

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

CORLISS RESOURCES, INC.

Employer

and

Case No. 19-RC-080317

TEAMSTERS LOCAL 174, affiliated with  
INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS

Petitioner

**SUPPLEMENTAL DECISION ON CHALLENGED BALLOTS  
AND CERTIFICATION OF REPRESENTATIVE**

A Decision and Direction of Election (“Decision”) issued on June 12, 2012,<sup>1</sup> directing a secret ballot election in the following unit of employees:

All full-time and regular part-time Aggregate department drivers employed by the Employer; excluding all Concrete department drivers, Cement Transfer department drivers, cement tanker drivers, concrete mixer drivers, sweeper truck drivers, water truck drivers, salespersons, mechanics, yard laborers, office clerical employees, dispatchers, guards and supervisors as defined by the Act.

Pursuant to a Stipulation Setting Aside Election approved on September 7, a rerun election was conducted on September 26 in this unit of employees. The tally of ballots, which was served upon the parties at the conclusion of the rerun election, showed the following results:

Approximate number of eligible voters.....	38
Void ballots.....	0
Votes cast for Petitioner.....	18
Votes cast against participating labor organization.....	14
Valid votes counted.....	32
Challenged ballots.....	5
Valid votes counted plus challenged ballots.....	37

During the rerun election Petitioner challenged the ballots cast by Jerry Carlile, Richard Macik, Hallie Meek, Chad Smith, and Corry Waldo on the basis that they did not perform bargaining unit work. The challenged ballots were sufficient in number to affect the

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<sup>1</sup> All dates occurred in 2012 unless otherwise indicated.

outcome of the election.

On October 9, the undersigned issued a Report on Challenges and Direction of Hearing in which I concluded that the determinative challenged ballots raised substantial and material issues of law and fact which would best be resolved at a hearing. Pursuant to this Report, on October 25 and 26, a hearing was held before Hearing Officer John H. Fawley concerning the eligibility of the challenged voters. All parties were accorded a full opportunity to be heard, to present evidence, to examine and cross-examine witnesses, to introduce evidence bearing upon the issues, and to provide oral and written arguments. Thereafter, on December 3, the Hearing Officer issued his Hearing Officer's Report and Recommendation on Challenged Ballots ("Hearing Officer's Report"), recommending the ballots cast by Richard Macik, Hallie Meek, and Chad Smith be sustained as he found the evidence insufficient to demonstrate that these three voters were eligible to vote either as dual-function employees, or as regular part-time employees. He further recommended the challenges to the ballots cast by Jerry Carlile and Corry Waldo be overruled as he found the evidence demonstrated that these two individuals should be included in the unit as dual-function employees.

Upon the record in this matter, and in the absence of exceptions being filed to the Hearing Officer's Report, I hereby adopt his findings regarding the eligibility of the challenged voters. Consequently, I sustain the challenges to the ballots cast by Macik, Meek, and Smith as well as overrule the challenges to the ballots cast by Carlile and Waldo. However, as the ballots of Carlile and Waldo are no longer determinative, they will not be opened and counted. Rather, as a majority of the valid votes counted has been cast for the Petitioner, I hereby issue the following:<sup>2</sup>

### **CERTIFICATION OF REPRESENTATIVE**

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed to the conduct of the rerun election.

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<sup>2</sup> Under the provisions of Secs. 102.69 and 102.67 of the Board's Rules and Regulations, a request for review of this Supplemental Decision may be filed with the Board in Washington, D.C. addressed to the Executive Secretary, 1099 14th Street N.W., Washington, D.C. 20570, with supporting brief, if desired, which shall be printed or otherwise legibly duplicated. The request for review must be received by the Board in Washington, D.C. within fourteen (14) days from the date of issuance of this Supplemental Decision. The request may not be filed by facsimile. A copy of the request, if filed, must be timely served upon the other parties and upon the Regional Director, including copies of any supporting brief. A statement of such service should also be filed with the Board. In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may now be filed electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance for E-filing can also be found on the National Labor Relations Board website: [www.nlr.gov](http://www.nlr.gov). On the home page of the website, select the E-Gov tab and click on E-Filing. Then select the NLRB office for which you wish to E-File your documents. Detailed E-filing instructions explaining how to file the documents electronically will be displayed. Immediately upon filing of such exceptions, the party filing the same shall serve a copy thereof, together with a copy of any brief filed, upon the other parties and simultaneously submit to the Regional Director a statement of such service. If no exceptions are filed to the Regional Director's Supplemental Decision, the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record or may make other disposition of the case.

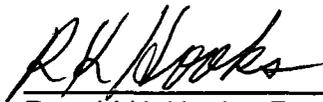
As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots have been cast for

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and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time Aggregate department drivers employed by the Employer; excluding all Concrete department drivers, Cement Transfer department drivers, cement tanker drivers, concrete mixer drivers, sweeper truck drivers, water truck drivers, salespersons, mechanics, yard laborers, office clerical employees, dispatchers, guards and supervisors as defined by the Act.

DATED at Seattle, Washington on the 20<sup>th</sup> day of December, 2012.



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Ronald K. Hooks, Regional Director  
National Labor Relations Board, Region 19  
2948 Jackson Federal Building  
915 Second Avenue  
Seattle, Washington 98174