

Philadelphia, PA

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

ARAMARK SPORTS, LLC
Employer

and

Case 04-RC-021685

PENNSYLVANIA CONVENTION
CENTER SERVICE EMPLOYEES
UNION
Petitioner

and

PHILADELPHIA JOINT BOARD,
WORKERS UNITED, a/w SEIU
Union

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

The National Labor Relations Board has considered objections to an election held June 16 and 17, 2011, and the Hearing Officer's report recommending disposition of them. The election was conducted in accordance with a Decision, Order and Direction of Second Election issued by the Board on April 18, 2011. The tally of ballots shows 50 ballots cast for the Petitioner, 75 ballots cast for the Union, and no ballots cast against the participating labor organizations. There were 3 challenged ballots, an insufficient number to affect the results of the election.

No exceptions were filed to the Hearing Officer's report within the time provided.¹ Accordingly, the Board adopts the Hearing Officer's findings and recommendations, 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 the Petitioner, Pennsylvania Convention Center Service Employees Union, and that it is not the exclusive collective-bargaining representative of these bargaining unit employees. A majority of the valid ballots were cast for the Union, Philadelphia Joint Board, Workers United, a/w SEIU, and it remains the exclusive collective-bargaining representative of these bargaining unit employees.

Dated, Washington, D.C., August 28, 2012.

By direction of the Board:

Henry S. Breiteneicher

Associate Executive Secretary

¹ On September 26, 2011, the Petitioner filed with the Board exceptions to the Hearing Officer's report and a request for an extension of time to supplement its exceptions. Neither the Petitioner, nor any representative of the Petitioner, appeared at the August 17, 2011 hearing, and therefore the Petitioner presented no evidence in support of its three Objections that were the subject of the hearing. Accordingly, the Hearing Officer recommended overruling all three Objections on the ground that the Petitioner failed to meet its burden of proof of coming forward with specific evidence to support its Objections. The exceptions filed by the Petitioner did not comply with the Board's Rules and Regulations because they did not substantively address the Hearing Officer's findings, namely, that the Petitioner had failed to present any evidence in support of its Objections at the hearing. Instead, the Petitioner's exceptions essentially challenge the Regional Director's denial of its request to postpone the hearing, an issue that the Petitioner failed to raise before the Hearing Officer, even though the Regional Director had advised the Petitioner that it could do so. Further, the Petitioner's request for an extension of time to supplement its exceptions was granted to October 28, 2011. The Petitioner, however, did not file a supplement to its exceptions. As a result, the procedurally deficient exceptions filed on September 26, 2011 were the only exceptions filed with the Board, and they were not forwarded to the Board for consideration.