

Brooklyn, NY

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

ALEX FIGLIOLIA WATER AND SEWER, LLC

Employer

and

Case 29-RC-11935

LOCAL 116, RETAIL WHOLESALE AND
DEPARTMENT STORE UNION, UNITED
FOOD AND COMMERCIAL WORKERS
UNION

Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board has considered an objection to an election held September 3, 2010, and the hearing officer's report recommending disposition of it. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 26 ballots cast for and 12 ballots cast against the Petitioner, with 5 challenged ballots, an insufficient number to affect the results.

No timely exceptions have been filed to the hearing officer's report within the time provided.¹ Accordingly, the Board adopts the hearing officer's findings and recommendations, and finds that a certification of representative should be issued.

¹ By letter dated December 6, 2010, and received by the Board on December 8, 2010, the Employer filed exceptions to the hearing officer's report. Exceptions to the hearing officer's report in this case were due to be received by the Board no later than December 2, 2010. Accordingly, the Employer's exceptions were rejected as untimely filed and were not forwarded to the Board for consideration.

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for Local 116, Retail Wholesale and Department Store Union, United Food and Commercial Workers Union, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time maintenance employees, drivers, operators, plumbers, helpers, mechanics, mechanics' helpers, painters, welders and foremen a/k/a leadmen, employed by the Employer at its facility located at 420 Carroll Street, Brooklyn, NY; excluding all office clerical employees, managers, guards, and supervisors as defined in Section 2(11) of the Act.

Dated, Washington, D.C., February 10, 2011.

By direction of the Board:

/s/ Henry S. Breiteneicher

Associate Executive Secretary