

RD # 07-12  
Linden, New Jersey

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22

ALLSTATE POWER VAC CORPORATION

Employer

and

LOCAL UNION 660,  
UNITED WORKERS OF AMERICA

CASE NO. 22-RC-079507

Petitioner

and

INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS, LOCAL 813

Intervenor

DECISION AND DIRECTION OF ELECTION

The Petitioner, Local Union 660, United Workers of America, filed a representation petition pursuant to Section 9(c) of the National Labor Relations Act. As there were no issues raised which would preclude an election in this matter, I will direct an election in the appropriate unit described below.<sup>1</sup> Pursuant to the provisions of Section 3(b) of the Act, the

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<sup>1</sup> Prior to the hearing in this matter, the Employer, the Petitioner and the Intervenor signed a written stipulation. This stipulation was entered into evidence by the Hearing Officer. (Board Exhibits 2, 3 and 4). The unit description, commerce description, labor organization status of the Petitioner and Intervenor and the collective bargaining history of the Employer and Intervenor described herein are in accord with the parties' written stipulation.

Board has delegated its authority in this proceeding to the undersigned. Upon the entire record in this proceeding<sup>2</sup>, the undersigned finds:

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 herein.<sup>3</sup>
3. The labor organizations involved claim to represent certain employees of the Employer.<sup>4</sup>
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Sections 9(c)(1) and 2(6) and (7) of the Act.<sup>5</sup>
5. The appropriate unit for the purpose of collective bargaining within the meaning of Section 9(b) of the Act is as follows:

**All full-time and regular part-time drivers, pump operators, mechanics, welders, field technicians, porters, working supervisors, working supervisors/dispatchers, wet out department employees and working foremen employed by the Employer at its facilities located at 928 East Hazelwood Avenue,**

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<sup>2</sup> I note that the Board's rules specifically provide that the Regional Director may proceed to a decision "forthwith upon the record" without waiting for the parties to file briefs. See Sec. 102.67(a) of the Board's Rules and Regulations and Statements of Procedure.

<sup>3</sup> The Employer is a New York corporation engaged in the removal and cleaning of hazardous waste from construction sites and other locations from its Linden, New Jersey and Rahway, New Jersey facilities, the only facilities involved herein. During the past year, the Employer, in the course of conduct of its business operations, purchased and received at its Linden, New Jersey and Rahway, New Jersey facilities, goods and supplies valued in excess of \$50,000 directly from suppliers located outside the State of New Jersey.

<sup>4</sup> The parties stipulated, and I find, that the Petitioner and Intervenor are labor organizations within the meaning of Section 2(5) of the Act.

<sup>5</sup> On November 23, 2010, a Representation election was conducted in Case 22-RD-1559 in which the Intervenor received a majority of the valid votes counted plus challenged ballots. Thereafter, on December 7, 2010, the Intervenor was certified as the exclusive representative of the unit described herein for purposes of collective bargaining with respect to wages, hours and other terms and conditions of employment, and has represented the unit since then. However, there is no existing collective bargaining agreement between the Employer and the Intervenor or any other bar to this proceeding.

Rahway; and 1045 Pennsylvania Avenue, Linden, New Jersey excluding all sewer division employees, managerial employees, office clerical employees, professional employees, guards and supervisors as defined in the Act.

### DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently. 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 an economic strike who have retained their status as strikers and have not been permanently replaced are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike that 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. Those eligible to vote shall vote whether or not they desire to be represented for collective bargaining purposes by LOCAL UNION 660 UNITED WORKERS OF AMERICA or INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 813 or NEITHER.

### LIST OF VOTERS

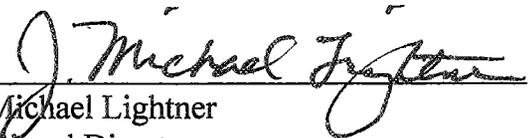
In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the election should have access to a list of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, two (2) copies of an election eligibility list for the voting groups found appropriate above, containing the full names and addresses of all the eligible voters in each voting group, shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election. *North Macon Health Care Facility*, 315 NLRB 359 (1994). In order to be timely filed, such list must be received in the NLRB Region 22, 20 Washington Place, 5<sup>th</sup> Floor, Newark, New Jersey 07102, on or before May 17, 2012. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

### RIGHT TO REQUEST REVIEW

Under the provision 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 14<sup>th</sup> Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by May 24, 2012. The request

may be filed electronically through E-Gov on the agency's website, [www.nlr.gov](http://www.nlr.gov), but may not be filed by facsimile.<sup>6</sup>

Signed at Newark, New Jersey this 10th day of May, 2012.

  
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J. Michael Lightner  
Regional Director  
National Labor Relations Board  
Region 22  
20 Washington Place, 5<sup>th</sup> Floor  
Newark, New Jersey 07102-3110

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<sup>6</sup> To file the request for review 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. Guidance for E-filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter and is also located under "E-Gov" on the Agency's website, [www.nlr.gov](http://www.nlr.gov).