NOT INCLUDED
IN BOUND VOLUMES

LPH
Bronx, NY

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

AVID WASTE SERVICES, INC.
Employer

and

Case 2-RC-23526

WASTE MATERIAL RECYCLING AND
GENERAL INDUSTRIAL LABORERS'
LOCAL UNION 108, LIUNA
Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered an objection to an election held September 10, 2010, and the hearing officer's[1] report recommending disposition of it.[2] The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 14 for and 10 against the Petitioner, with 3 challenged ballots, an insufficient number to affect the results.

The Board has reviewed the record in light of the exceptions and briefs, has adopted the hearing officer's findings and recommendations, and finds that a certification of representative should be issued.

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[1] Administrative Law Judge Raymond P. Green sat as a hearing officer in this representation proceeding.
[2] In the absence of exceptions, we adopt pro forma the hearing officer's recommendation to overrule Employer Objections 2 – 4.

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for Waste Material Recycling and General Industrial Laborers' Local Union 108, LIUNA, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

> Included: All full-time and regular part-time drivers, helpers, mechanics, welders and painters employed by the Employer at its facility located at 1330 Oak Point Avenue, Bronx, New York.
> Excluded: All other employees, including the billing clerk/cash management and accounts receivable position and professional employees, guards and supervisors as defined in the Act.

Dated, Washington, D.C., January 27, 2011.

Wilma B. Liebman, Chairman

Mark Gaston Pearce, Member

Brian E. Hayes, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD