

NOT TO BE INCLUDED
IN BOUND VOLUMES

LBH
Fairfield, CA

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

FAIRFIELD TOYOTA
Employer

and

Case 20-RC-18287

AUTOMOTIVE MACHINISTS
LOCAL LODGE NO. 1173
Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered the objections to an election held on March 11, 2010, and the Regional Director's Report and Recommendations Regarding Employer's Objections to Election recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of votes shows 10 for and 4 against the Petitioner, with no challenged ballots.

The Board has reviewed the report in light of the exceptions and briefs, has adopted the Regional Director's findings and recommendations, and finds that a certification of representative should be issued.¹

¹ In adopting the Regional Director's recommendation to overrule the Employer's objections, Member Hayes emphasizes that he does not condone the disruptive behavior of union agent Jesse Juarez immediately prior to the opening of the polls. In slightly different factual circumstances, Member Hayes would find that Juarez' sustained profanity-laced derogation of the Employer's officials warrants setting aside the election. Further, Member Hayes notes that Juarez is an agent of a party participating in an official Board proceeding to resolve a question concerning representation. The Employer's shop,

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for the Automotive Machinists Local Lodge No. 1173, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time Automotive Technicians employed by the Employer at its facility located at 2575 Automall Parkway, Fairfield, California, excluding all other employees, guards, and supervisors as defined in the Act.

Dated, Washington, D.C., October 6, 2010.

Wilma B. Liebman, Chairman

Craig Becker, Member

Brian E. Hayes, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

where the election was held, is certainly not the equivalent of an administrative hearing room. Nevertheless, Juarez' outbursts imply his contempt for the Board and, if repeated, could justify consideration of sanctions against him.