

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

BANNER SERVICES CORPORATION
Employer

and

TEAMSTERS LOCAL 705
Petitioner

Case 13-RC-21983

and

PRODUCTION WORKERS UNION OF
CHICAGO AND VICINITY, LOCAL 707
Intervenor

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

The National Labor Relations Board, by a three-member panel, has considered objections to an election held on November 11, 2010 and the hearing officer's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 2 for the Petitioner, 13 for the Intervenor, and 27 against the participating labor organizations, with no challenged ballots.

The Board has reviewed the record in light of the exceptions and briefs,¹ has adopted the hearing officer's findings and recommendations,² and finds that a certification of results of election should be issued.

¹ In the absence of exceptions, we adopt pro forma the hearing officer's recommendation that Intervenor's Objection No. 1 be overruled.

² In finding that the Employer's description of the 401(k) plan did not include an unlawful promise of a benefit, we emphasize the absence of any evidence that the Intervenor ever attempted to negotiate the inclusion of unit employees in the 401(k) plan.

CERTIFICATION OF RESULTS OF ELECTION

IT IS CERTIFIED that a majority of the valid ballots have not been cast for Teamsters Local 705 or Production Workers Union of Chicago and Vicinity, Local 707, and that neither is the exclusive representative of these bargaining-unit employees.

Dated, Washington, D.C., May 25, 2011.

Wilma B. Liebman, Chairman

Craig Becker, Member

Mark Gaston Pearce, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

In its brief, the Intervenor asserts that the Employer promised an unlawful, additional benefit by stating, “Wouldn’t it make more sense to take the \$30 you are paying in union dues each month – \$360 per year – and put it in the 401(k) plan where it can grow, tax deferred, and have Banner add more money as a match?” There is no evidence in the record that this statement was a promise of a new or different benefit, nor is there any evidence employees could have reasonably viewed it as such. Rather, the Employer was simply noting that if employees put \$360 into the 401(k) plan, the Employer would make a matching contribution as provided for in the 401(k) plan.