

NOT TO BE INCLUDED
IN BOUND VOLUMES

PBH
Lexington, KY

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ADAMS INSULATION, INC.
Employer

and

Case 9-RC-18310

INTERNATIONAL ASSOCIATION OF
HEAT AND FROST INSULATORS AND
ALLIED WORKERS, LOCAL 51
Petitioner

DECISION AND ORDER REMANDING

The National Labor Relations Board has considered objections to an election held March 17, 2011, 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 4 for and 11 against, with 6 challenged ballots, an insufficient number to affect the results.

The Board has reviewed the record in light of the Petitioner's exceptions and brief and finds that the Petitioner's exceptions regarding the Employer's alleged statement to employees to the effect that the Employer would keep employees working if they voted against the

Petitioner raise substantial and material factual issues warranting a hearing.¹

ORDER

IT IS HEREBY 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 Petitioner's exceptions, consistent with this Decision.

IT IS FURTHER ORDERED that the hearing officer designated for the purpose of conducting such hearing shall prepare and cause to be served on the parties a report containing resolutions of credibility of witnesses, findings of facts, and recommendations to the Board as to the disposition of the objections. Within 14 days from the date the report issues, either party may file with the Board in Washington, D.C. eight copies of exceptions. Immediately upon the filing of such exceptions, the filing party 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 recommendations of the hearing officer.

¹ We reject the Petitioner's allegation that the Employer engaged in objectionable conduct when it bought four employees drinks and snacks, valued at approximately \$20 in total, several days before the election. This allegation was not included in the Petitioner's otherwise timely filed objections.

IT IS FURTHER ORDERED that this proceeding is remanded to the Regional Director for Region 9 to arrange and issue a notice of hearing.

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

Mark Gaston Pearce, Chairman

Craig Becker, Member

Brian E. Hayes, Member