

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

In the Matter of

STANDARD PARKING CORPORATION

Employer

and

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 25

Petitioner

Case 01-RC-089268

**DECISION AND DIRECTION OF ELECTION**<sup>1</sup>

The Employer operates parking facilities and valet services at various locations in the Greater Boston area. There are approximately 150 employees in the bargaining unit at the current time, working at about 42 facilities.

At the hearing, no evidence was introduced and no issues were litigated. The parties stipulated to the appropriate collective-bargaining unit, an eligibility period

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<sup>1</sup> Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board. In accordance with the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the Regional Director.

Upon the entire record in this proceeding, I find that: 1) the hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed; 2) the Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this matter; 3) the labor organization involved claims to represent certain employees of the Employer; and 4) a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

ending September 15, 2012, and the times and locations of an election. The parties could not agree on an election date, however. The Employer argued that the election be held after November 1, 2012, because it had lost its location at Boston Medical Center effective that date. The Employer asserts that there are approximately 45 employees at the Boston Medical Center location at the present time, and it would be unfair to permit those employees to have an impact on an election when they will no longer be employed after that date. In the alternative, the Employer requests that those employees be excluded from the unit.

The Petitioner asserts in response that the election should proceed on standard Board timetables, and all employees currently employed should be permitted to vote. The Petitioner states that at this time, it is unknown which employees may be laid off, moved to other locations, etc.

The record does not reflect evidence of a contracting unit without a substantial and representative employee complement such as to negate an immediate election; nor does it reflect a fundamental change in the nature of the Employer's business operations. *MGM Studios of New York*, 336 NLRB 1255 (2001). Accordingly, I will direct an election in accordance with standard Board procedures and timetables, as suggested in the Board's Representation Casehandling Manual, Sec. 11302 et. seq. Regarding the eligibility of employees, standard Board eligibility rules require that an employee be in the appropriate unit on the established eligibility date and in employee status on the date of the election. *Plymouth Towing Company*, 178 NLRB 651 (1969); *Personal Product Corp.*, 114 NLRB 959 (1955) (employee intending to quit after the election, and who in fact quit after election, is eligible to vote). Disputes concerning the eligibility of individual employees can be resolved through post-election challenges, if necessary.

Accordingly, based upon the foregoing and the stipulations of the parties at the hearing, I find that the following employees of the Employer constitute a unit appropriate for collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time valet attendants, parking attendants, cashiers and valets employed by the Employer at its locations in Boston, Cambridge, Somerville, and Everett, Massachusetts; but excluding shuttle drivers, maintenance/custodians, bookkeepers, and all other employees, managerial employees, clerical employees, guards and supervisors as defined in the Act.

### **DIRECTION OF ELECTION**

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they wish to be represented for purposes of collective bargaining by **International Brotherhood of Teamsters, Local 25**. The date, time and place of the election will be specified in the notice of election that the Board's Regional Office will issue subsequent to this Decision.

## Voting Eligibility

Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately before the date of this Decision, 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.

### Employer to Submit List 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, 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 directed that within 7 days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list, containing the full names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized (overall or by department, etc.). This list may initially be used by me to assist in determining whether there is an adequate showing of interest. I shall, in turn, make the list available to all parties to the election.

To be timely filed, the list must be received in the Regional Office on or before October 5, 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 list may be submitted to the Regional Office by electronic filing through the Agency's website, [www.nlr.gov](http://www.nlr.gov),<sup>2</sup> by mail, or by facsimile transmission at 617-565-6725. To file the

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<sup>2</sup> To file the eligibility list electronically, go to [www.nlr.gov](http://www.nlr.gov) and select the **E-Gov** tab. Then click on the **E-Filing** link on the menu, and follow the detailed instructions.

eligibility list electronically, go to the Agency's website at [www.nlr.gov](http://www.nlr.gov), select **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The burden of establishing the timely filing and receipt of the list will continue to be placed on the sending party.

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

### **Notice of Posting Obligations**

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to 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 election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election 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 election 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 Decision 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 October 12, 2012. The request may be filed electronically through the Agency's website, [www.nlr.gov](http://www.nlr.gov),<sup>1</sup> but may not be filed by facsimile.

**DATED:** September 28, 2012

/s/ Ronald S. Cohen

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Ronald S. Cohen, Acting Regional Director  
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