

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION TWENTY-FIVE

PRINTPACK, INC.
Employer

and

Case 25-UD-067434

GRAPHIC COMMUNICATIONS CONFERENCE/
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 761-S OF THE DISTRICT
COUNCIL 3
Union

and

MICHAEL BAKER
Petitioner

REPORT ON CHALLENGED BALLOTS,
ORDER DIRECTING HEARING,
AND NOTICE OF HEARING

Pursuant to a Stipulated Election Agreement, an election was conducted on Thursday, December 1, 2011, among certain employees of the above-named Employer to determine whether to withdraw the authority of Graphic Communications Conference/International Brotherhood of Teamsters Local 761-S of the District Council 3 to require, under its agreement with the Employer, that employees make certain lawful payments to the union in order to retain their jobs.¹

At the election, three ballots were challenged. The Employer challenged the ballots of Bruce Huntington, Teresa Green, and Michael Ruble on the grounds that the employees had been terminated prior to the December 1, 2011, election.

¹ The appropriate unit, as set forth in the Stipulated Election Agreement, is as follows:

All production and maintenance employees of Printpack Inc., in its Greensburg, Indiana Plant; BUT EXCLUDING all office employees, clerical employees, watchmen (guards), research employees, sales personnel, administrative employees, professional employees or supervisory employees.

The challenged ballots are sufficient in number to affect the results of the election.²

Following an investigation, and for the reasons discussed more fully below, I am ordering a hearing to determine the voting eligibility of the challenged voters.

I. THE CHALLENGED BALLOTS OF BRUCE HUNTINGTON, TERESA GREEN, AND MICHAEL RUBLE

A. Issue

At the election, the Employer challenged the ballots cast by Bruce Huntington, Teresa Green, and Michael Ruble and asserted that they were no longer employed in the bargaining unit by the date of the election on December 1, 2011.

B. Findings and Conclusions

Since the challenges to the ballots cast by Bruce Huntington, Teresa Green, and Michael Ruble give rise to substantial and material issues of fact and credibility concerning their eligibility to vote, a hearing will be held to determine their eligibility.

C. Statement of Facts

At the December 1, 2011, election, the Employer challenged the eligibility of Bruce Huntington inasmuch as his employment was terminated on November 14, 2011, as part of a general reduction in force that is intended to lead to the complete shut down of the Employer's Greensburg facility. Also at the election, the Employer asserted that Teresa Green and Michael Ruble were ineligible to vote inasmuch as their employments were terminated on November 18, 2011, as part of the same general reduction in force.

In its initial December 9, 2011, submission to the Region in support of its challenges the Employer continued to assert the ineligibility of Bruce Huntington, Teresa Green, and Michael

² The Tally of Ballots made available to the parties at the conclusion of the election shows the following results:

Approximate number of eligible voters	42
Number of void ballots.....	0
Number of votes cast in favor of withdrawing the authority of the bargaining representative to require, under its agreement with the Employer, that employees make certain lawful payments to the Union in order to retain their jobs.....	19
Number of votes cast against the above proposition.....	1
Number of valid votes counted.....	20
Number of challenged ballots.....	3
Number of valid votes counted plus challenged ballots.....	23

Ruble due to their terminations in November.³ Likewise, the Petitioner and Union concurred in their initial position statements dated December 10, 2011, and December 9, 2011, respectively, in response to the challenges that Bruce Huntington, Teresa Green, and Michael Ruble were ineligible to vote due to such terminations prior to the December 1, 2011, election.

Subsequently, on January 5, 2012, the Employer reversed its position on the eligibility of Bruce Huntington, Teresa Green, and Michael Ruble to vote in the December 1, 2011, election and further sought to withdraw its challenges to their ballots. While the Petitioner concurred and supported the Employer's efforts to withdraw its challenges, the Union objected to approving the withdrawal request and continued its contention that Bruce Huntington, Teresa Green, and Michael Ruble are ineligible to vote based on their discharge prior to the December 1, 2011, election.

D. Analysis

The changing positions of the Employer and Petitioner on the eligibility of Bruce Huntington, Teresa Green, and Michael Ruble to vote on the December 1, 2011, election and the Union's consistent and continued assertions that the three voters were terminated prior to the December 1 election do not provide a clear factual basis on which the Region can determine the eligibility of the challenged voters. Likewise, the continued dispute over the three employees' eligibilities makes the Region's approval of the Employer's request to withdraw its challenges inappropriate and I am therefore setting the matter for hearing.

Since the challenges to the ballots cast by Bruce Huntington, Teresa Green, and Michael Ruble give rise to substantial and material issues of fact and credibility concerning their eligibility to vote, a hearing will be held to determine their eligibility.

II. ORDER DIRECTING HEARING AND NOTICE OF HEARING

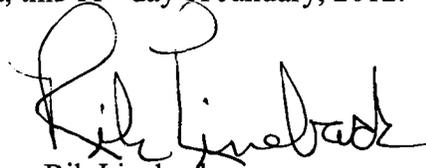
For the reasons discussed above, IT IS ORDERED that a hearing be held to resolve the issues of fact and credibility raised by the three challenged ballots.

IT IS FURTHER ORDERED that the Hearing Officer shall prepare and cause to be served upon the parties a report containing resolutions of credibility of witnesses, findings of fact, and recommendations to the Board as to the disposition of the challenges to these ballots.

³ The Employer additionally raised the eligibility of two other employees, Kenneth Schwering and Roberta Shelton, who did not appear at the polls to cast their ballots in the December 1, 2011, election. The Petitioner also argued for the exclusion of Kenneth Schwering and Roberta Shelton from the bargaining unit in his submission to the Region on December 10, 2011. In the absence of any timely filed objections, it is inappropriate to address the eligibility of any individuals, including Kenneth Schwering and Roberta Shelton, who did not appear at the polls.

YOU ARE HEREBY NOTIFIED that commencing on Wednesday, January 25, 2012, at 10:00a.m. (EST), and continuing on consecutive days thereafter until concluded, a hearing will be conducted at 575 North Pennsylvania Street, Room 238, Indianapolis, Indiana, before a duly designated Hearing Officer of the National Labor Relations Board, at which time and place you will have the right to appear in person or otherwise and give testimony.

ISSUED AT Indianapolis, Indiana, this 11th day of January, 2012.

A handwritten signature in black ink, appearing to read "Rik Lineback". The signature is written in a cursive style with a large initial "R" and "L".

Rik Lineback
Regional Director
Region 25, National Labor Relations Board
Room 238, Minton-Capehart Federal Building
575 North Pennsylvania Street
Indianapolis, Indiana 46204