

NOT INCLUDED IN
BOUND VOLUMES

PBG
Evansville and Indianapolis, IN;
Louisville and Lexington, KY;
Cincinnati, Akron, and
Cleveland, OH; Bloomington, IL;
Davenport, IA

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MULTIBAND EC, INC.
Employer

and

Case 25-UD-079779

CHAUFFEURS, TEAMSTERS, WAREHOUSEMEN
AND HELPERS LOCAL UNION NO. 135
Union

and

ORLANDO CANTU
Petitioner

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

The National Labor Relations Board has considered objections to a deauthorization election conducted by mail ballot between May 25 and June 8, 2012, and the hearing officer's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. Approximately 963 employees were eligible to vote. The tally of ballots shows 524 votes in favor of withdrawing the authority of the Union to require in its collective-bargaining agreement that

employees make certain lawful payments to the Union in order to retain their jobs. There were 60 votes against the proposition, and no challenged ballots.

The Board has reviewed the record in light of the exceptions and briefs, has adopted the hearing officer's findings¹ and recommendations as modified,² and finds that a certification of results should be issued.

CERTIFICATION OF RESULTS OF ELECTION

It is certified that a majority of employees eligible to vote have voted to withdraw the authority of Chauffeurs, Teamsters, Warehousemen, and Helpers, Local Union No. 135 to require, under its agreement with the Employer, that employees

¹ The Union has implicitly excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We have carefully examined the record and find no basis for reversing the findings.

² We agree with the hearing officer that there is insufficient evidence to establish that the Employer changed its policy of allowing the Union access to employees. In this regard, we emphasize the fact that, after the Employer denied the Union's requests for permission to visit the Employer's facilities on certain dates, the Union did not respond to the Employer's invitations to suggest alternate dates. We find it unnecessary to rely on the hearing officer's alternative finding that any change in the policy was not "material, significant, and substantial."

In the absence of exceptions, we adopt pro forma the hearing officer's recommendation to overrule the Union's Objection 2.

make certain lawful payments to that labor organization in order to retain their jobs in conformity with Section 8(a)(3) of the Act, as amended.

Dated, Washington, D.C., March 12, 2013.

Mark Gaston Pearce, Chairman

Richard F. Griffin, Jr., Member

Sharon Block, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD