

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

LAGRASSO BROS., INCORPORATED

Employer

and

Case 07-RD-087446

JEROME ASHFORD, An Individual

Petitioner

and

**LOCAL 337, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS (IBT)**

Union

APPEARANCES:

Raymond Carey, Attorney, of Detroit, Michigan, for the Employer

Kevin O'Neill, Attorney, of Dearborn, Michigan, for the Union

Jerome Ashford, Petitioner, of Detroit, Michigan

TEAMSTERS LOCAL 337'S REQUEST FOR REVIEW

I. INTRODUCTION

Now comes Teamsters Local 337 by and through its Attorney Kevin J O'Neill and does appeal the Regional Director's Direction of Election.

II. STATEMENT OF FACTS AND APPLICATION OF LAW

The facts are not really in dispute and are factually accurate as stated in the Regional Director's Decision and Direction of Election. In this pleading, the undersigned wishes to emphasize certain facts.

On July 13, 2009, the parties entered into a Memorandum of Agreement. Within that document it detailed that voluntary recognition would be granted if the Union obtained authorization cards from at least 55% of the unit. The Union did achieve a percentage greater than 55%. On May 7, 2012 the employer notified the 7th Region that it was voluntarily recognizing Local 337.

On June 7, 2012, a decertification petition was filed and accepted in accordance with the Board's new finding in Dana Corp, 2351 NLRB 434 (2007). The Union promptly appealed. The ballots were impounded while this matter sat on appeal before the Board.

In August 2011, the Board overturned Dana in issuing Lamon's Gasket Co. 357 NLRB No. 72 (August 26, 2011.) Based on Lamon's the decertification petition was dismissed. Thereafter the parties began meeting starting in January 2012. Prior to those sessions, the Union held a proposal meeting in December 2011. The 30 odd employees who attended the meeting were hostile and belligerent towards the Union..

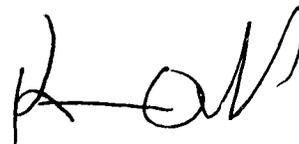
The Union and Company negotiated on numerous occasions agreeing to a Tentative Agreement in July 2012. Thereafter two (2) ratification votes were conducted. The vote both times was fifty-eight (58) to one (1). This despite the newly bargained for benefits were much better than what the employees were presently receiving.

Additionally during this period, two (2) different de-certification petitions were filed including the instant petition. In Lamon's Gasket Co., the Board emphasized "a bargaining relationship once rightfully established must be permitted to exist and function for a reasonable period in which it can be given a fair chance to succeed".

Lamon's speaks of the period being no less than six (6) months and no more than a one (1) year. The Union submits that in the case at bar six (6) months have not proven sufficient and a year is more appropriate. The parties came to a card check agreement in 2010 and the Union was recognized by the employer on May 7, 2012. This matter was on appeal until August 2011. The parties did not begin bargaining until January 2012 and did not reach a Tentative Agreement until July 2012, well over two (2) years after voluntarily recognition was given.

With the facts that the Tentative Contract was better than the employees present wages and that the votes were so one sided in rejecting them, it shows that the period this case was on appeal had dissipated and eroded the Union's support. Certainly, a longer period is necessary to get the confidence back of all the employees or at least the 55% that initially supported the Union.

Wherefore for the above stated reasons Local 337 requests that the Direction of Election be overturned and that a longer period be provided for the bargaining relationship to be reestablished.



**Respectfully Submitted,
Kevin O'Neill
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Proof of Service

Kelly Ankony after being duly sworn states that she did mail copies of Teamsters Local 337's Request for Review to:

Raymond Carey on behalf of Lagrasso Brothers

Jerome Ashford as Petitioner to their regular address


Kelly Ankony