

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**PETITION**

DO NOT WRITE IN THIS SPACE	
Case No. 32-RC-109684	Date Filed 07/22/2013

**INSTRUCTIONS:** Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

1. **PURPOSE OF THIS PETITION** (if box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)
- RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees
  - RM-REPRESENTATION (EMPLOYER PETITION)** - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
  - RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE)** - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
  - UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES)** - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
  - UC-UNIT CLARIFICATION** - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check one)  In unit not previously certified.  In unit previously certified in Case No. \_\_\_\_\_
  - AC-AMENDMENT OF CERTIFICATION** - Petitioner seeks amendment of certification issued in Case No. \_\_\_\_\_ Attach statement describing the specific amendment sought.

2. Name of Employer <u>BFI, of CA, d/b/a Newby Island Recyclery &amp; LeadPoint</u>	Employer Representative to contact <u>Carl Mennie</u>	Tel. No. <u>(408) 432-1234</u>
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3. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) <u>1601 Dixon Landing Road, Milpitas, CA 95035</u>	Fax No.
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4a. Type of Establishment (Factory, mine, wholesaler, etc.) <u>Recycling center (Newby Island) and Temporary agency (LeadPoint)</u>	4b. Identify principal product or service <u>Recyclable materials</u>	Cell No. (____)
		e-Mail

5. Unit Involved (In UC petition, describe present bargaining unit and attach description of proposed clarification.) <b>Included</b> All full and part-time sorters, housekeepers and screen cleaners employed at the Employer's facility located at 1601 Dixon Landing Road, Milpitas, California. <b>Excluded</b> Employees currently covered by collective bargaining agreements, clerical employees, supervisors and guards as defined in the Act.	6a. Number of Employees in Unit Present <u>120</u> Proposed (By UC/AC)
6b. Is this petition supported by 30% or more of the employees in the unit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *Not applicable in RM, UC, and AC	

(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a  Request for recognition as Bargaining Representative was made on (Date) by this petition and Employer declined recognition on or about (Date) \_\_\_\_\_ (If no reply received, so state)

7b  Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8 Name of Recognized or Certified Bargaining Agent (If none, so state) <u>None</u>	Affiliation
Address	Tel. No. Date of Recognition or Certification
	Cell No. Fax No. e-Mail

9. Expiration Date of Current Contract If any (Month, Day, Year)	10 If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day and Year)
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11a. Is there now a strike or picketing at the Employer's establishment(s) Involved? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	11b. If so, approximately how many employees are participating?
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11c The Employer has been picketed by or on behalf of (Insert Name) \_\_\_\_\_, a labor organization, of (Insert Address) \_\_\_\_\_ Since (Month, Day, Year) \_\_\_\_\_

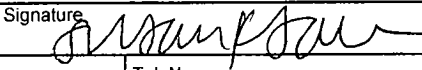
12 Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above (If none, so state)			
Name	Address	Tel. No.	Fax No.
None.		Cell No.	e-Mail

13 Full name of party filing petition (If labor organization, give full name, including local name and number)  
Teamsters Local 350

14a. Address (street and number, city, state, and ZIP code) <u>295 - 89th Street, Suite 304 Daly City, CA 94015-1729</u>	14b Tel. No. EXT. <u>(650) 757-7290</u>	14c Fax No.
	14d Cell No.	14e e-l

15 Full name of national or international labor organization of which Petitioner is an affiliate or constituent (to be filled in when petition is filed by a labor organization)  
International Brotherhood of Teamsters

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) <u>Susan K. Garea</u>	Signature 	Title (if any) <u>Attorney for Petitioner</u>
Address (street and number, city, state, and ZIP code) <u>483 Ninth Street, 2nd Floor, Oakland, CA 94607</u>	Tel. No. <u>(510) 625-9700</u>	Fax No.
	Cell No.	e-Mail

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary.