

NOT TO BE INCLUDED
IN BOUND VOLUMES

LBP
Berkeley, IL

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PREFERRED MEAL SYSTEMS, INC.
Employer

and

Case 13–RD–2652

NORMAN STUBBS
Petitioner

and

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL 763
Union

DECISION AND ORDER DIRECTING HEARING

The National Labor Relations Board, by a three-member panel, has considered objections to an election held August 20, 2010, and the Regional Director's Report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 12 for and 13 against the Petitioner, with one nondeterminative challenged ballot.

The Board has reviewed the record in light of the exceptions and briefs and finds that the Union's Objections 1 and 2 raise substantial and material factual issues warranting a hearing.¹

¹ In directing a hearing, the Board notes that the parties dispute whether the Employer circulated a letter among employees stating that it would honor the terms of the recently ratified contract whether or not the employees decertified the Union. The hearing officer should determine whether such a letter was circulated and its content, and the content of the new contract and the one it superseded, so that the Board can determine whether the new contract provided increased or additional benefits and when those benefits would be effective.

ORDER DIRECTING HEARING

IT IS ORDERED that a hearing be held before a duly designated hearing officer for the purpose of receiving evidence to resolve the issues raised by the Union's Objections 1 and 2.

IT IS FURTHER ORDERED that the hearing officer designated for the purpose of conducting the hearing shall prepare and cause to be served on the parties a report containing resolutions of credibility of witnesses, findings of fact, and recommendations to the Board as to the disposition of said issues. Within the time prescribed by the Board's Rules and Regulations, Series 8, as amended, any party may file with the Board in Washington, D.C., eight copies of exceptions thereto. Immediately on the filing of such exceptions, the party filing the same shall serve a copy on the other party and shall file a copy with the Regional Director. If no exceptions are filed, the Board will adopt the recommendation of the hearing officer.

IT IS FURTHER ORDERED that the above-entitled matter is remanded to the Regional Director for Region 13 for the purpose of arranging such hearing.

Dated, Washington, D.C., December 13, 2010

Wilma B. Liebman, Chairman

Craig Becker, Member

Mark Gaston Pearce, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD