

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**

COLLINS REINFORCING, INC.	:	
	:	
<i>Employer,</i>	:	
	:	
and	:	Case: <u>05-RC-099380</u>
	:	
INTERNATIONAL ASSOCIATION	:	
OF BRIDGE, STRUCTURAL,	:	
ORNAMENTAL AND REINFORCING	:	
IRON WORKERS, LOCAL 201	:	
	:	
<i>Petitioner.</i>	:	
_____	:	

**EMPLOYER’S SPECIAL APPEAL OF REGIONAL DIRECTOR’S
SETTING OF THE DATE, TIME, PLACE, AND MANNER OF ELECTION**

On April 3, 2013 the Regional Director for Region Five issued a decision setting forth the date, time, place and manner of the election in this case. Specifically, the Regional Director decided that a manual election on April 15, 2013 from 3:30 to 8:30 pm at the Oxon Hill Library in Oxon Hill, Maryland is appropriate. A copy of this decision is attached hereto as **Exhibit A**. The Employer appeals this decision to the Board on the basis that the manner of election decided by the Regional Director is prejudicial and unduly burdensome to half of all eligible voters and the Employer. *Manchester Knitted Fashions, Inc.*, 108 NLRB 1366, 1368 (1954). The Employer respectfully requests that the Board review the Regional Director’s decision on an expedited basis and issue a decision by April 12, 2013 so that eligible employees can be notified as to whether they will be required to travel up to 24 hours to the election in sufficient time.

I. Introduction & Procedural History

The Employer is a subcontractor that places reinforcing steel on construction sites throughout the Eastern half of the United States. The Employer generally works on more than

one project at a time and usually has between three to four projects going on at the same time. Currently, the Employer is working on projects in Baton Rouge, Louisiana; Aiken, South Carolina; and Washington D.C. The project in Washington, D.C. is only a few months away from completion and accordingly the Employer currently has a greatly reduced workforce in Washington, D.C. compared to what it once previously had. Rather than laying off employees when a job nears completion, where possible, the Employer generally chooses to offer to transfer its employees to another job site on which the Company is working. Thus, many employees who worked on the Employer's project in Washington, D.C. currently are working on its projects in Aiken, South Carolina or Baton Rouge, Louisiana. Others have been laid off and are not currently working for the Employer at all. These laid off employees are residents of Western North Carolina.

The Petitioner filed its petition for election in this case on March 1, 2013. On March 18, 2013, the Region conducted a representation hearing. During that hearing, the parties reached stipulations covering all of the issues that could have been litigated. The only dispute that existed was the date, time, place, and manner of conducting the election. On March 21, 2013, the Regional Director issued a Decision and Direction of Election following that hearing which concluded that the *Daniel* formula is the appropriate eligibility formula to be applied in this case. *Daniel Construction Co.*, 133 NLRB 24, 267 (1961), *modified* 167 NLRB 1078 (1967), reaffirmed and further modified in *Steiny & Company, Inc.*, 308 NLRN 1323 (1992), overruling *S.K. Whitty & Co.*, 304 NLRB 776 (1991). Specifically, the Regional Director concluded that "eligible to vote are all employees *in the unit* if they were employed by the Employer for 30 working days or more within the 12 months preceding the eligibility date for the election, or if they have had some employment by the Employer in those 12 months and have been employed

for 45 working days or more within the 24-month period immediately preceding the eligibility date.” *Re: Collins Reinforcing, Inc., Case 05-RC-099380 Decision and Direction of Election (“DD&E”)*, March 21, 2013 at 5, attached hereto as **Exhibit B**. The Regional Director concluded that the unit appropriate for collective bargaining in this case was:

All reinforcing ironworker employees employed by the Employer at its worksites *in the greater Washington DC Metropolitan area*, but excluding all professional employees, clerical employees, administrative employees, confidential employees, managerial employees, guards, and supervisors as defined in the National Labor Relations Act, as amended.

Ex. B at 4 (emphasis added). Accordingly, based on the *Daniel* formula, eligible to vote in this election are all employees of Collins Reinforcing who worked *in the greater Washington DC Metropolitan area* for “at least 30 working days or more within the 12 months preceding the eligibility date for the election, or if they have had some employment by the Employer in those 12 months and have been employed for 45 working days or more within the 24-month period immediately preceding the eligibility date.” *Daniel Construction Co.*, 133 NLRB at 267. This includes employees who worked for the requisite time in Washington, D.C. but now are either laid off or working on other Collins Reinforcing projects in Baton Rouge, Louisiana or Aken, South Carolina.

At the hearing, the parties set forth their positions on the appropriate manner of the election. The Employer took the position that a mail ballot election is appropriate because the employees eligible to vote are scattered and work at various locations along the Eastern half of the United States. The Employer argued that a manual election would be unduly burdensome and prejudicial to those employees who are not presently working on the Washington DC job site as they would have to travel long distances and miss work in order to vote. Accordingly, the

Employer argued that a mail ballot election or, at minimum, a mixed manual-mail ballot election that would provide a mail ballot to those employees currently outside of the Washington, D.C. metropolitan area was appropriate. The Petitioner took the position that a mail ballot election was inappropriate because: (1) many of the employees in the unit would be unable to read and understand the ballots; (2) a large portion of the eligible voters are Spanish-speakers; and (3) the Employer may have wrong addresses on file for the employees in the unit.

On March 28, 2013, the Employer submitted to the Regional Office an election eligibility list containing the full names and addresses of all the eligible voters pursuant to the Daniel formula. On March 29, 2013 the Employer submitted a corrected eligibility list and another version of this eligibility list with an additional column showing the current work location of all eligible voters. A copy of this list is attached hereto as **Exhibit C**.

As previously stated, in his April 3, 2013 decision, the Regional Director concluded that a manual election on April 15, 2013 from 3:30 to 8:30 pm at the Oxon Hill Library in Oxon Hill Maryland is appropriate for all eligible employees in this case. The Regional Director concluded that the employees' ability to understand the ballots takes precedence over all other considerations and explained that "[b]y conducting the election manually, the Region would be able to permit a bilingual Board agent to be present who could explain the ballots to the eligible voters in both English and Spanish in a neutral manner and permit them to exercise free choice." Exhibit A at 2. The Regional Director provided no explanation for his refusal to conduct a mixed manual-mail election other than stating that "running a mixed manual-mail election imposes additional complexity upon the election process and requires more agency resources than a manual or a mail ballot election." Exhibit A at 2.

III. Argument

The Regional Director's April 3, 2013 decision that a manual election is the appropriate mechanism to run the election for the petitioned-for unit is prejudicial and unduly burdensome on half of the eligible voters and the Employer. The additional complexity and agency resources required for a mixed manual-mail ballot election are necessary in this case in order to avoid the punitive effects of the Regional Director's decision on both the Employer and half of the eligible voters.

As noted by the Regional Director "it is undisputed that the unit employees are a transient group." Ex. 1 at 1. This is precisely the type of election for which a mail ballot election or mixed manual-mail ballot election is designed. In *San Diego Gas & Electric*, the Board announced revised guidelines for regional directors to follow in exercising their discretion:

When deciding whether to conduct a mail ballot election or a mixed manual [ballot and] mail ballot election, the Regional Director should take into consideration at least the following situations *that normally suggest the propriety of using mail ballots*: (1) *where eligible voters are "scattered"* because of their job duties *over a wide geographic area*; [and] (2) *where eligible voters are "scattered"* in the sense that their work schedules vary significantly, so that they are *not present at a common location at common times...*

San Diego Gas & Elec., 325 NLRB 1143, 1145 (emphasis added).

As demonstrated on Exhibit C, fifty percent (50%) of all eligible voters are currently located outside of the Washington, D.C. Metro Region. Fifteen percent (15%) of eligible voters are currently working on the Employer's project in Baton Rouge, Louisiana which is over 1,000 miles away from Washington, D.C. To drive to the election, these employees will have to endure a car ride of 17 straight hours. With appropriate bathroom and meal breaks, this will likely result in a trip of over 24 hours. After voting on Monday afternoon, the employees will then have to return to driving the approximate 1,200 miles back over the next 24 hour trip to

return to work the following day. As the election has been set on a Monday afternoon, these employees will miss at least two days of work if they drive straight through—Monday April 15, and Tuesday, April 16, 2013.

Twenty-seven and one-half percent (27.5%) of all eligible employees are working on a project in Aken, South Carolina. Thus, to vote in the April 15th election, these employees will have to travel approximately 530 miles for approximately 8 hours straight to arrive at the election site. With appropriate meal and bathroom breaks, this will likely result in a trip of over 10 hours one way. Thus, these employees will miss work on Monday, April 15th. Assuming that these employees leave immediately after voting on Monday afternoon and drive straight through the evening, they will arrive back in South Carolina in the early morning hours and be forced to return to work the next day with greatly reduced sleep. The remaining seven and one-half percent of all eligible voters outside of the Washington, D.C. region are currently laid off and at their homes in Western North Carolina which is also over 500 miles away from the election site. Thus, their travel time and experience will likely be comparable to that of the employees coming from Aken, South Carolina.

The extensive travel and time away from work imposed by the Regional Director's decision regarding the date, time, place and manner of this election unduly prejudices these employees in their ability to vote in this election. In addition to the burden imposed on half of all employees eligible to vote in this election, the decision also imposes an unnecessary punitive burden on the Employer. The Employer is under contract to perform certain work on a specified time table at its Aken and Baton Rouge projects. The absence of eleven and six workers from these projects respectively will substantially and negatively affect the Employer's ability to

accomplish its work on these projects on two affected days. Such punitive effects on the Employer's business are both unnecessary and inappropriate in this case.

In addition, the Regional Director's justifications for the manual ballot election can be accomplished and not be adversely impacted by a mixed manual-mail ballot election. While the reading and language abilities of the eligible voters are important elements for the Region to consider, if a mixed manual-mail ballot election is conducted, the Region will still be able to have the bilingual Board Agent present at the manual election to explain the ballot in a neutral fashion. However, providing the mail ballot option will eliminate the prejudice and undue burdens which the manual election imposes on those voters coming from outside of the Washington, D.C. Metro Area as well as the Employer.

The Employer having incorrect addresses for an unknown percentage of eligible employees certainly should not outweigh the undue prejudice on of half of the eligible voters or the undue burden on the Employer's business at its other job sites. The addresses on file for these employees are those that were provided by the employees themselves. Other eligible voters and the Employer should not be penalized for the employees' failing to update their addresses with the Employer. Moreover, the Region has mechanisms to handle this situation, namely the applicable notice required to be posted will inform employees to contact the Region if they have not received a ballot by mail. The Employer has asked the Region to post the notice on the Employer's toolbox at all three job sites. In addition, the Employer has asked the Region to mail the notice to the employees who are temporarily laid off. Moreover, the addresses for the Employer's job sites could be used for those employees currently working.

Finally, the “additional complexity” and “more agency resources” that are required by a mixed manual-mail election certainly do not outweigh the unnecessary punitive burdens that are imposed by a manual election on half of all eligible voters and the Employer. In *San Diego Gas & Elec.*, the Board indicated that a decision to conduct a mail ballot election ***should not be based on budgetary considerations alone***. *Id.* at 1145 n.8 (emphasis added). Based on his written decision, the Regional Director’s decision not to hold a mixed mail-manual ballot election in this case appears to be improperly based *only* on budgetary consideration-- “running a mixed manual-mail election imposes additional complexity upon the election process and requires more agency resources than a manual or a mail ballot election.” Exhibit A at 2. As the Regional Director’s decision has an improper basis and unduly prejudices half of the eligible voters as well as the Employer, the Board should overturn the decision and implement a mixed manual-mail ballot election in this case.

III. Conclusion

The Regional Director’s decision as to the manner of election in this case unduly prejudices half of all eligible voters in this election and unduly burdens the Employer with the significant negative impact of losing two work days for a significant percentage of its workforce at two of its job sites. Accordingly, the Employer respectfully requests that the Board overturn the Regional Director’s decision and implement a mixed manual-mail ballot election in this case. As eligible voters will have to leave no later than Sunday, April 14, 2013 in order to travel the extensive distance to the election, the Employer respectfully requests that the Board issue its decision on this Special Appeal by Friday April 12, 2013.

Respectfully Submitted,

/s/

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Counsel for the Employer

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of April, 2013, I served a copy of the foregoing via email to:

James Faul, Esq.
Hartnett, Gladney, Hetterman, L.L.C.
4399 Laclede Ave.
St. Louis, MO 63108-2248
jfaul@ghgllc.net

/s/

Julie A. Reddig



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NATIONAL LABOR RELATIONS BOARD

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April 3, 2013

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Iron Workers, Local Union 201
1507 Rhode Island Ave., N. E.
Washington, D. C. 20018-3718

SENT VIA ELECTRONIC MAIL, FACSIMILIE AND FIRST CLASS REGULAR MAIL

Re: Collins Reinforcing, Incorporated
Case 5-RC-99380

Dear Ms. Reddig, Mr. Faul, and Mr. Recinos:

The petition in this matter was filed on March 1, 2013. Notice of Representation Hearing was issued on March 1, 2013, setting a hearing on March 11, 2013. On March 11, 2013 an Order Rescheduling Hearing and Notice of Change in the Time of Hearing was issued setting the hearing on March 18, 2013 at 9:00 a.m. On March 18, 2013, the scheduled hearing was held and on March 21, 2013, I issued a Decision and Direction of Election.

The Employer is engaged in the business of providing iron reinforcing services to various customers located throughout the eastern half of the United States, including DC Water in Washington, DC. The Employer employs approximately 35 employees to perform these duties. In the instant case, it is undisputed that the unit employees are a transient group. Specifically, employees are moved to different sites around the Washington DC Metro area depending on the size of the project. Employees are also moved to different sites in states along the eastern half of the United States.

EXHIBIT A

The Employer has taken the position that a mail ballot election is appropriate because the employees are scattered and work at various locations along the east coast. The Employer contends that a manual election would be unduly burdensome for the employees as many employees would have to travel to the election site.

The Petitioner has stated that it believes that a mail ballot election is inappropriate because many of the employees in the unit would be unable to read and understand the ballots. Also, a large portion of the eligible voters are Spanish-speakers. The Petitioner also argues that there have been issues in the past with the Employer having wrong addresses on file for the employees in the unit. The Petitioner contends that a manual election would be most appropriate. The Petitioner filed a brief following the hearing and argued that even a mixed manual-mail election would be inappropriate because those employees residing outside of the Washington Metro Area may no longer be members of the stipulated unit.

Under these facts and circumstances, I have decided that a manual election is an appropriate mechanism to run the election for the petitioned-for unit and the reasons for my decision are as follows. It is well settled that the Board possesses a "wide degree of discretion" in representation matters. *National Labor Relations Board v. A.J. Tower Co.*, 329 U.S. 324, 330 (1946); *National Labor Relations Board v. Waterman Steamship Corp.*, 309 U.S. 206, 226 (1940). The Board has consistently stated that Regional Directors are in the best position to make election-site determinations and has vested them with the authority to do so, subject to limited Board review. See, *Manchester Knitted Fashions*, 108 NLRB 1366, 1366 (1954) (Board explained the Regional Director's close proximity to the election scene, including the ability to assess the many imponderables that are seldom reflected in a record, is essential to a fair determination of the issue). In *Mental Health Association, Inc.*, 356 NLRB No 151, slip op. at 1-2 fn. 5 (April 29, 2011), the Board declined to deviate from its established practice of delegating to the Regional Director the authority to make the initial determination regarding the appropriate method and location for initial and rerun elections. In the current case, the potential difficulty on the part of the employees to read and understand that ballots is a major hinderance to the possibility of a mail ballot election.

Here the use of a manual election is appropriate because even though a polling location was unable to be secured on the worksite, the employees' ability to understand the ballots takes precedence. By conducting the election manually, the Region would be able to permit a bilingual Board agent to be present who could explain the ballots to the eligible voters in both English and Spanish in a neutral manner and permit them to exercise free choice. An off-site location near to the worksite has been secured for the purpose of conducting the election.

As for the Employer's request for a mixed manual-mail election, I conclude that under these circumstances a manual ballot procedure is amply justified and applicable to the reinforcing iron workers in the stipulated unit. In making this decision, I note that running a mixed manual-mail election imposes additional complexity upon the election process and requires more agency resources than a manual or a mail ballot election. *North American Plastics, Corp.*, 326 NLRB No. 70 (1998).

Accordingly, I am concluding that the approximately 35 reinforcing iron workers in the petitioned-for unit will vote manually at the Oxon Hill Library on April 15, 2013 from the hours of 3:30 p.m. to 8:30 p.m.

Very truly yours,

/s/ Wayne R. Gold

Wayne R. Gold
Regional Director

CEVA Logistics U.S. Inc., 357 NLRB No. 60 (2011).

Halliburton Services, 265 NLRB 1154 (1982) (Reaffirms Manchester)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION FIVE

COLLINS REINFORCING, INCORPORATED

Employer¹

and

Case 05-RC-099380

INTERNATIONAL ASSOCIATION
OF BRIDGE, STRUCTURAL,
ORNAMENTAL AND REINFORCING
IRON WORKERS, LOCAL 201

Petitioner

DECISION AND DIRECTION OF ELECTION

On March 18, 2013, the Region conducted a representation hearing in this case. During that hearing, the parties reached stipulations covering all the issues that could have been litigated. The only dispute in this representation case involves the date, time, and manner of conducting the election. Collins Reinforcing, Incorporated, herein called the Employer, contends that the election should be conducted by mail ballot, primarily because the eligible employees are scattered and work at various locations along the east coast. The International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 201, herein called the Petitioner, asserts that the election should be a traditional in-person election at a site other than where eligible employees work. The petition states that the approximate number of eligible voters is 35. There is no history of collective bargaining.

Whether to conduct an election by mail is a discretionary matter the Board has entrusted to Regional Directors. The Board has consistently held that a Regional Director has broad

¹ The name of the Employer appears as amended at the hearing.

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discretion in arranging all the details of an election, including whether to conduct an election, in whole or in part, by mail. *San Diego Gas and Elec.*, 325 NLRB 1143 (1998); *National Van Lines*, 120 NLRB 1343, 1346 (1958); *Southwestern Michigan Broadcasting Company*, 94 NLRB 30, 31, (1951); *North American Aviation, Inc.*, 81 NLRB 1046 (1949). The Board's Casehandling Manual (Part Two) Representation Procedures at Section 11301.2 describes circumstances considered in exercising this discretion. Accordingly, I shall exercise my discretion regarding the details of the election and in exercising that discretion I shall carefully consider the parties' positions, the record evidence, and any post-hearing briefs.²

The Board held in *Steiny & Company, Inc.*, 308 NLRB 1323 (1992), that the *Daniel* formula is applicable in all construction industry elections, unless the parties stipulate to the contrary. See also *Signet Testing Laboratories*, 330 NLRB 1 (1999). Here, the parties stipulated that the *Daniel/Steiny* formula should be applied. Accordingly, I find that the *Daniel* formula, as set forth below, is the appropriate eligibility formula to be applied in this case.

The *Daniel* formula to determine eligibility of employees in the construction industry provides that, in addition to those eligible to vote under the traditional standards, laid-off unit employees are eligible to vote in an election if they were employed by the Employer for 30 working days or more within the 12 months preceding the eligibility date for the election, or if they have had some employment by the Employer in those 12 months and have been employed for 45 working days or more within the 24-month period immediately preceding the eligibility date. Of those eligible under this formula, any employees who quit voluntarily or had been terminated for cause prior to the completion of the last job for which they were employed are excluded and disqualified as eligible voters. *Daniel Construction Co.*, 133 NLRB 264, 267

² An election arrangements letter will issue anon.

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(1961), modified 167 NLRB 1078 (1967), reaffirmed and further modified in *Steiny & Company, Inc.*, 308 NLRB 1323 (1992), overruling *S.K. Whitty & Co.*, 304 NLRB 776 (1991).

CONCLUSIONS AND FINDINGS

Based upon the entire record in this matter and in accord with the discussion above, I find and conclude as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.
2. The Employer is an employer as defined in Section 2(2) of the Act and is engaged in commerce within the meaning of Sections 2(6) and (7) of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this case.
3. The Petitioner, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 201, a labor organization as defined in Section 2(5) of the Act, claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Sections 2(6) and (7) of the Act.
5. The parties stipulated that the Employer, Collins Reinforcing, Incorporated, a North Carolina corporation with an office and place of business in Nebo, North Carolina, is engaged in the business of providing iron reinforcing services to various customers located throughout the eastern half of the United States, including DC Water in Washington, DC. During the past 12 months, a representative period, the Employer, in conducting its business operations described herein, purchased and received at its Washington, DC job site, products,

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goods, and materials valued in excess of \$50,000 directly from points located outside the District of Columbia.

6. I find the following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All reinforcing ironworker employees employed by the Employer at its worksites in the greater Washington, DC Metropolitan area, but excluding all professional employees, clerical employees, administrative employees, confidential employees, managerial employees, guards, and supervisors as defined in the National Labor Relations Act, as amended.

I. 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 the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 201. The date, time, and manner of the election will be specified in the notice of election that the Board's Regional Office will issue subsequent to this Decision.

A. 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 strikes, who have retained their status as strikers but who have been permanently replaced, as well as

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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.

Also eligible to vote are all employees in the unit if they were employed by the Employer for 30 working days or more within the 12 months preceding the eligibility date for the election, or if they have had some employment by the Employer in those 12 months and have been employed for 45 working days or more within the 24-month period immediately preceding the eligibility date. Of those eligible under this formula, any employees who quit voluntarily or had been terminated for cause prior to the completion of the last job for which they were employed are excluded and disqualified as eligible voters.

B. 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 seven 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

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359, 361 (1994). This 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.). Upon receipt of the list, I will make it available to all parties to the election. To be timely filed, the list must be received in the Regional Office, National Labor Relations Board, Region 5, Bank of America Center -Tower II, 100 South Charles Street, Suite 600, Baltimore, Maryland 21201, on or before **March 28, 2013**. 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 by facsimile transmission at (410) 962-2198. Since the list will be made available to all parties to the election, please furnish a total of two copies, unless the list is submitted by facsimile, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

C. 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 a minimum of 3 working days prior to the date 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 non-posting of the election notice.

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RIGHT TO REQUEST REVIEW

Right to Request Review: Pursuant to the provisions of Section 102.67 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, you may obtain review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, DC 20570-0001. This request for review must contain a complete statement setting forth the facts and reasons on which it is based.

Procedures for Filing a Request for Review: Pursuant to the Board's Rules and Regulations, Sections 102.111 – 102.114, concerning the Service and Filing of Papers, the request for review must be received by the Executive Secretary of the Board in Washington, DC by close of business on April 4, 2013 at 5 p.m. (ET), unless filed electronically. **Consistent with the Agency's E-Government initiative, parties are encouraged to file a request for review electronically.** If the request for review is filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time** on the due date. Please be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile transmission. Upon good cause shown, the Board may grant special permission for a longer period within which to file.³ A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

³ A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

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Filing a request for review electronically may be accomplished by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, select **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

(SEAL)

Dated: March 21, 2013

/s/ Albert W. Palewicz
Albert W. Palewicz, Acting Regional Director
Bank of America Center -Tower II
100 South Charles Street, Suite 600
Baltimore, Maryland 21201

LAST NAME	FIRST NAME	ADDRESS	CURRENT MAILING ADDRESS	CURRENT WORK LOCATION
Chavez	Carlos	5716 Emerson St., Apt. C4, Bladensburg, MD 20710		DC
Hernandez	Florentino	7444 Georgia Ave., N.W., #201, Washington, DC 20012		DC
Orellana	Jesus B.	7251 Beverly Park Dr., Springfield, VA 22150		DC
Alfaro	Marvin Y.	2988 Monticello Dr., Falls Church, VA 22042		DC
Benitez	Edgar Orlando	5708 Linda Ln., Temple Hills, MD 20748		DC
Bradford	Shannon J.	P.O. Box 641, Franklin, NC 28744		Home-temporarily laid off
Carter	Robert C.	635 Worley Rd., Marion, NC 28752		Home-temporary laid off
Chen	Mario Q.	509 Eastern Ave., Fairmount, MD 20743		Quit-Economic Strike
Collins	Carl Dee	349 Collins Ln., Nebo, NC 28761		Baton Rouge
Collins	Jonathan Karl	566 Collins Ln., Nebo, NC 28761		DC
Collins	Roger	104 Jolly Rd., Old Fort, NC 28762		DC
Collins	Stephen	349 Collins Ln., Nebo, NC 28761		Aiken & Baton Rouge
Cruz	Arcadio	Rt. 5 Goforth Rd., Marion, NC 28752		DC
Felipe Perez	Edy	100 Riverbend Dr., Apt. J7, West Columbia, SC 29205		Aiken SC
Franco Nava	Rubical	83 Truman Circle, Naples, FL 34104	8235 Stern Ave., #C, Baton Rouge, LA 70820	Baton Rouge
Garcia	Raul	509 Eastern Ave., Fairmount, VA 20745		DC
Gerstner	Gregory Theodore	1105 Red Banks Rd., Greenville, NC 27858	32725 Clinton Allen Rd, Denham Springs, LA 70726	Baton Rouge
Gonzales	Baltazar	Rt. 5, Box 35-2, Marion, NC 28752	89 Dawns Dr, Marion, NC 28761	Aiken SC
Gonzales	Roy Frias	28922 Golden Dr., Houston, TX 77076	8178 Bayou Fountain Ave., #2, Baton Rouge, LA 70820	Baton Rouge
Gonzales	Enrique	1349 Redmond Rd., Rome, GA 30165	15810 Sarah Court Brandywine MD 20613	DC
Guzman	Jose Omar	7251 Beverly Park Dr., Springfield, VA 22150		Quit-Economic Strike
Guzman Benilla	Oscar William	7251 Beverly Park Dr., Springfield, VA 22150		Quit-Economic Strike
Henriquez	Elmer A.	6196 Greenwood Dr., Apt. 101, Falls Church, VA 22044		DC
Huarcacho	Delfin	7959 Riggs Rd., #8, Hyattsville, MD 20783		DC
Loredo	Jorge	1349 Redmond Rd., Rome, GA 30165	15810 Sarah Court Brandywine MD 20613	DC
Loredo	Israel	1020 Irish Potato Rd., Concord, NC 28025	15810 Sarah Court Brandywine MD 20613	DC
Martinez Hernandez	Guadencio	4222 14th St., N.W., Apt. 101, Washington, DC 20011		DC
Melgar	Rudy J.	7060 S Kayles Way, Apt. 202, Springfield, VA 22151		DC
Moore	Lee	1004 Collins Pkwy, Nebo, NC 28761		Aiken SC & DC
Morales	Victor	4645 Pinelog Rd., Lot #18, Lumberton, NC 28360	1457 Columbia Hwy, Aiken SC 29801	Aiken SC
Murphy	Jonathan D.	809 Murphy Town Rd., Green Mtn., N. 28740		Aiken SC
Nicolas	Hector	350 Bryant Rd., Spartanburg, SC 29303	89 Dawns Dr, Marion, NC 28761	Aiken SC
Ortega	Jose M.	4645 Pinelog Rd., Lot #18, Lumberton, NC 28360	1457 Columbia Hwy, Aiken SC 29801	Aiken SC
Ortega Lopez	Jesus	4645 Pinelog Rd., Lot #18, Lumberton, NC 28360	1457 Columbia Hwy, Aiken SC 29801	Aiken SC & Baton Rouge
Pahuamba	Ilario	1920-2 Pemberton Dr., Winchester, VA 22601	2424 Sparks Rd, Augusta, Ga 30906	Aiken SC
Pineda	Manuel	2992, Falls Church, VA 22022		DC
Prisciliano	Victor	8235 Stern Ave., #B, Baton Rouge, LA 70820		Baton Rouge
Prisciliano	Teodulo	906 S. Maple St., Lot #9, Foley, AL 36535	8235 Stern Ave., #C, Baton Rouge, LA 70820	Baton Rouge
Riddle	Christopher B.	P.O. Box 1235, Weaverville, NC 28787	7 Crowder Rd, Weaverville, NC 28787	Home-temporarily laid off-probably to Akin shortly
Tapia	Victor	4645 Pinelog Rd., Lot #18, Lumberton, NC 28360	1457 Columbia Hwy, Aiken SC 29801	Aiken SC