

NOT TO BE INCLUDED  
IN BOUND VOLUMES

LBP  
Grand Rapids, MI

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

FIRST STUDENT, INC.  
Employer

and

DIANA LEHMAN, an Individual  
Petitioner

Case 7-UD-564

and

TEAMSTERS LOCAL NO. 7, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS  
Union

DECISION AND ORDER

The National Labor Relations Board, by a three-member panel, has considered the Union's challenges to the ballots of Sharon Faher and Pamela Black in a deauthorization election held on May 7, 2010, and the Hearing Officer's Report recommending disposition of them. The election was conducted pursuant to an agreement by the parties.

The tally of ballots shows 34 in favor of "withdrawing the authority of the bargaining representative to require, under its agreement with the Employer, that employees make certain lawful payments to the Union in order retain their jobs," and 27 against, with 2 challenged ballots, which are determinative of the outcome of the election.

The Board has reviewed the Report and Recommendations on Determinative Challenged Ballots, and the Union's exceptions, and has adopted the Hearing Officer's findings and recommendations.<sup>1</sup> Accordingly, we shall overrule the

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<sup>1</sup>In finding employees Black and Faher to be eligible voters, we rely not only on their status as dual-function employees, but also on the Union having previously treated them as members of the bargaining unit for union-security

challenges to the ballots of Pamela Black and Sharon Faher and direct that they be opened and counted.

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purposes (including having the employer deduct union dues from their paychecks). See *Romac Containers*, 190 NLRB 238, 239 (1971) (the parties had agreed that the union security provisions of the collective-bargaining agreement would be applicable to challenged summer students).

**ORDER**

IT IS ORDERED that this proceeding is remanded to the Regional Director for further appropriate action.

Dated, Washington, D.C., December 20, 2010.

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Wilma B. Liebman, Chairman

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Craig Becker, Member

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Mark Gaston Pearce, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD