJECTIONS AND  
DIRECTION OF HEARING**

On March 8, 2010, I approved a Stipulated Election Agreement (Agreement) in this matter. On April 1, 2010, secret ballots were mailed to voters from the Resident office in Anchorage, Alaska in accordance with the Agreement's terms. Employees in the following unit were eligible to vote in the election:

Included: All employees employed by the Employer as roofers and waterproofers.

Excluded: All other employees, office clerical employees, guards and supervisors as defined in the Act.

On April 22, 2010, the secret ballots were counted by a Board Agent. The Board Agent prepared a Tally of Ballots and served the parties with a copy.<sup>1</sup> The Corrected Tally listed the following results:

Approximate number of eligible voters.....	25
Void ballots .....	0
Votes cast for Union.....	12
Votes cast against participating labor organization .....	8
Valid votes counted.....	20
Challenged ballots .....	3
Valid votes counted plus challenged ballots .....	23

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<sup>1</sup> Inadvertent errors were made on the original Tally. A Corrected Tally was served on the parties on April 27, 2010.

On April 29, 2010, the Employer filed two timely Objections to the election and to conduct affecting the election results. Copies of the Employer's Objections were served upon the other parties. The Objections are attached and incorporated as part of this Report.

The Regional Office conducted a preliminary investigation of the Objections pursuant to the Agreement's terms and in accordance with the provisions of Section 102.69 of the Board's Rules and Regulations, Series 8, as amended. Based on that preliminary investigation, I find that the Objections raise substantial and material issues of law or fact, including credibility resolutions, which can best be resolved at a hearing. A hearing for such purposes will therefore be held.

### **NOTICE OF HEARING**

**IT IS HEREBY ORDERED**, pursuant to Section 102.69(d) of the National Labor Relations Board Rules and Regulations, Series 8, as amended, that on **June 8, 2010 at 9:00 a.m. in Conference Room "A" in the Federal Building Annex located at 222 West 8<sup>th</sup> Avenue Anchorage, Alaska** a hearing will be conducted before a duly appointed Hearing Officer of the National Labor Relations Board on the issues raised by the Employer's Objections. The hearing shall continue on consecutive days thereafter until concluded. At said hearing, all parties will have the right to appear in person, or otherwise, and fully participate, and will be afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues.

**IT IS FURTHER ORDERED**, pursuant to Section 102.69(e) of the Board's Rules and Regulations, Series 8, as amended, that the Hearing Officer designated to conduct the hearing shall prepare and cause to be served on the parties a report on objections which will contain findings of fact, including credibility resolutions and recommendations to the Board concerning the disposition of the issues involved. Within fourteen (14) days from the date of issuance of such report of the Hearing Officer, any party may file with the National Labor Relations Board, Attn: Executive Secretary, 1099 - 14<sup>th</sup> Street NW, Washington, D.C. 20570-0001, an original and eight (8) copies of exceptions to such report, with supporting brief, if desired, which shall be printed or otherwise legibly duplicated.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may now be filed electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance for E-filing can also be found on the National Labor Relations Board website: [www.nlrb.gov](http://www.nlrb.gov). On the home page of the website, select the **E-Gov** tab and click on **E-Filing**. Then select the NLRB office for which you wish to E-File your documents. Detailed E-filing instructions explaining how to file the documents electronically will be displayed.

Immediately upon filing of such exceptions, the party filing the same shall serve a copy thereof, together with a copy of any brief filed, upon the other parties and simultaneously submit to the Board a statement of such service. If no exceptions are filed to the Hearing Officer's Report, the Board may decide the matter forthwith upon the record or make other disposition of the case.

**DATED** at Seattle, Washington on the 29th day of July, 2010.



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Richard L. Ahearn, Regional Director  
National Labor Relations Board, Region 19  
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915 Second Avenue  
Seattle, Washington 98174