

NOT TO BE INCLUDED
IN BOUND VOLUMES

BPH
Franklin Park, IL

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

RUAN TRANSPORT COMPANY
Employer

and

TEAMSTERS, LOCAL 705, AFFILIATED
WITH THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
Petitioner

Case 13-RC-21909

and

TEAMSTERS, LOCAL 710, AFFILIATED
WITH THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
Intervenor

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered determinative challenges in a mail ballot election commencing on May 14, 2010, and the hearing officer's report recommending disposition of them. The tally of ballots shows 14 for the Petitioner, 14 for the Intervenor, with 2 challenged ballots, a sufficient number to affect the results.

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

¹ In the absence of exceptions, we adopt pro forma the hearing officer's recommendation to sustain the challenge to the ballot of Jose McDougall, Jr.

We agree with the hearing officer that Board's Exhibit 2, a ballot challenged on the basis that it had been irregularly marked, should be counted because it clearly expresses the voter's intent to cast a vote for the Petitioner. Accordingly, the revised tally of ballots shows 15 for the Petitioner and 14 for the Intervenor, with no remaining challenged ballots. Because the revised tally of ballots shows that a majority of ballots have been cast for the Petitioner, we shall certify the Petitioner as the bargaining representative of the unit employees.

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for Teamsters, Local 705, affiliated with the International Brotherhood of Teamsters, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:²

All full-time and regular part-time truck drivers and warehouse spotters/drivers employed by the Employer based at Castle Metal facility currently located at 3400 North Wolf Road in Franklin Park, IL; excluding all dispatchers, supervisors, clerical, security personnel and professionals as defined in the Act.

Dated, Washington, D.C., November 30, 2010

Craig Becker, Member

Mark Gaston Pearce, Member

Brian E. Hayes, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

² In her unit description, the hearing officer inadvertently included information concerning voting eligibility dates. The unit description here thus excludes that information.