Glen Cove, NY

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GLEN COVE PROPERTY, LLC
d/b/a GLEN COVE MANSION HOTEL &
CONFERENCE CENTER

Employer

and

Case 29-RC-078447

LOCAL 811, WAREHOUSE PRODUCTION
SALES & ALLIED SERVICE EMPLOYEES
UNION

Petitioner

DECISION, ORDER, AND DIRECTION OF SECOND ELECTION

The National Labor Relations Board has considered an objection to an election held May 18, 2012, and the Regional Director's report recommending disposition of it. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 34 ballots cast for and 15 ballots cast against the Petitioner, with 5 challenged ballots, an insufficient number to affect the results.

No exceptions have been filed to the Regional Director's report within the time provided. Accordingly, the Board adopts the Regional Director's findings and recommendations.

IT IS ORDERED that the election conducted on May 18, 2012 be set aside and a new, second election be conducted.

DIRECTION OF SECOND ELECTION

A second election by secret ballot shall be conducted among the employees in the unit found appropriate whenever the Regional Director deems appropriate. The Regional Director shall direct and supervise the election, subject to the Board's Rules and Regulations. Eligible to vote are those employed during the payroll period ending immediately before the date of the Notice of Second Election, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike that began less than 12 months before the date of the first election and who retained their employee status during the eligibility period and their replacements. *Jeld-Wen of Everett, Inc.*, 285 NLRB 118 (1987). Those in the military services may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the payroll period, striking employees who have been discharged for cause since the strike began and who have not be rehired or reinstated before the election date, and employees engaged in an economic strike that began more than 12 months before the date of the first election and who have been permanently replaced. Those eligible shall vote whether they desire to be represented for collective bargaining by Local 811, Warehouse Production Sales & Allied Service Employees Union.

To ensure that all eligible voters 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 that may be used to communicate with them. *Excelsior Underwear*, 156 NLRB 1236 (1966)*; NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is directed that an eligibility list containing the full names and addresses of all the eligible voters must be filed by the Employer with the Regional Director within 7 days from the date of Notice of Second Election. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The Regional Director shall make the list available

to all parties to the election. No extension of time to file the list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election if proper objections are filed.

Dated, Washington, D.C., July 12, 2012.

By direction of the Board:

Farah Z. Qureshi

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Associate Executive Secretary