

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

ADT SECURITY SERVICES, INC.

Employer

and

Case 12-RC-071890

INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS, LOCAL
UNION 349, AFL-CIO

Petitioner

ORDER DIRECTING ELECTIONS

Pursuant to a Petition filed by the Petitioner on January 12, 2012, a Decision and Direction of Election was issued by the Acting Regional Director on February 17, 2012, directing an election to be conducted in the following unit:

All full-time and regular part-time high volume operations technicians and commercial operations technicians, including installer technicians, lead installer technicians, senior installer technicians, installer technicians commission only residential, installer technicians commission only small business, and service technicians II, III, IV, and V, employed by the Employer at its facility located in Miramar, Florida, excluding all other employees, high volume coordinators permitting operations, high volume processors licensing compliance, high volume assistants permitting operations (runners), high volume coordinators install, high volume coordinators service, commercial drafters, commercial estimators, commercial specialists field support national accounts, commercial processors licensing compliance, commercial coordinators install, commercial coordinators service, coordinators supply chain, material handlers, lead material handlers, processors admin (close-outs), guards and supervisors as defined by the Act.

The Employer filed a timely Request for Review with the Board. On April 9, 2012, the Board issued a Decision on Review and Order, granting the Employer's Request for Review and finding that separate elections should be held, one in a unit consisting of the high volume installation and service technicians, and the other in a unit consisting of the commercial

installation and service technicians. The Board reversed the Acting Regional Director's Decision and Direction of Election and remanded this case for further appropriate action consistent with its Decision.¹ Accordingly, consistent with the Board's Decision of April 9, 2012:

IT IS ORDERED that the National Labor Relations Board will conduct secret ballot elections among employees in each of the following units that have been found appropriate by the Board for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Unit A (High Volume Unit):

All full-time and regular part-time high volume operations technicians, including installer technicians, installer technicians commission only residential, installer technicians commission only small business, and service technicians II, III, IV, and V, employed by the Employer at its facility located in Miramar, Florida, excluding all other employees, commercial operations technicians, high volume coordinators permitting operations, high volume processors licensing compliance, high volume assistants permitting operations (runners), high volume coordinators install, high volume coordinators service, commercial drafters, commercial estimators, commercial specialists field support national accounts, commercial processors licensing compliance, commercial coordinators install, commercial coordinators service, coordinators supply chain, material handlers, lead material handlers, processors admin (close-outs), guards and supervisors as defined by the Act.

Unit B (Commercial Unit):

All full-time and regular part-time commercial operations technicians, including installer technicians, lead installer technicians, senior installer technicians, and service technicians III, IV, and V, employed by the Employer at its facility located in Miramar, Florida, excluding all other employees, high volume operations technicians, high volume coordinators permitting operations, high volume processors licensing compliance, high volume assistants permitting operations (runners), high volume coordinators install, high volume coordinators service, commercial drafters, commercial estimators, commercial specialists field support national accounts, commercial processors licensing compliance, commercial

¹ On April 12, 2012, the Employer filed a Motion for Reconsideration, which is pending before the Board. The Employer asserts that the undersigned must further consider the Employer's position that each unit should include not only technicians, but also various classifications of employees who the Employer asserts are plant clerical employees. The Employer had taken the aforementioned position in its post-hearing brief and in its Request for Review. In the Decision and Direction of Election issued on February 17, 2012, the Acting Regional Director found that the employees in the non-technician job classifications do not share an overwhelming community of interest with the technicians and are not plant clerical employees. The Board did not reverse the Decision and Direction of Election with respect to the Employer's assertion that employees in non-technician job classifications should be included in the separate units of high volume operations technicians and commercial operations technicians. Accordingly, I adhere to the conclusions in the Decision and Direction of Election issued on February 17, 2012, except as reversed by the Board.

coordinators install, commercial coordinators service, coordinators supply chain, material handlers, lead material handlers, processors admin (close-outs), guards and supervisors as defined by the Act.

The employees in each unit will vote whether or not they wish to be represented for purposes of collective bargaining by International Brotherhood of Electrical Workers, Local Union 349, AFL-CIO. The date, time and place of the elections will be specified in the Notice of Election that the Board's Regional Office will issue subsequent to this Order.

A. Voting Eligibility

Eligible to vote in the elections are those in the units who were employed during the payroll period ending immediately before the date of this Order Directing Elections, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

B. Employer to Submit Lists of Eligible Voters

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses for each of the appropriate units, which may be used to

communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969).

Accordingly, it is hereby ordered that within 7 days of the date of this Order Directing Elections, the Employer must submit to the Regional Office separate election eligibility lists for each of the appropriate units, containing the full names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The lists must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the lists should be alphabetized (overall or by department, etc.). These lists may initially be used by me to assist in determining adequate showings of interest. I shall, in turn, make the lists available to all parties to the elections.

To be timely filed, the lists must be received in the Regional Office on or before April 27, 2012. No extension of time to file this list will be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this list. Failure to comply with this requirement will be grounds for setting aside the election whenever proper objections are filed. The lists may be submitted to the Regional Office by electronic filing through the Agency's website, www.nlr.gov,² by mail, or by facsimile transmission at (813) 228-2874. The burden of establishing the timely filing and receipt of the lists will continue to be placed on the sending party.

Since the lists will be made available to all parties to the election, please furnish a total of **two** copies of each of the lists, unless the lists are submitted by facsimile or e-mail, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

² To file the eligibility list electronically, go to www.nlr.gov and select the **E-Gov** tab. Then click on the **E-Filing** link on the menu, and follow the detailed instructions.

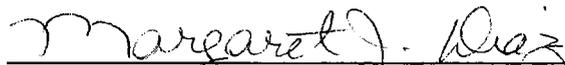
C. Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices of Election provided by the Board in areas conspicuous to potential voters for at least 3 working days prior to 12:01 a.m. of the day of the elections. Failure to follow the posting requirement may result in additional litigation if proper objections to the elections are filed. Section 103.20(c) requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the elections if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

Right To Request Review

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Order Directing Elections may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570-0001. This request must be received by the Board in Washington by May 4, 2012. The request may be filed electronically through the Agency's website, www.nlr.gov,³ but may not be filed by facsimile.

DATED at Tampa, Florida this 20th day of April, 2012


Margaret J. Diaz, Acting Regional Director
National Labor Relations Board, Region 12
201 E. Kennedy Boulevard, Suite 530
Tampa, Florida 33602

³ To file the request for review electronically, go to www.nlr.gov select **File Case Documents**, enter the **NLRB Case Number**, and follow the detailed instructions.