

NOT INCLUDED IN  
BOUND VOLUMES

PBH  
Novi, MI

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MULTIBAND, INC.

Employer

and

Case 7-RC-23336

LOCAL 243, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS

Petitioner

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

The National Labor Relations Board has considered objections to an election held on October 14 and 15, 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 34 for and 96 against the Petitioner, with 4 challenged ballots, an insufficient number to affect the results of the election.

The Board has reviewed the record in light of the exceptions and briefs,<sup>1</sup> has adopted the hearing officer's

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<sup>1</sup> The Union filed 14 objections, but withdrew Objections 7 and 9 during the hearing. The Union has excepted to the hearing officer's recommendations to overrule Objections 3, 4, 8, and Additional Objection 2. In the absence of exceptions, we adopt pro forma the hearing officer's recommendations to overrule Objections 1, 2, 5, 6, 10, 11, and 12. Although the Union has nominally excepted to the hearing officer's recommendation to overrule Additional Objection 1, it offers no supporting rationale whatsoever in either its exceptions document or its

findings<sup>2</sup> and recommendations,<sup>3</sup> and finds that a certification of results of election should be issued.

CERTIFICATION OF RESULTS OF ELECTION

IT IS CERTIFIED that a majority of the valid ballots have not been cast for Local 243, International Brotherhood of Teamsters, and that it is not the exclusive representative of these bargaining unit employees.

Dated, Washington, D.C., October 26, 2011.

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Mark Gaston Pearce, Chairman

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Craig Becker, Member

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brief. We therefore adopt pro forma the hearing officer's recommendation to overrule that objection.

<sup>2</sup> The Union has implicitly excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We have carefully examined the record and find no basis for reversing the findings.

<sup>3</sup> We adopt the hearing officer's recommendation to overrule Objection 3, alleging that the Employer promised employees monetary incentives to vote against the Union. In so doing, we do not rely on her finding that Employer consultant David Acosta's comments regarding the potential for "monetary changes" after the election were too vague to constitute objectionable conduct. Instead, we rely solely on her finding that Acosta's comments were heard by only 10 to 15 employees at a single meeting, and the absence of evidence that his comments were disseminated to other employees or repeated at other meetings with employees. Given the wide margin of the election result, we are unable to conclude that this single incident could have affected the results of the election. See *M.B. Consultants, Ltd.*, 328 NLRB 1089 (1999).

Brian E. Hayes, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD