

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 20

**TEAMSTERS UNION LOCAL 665, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, CTW**

and

**IAM LOCAL LODGE 1596, INTERNATIONAL
BROTHERHOOD OF MACHINISTS AND
AEROSPACE WORKERS, AFL-CIO-CLC**

Case 20-RC-120478

Joint-Petitioner

and

**ITT CANNON LLC d/b/a BIW
CONNECTOR SYSTEMS**

Employer

DECISION AND DIRECTION OF ELECTION

ITT Cannon LLC d/b/a BIW Connector Systems, the Employer, is a limited liability corporation with three facilities in Santa Rosa, California, engaged in manufacturing electronic connectors. By its amended petition, Teamsters Union Local 665, International Brotherhood of Teamsters, CTW, and IAM Local Lodge 1596, International Association of Machinists and Aerospace Workers, AFL-CIO-CLC, Joint Petitioner, seeks to represent a unit comprised of all production,

warehouse, maintenance and machinist employees, including molding employees, assembly employees, shipping employees, quality control employees, material handler employees, and receiving clerk employees, employed by the Employer at its Santa Rosa, California facilities; excluding all management, clerical employees, supervisors and guards as defined in the Act. There are approximately 89 employees in the petitioned-for unit.

At the hearing, the parties reached agreement on the only disputed issue, which involved unit composition, and the resolution of their dispute is reflected in the amended petition. Specifically, at the hearing the parties agreed that the petitioned-for unit should include the machinists, material handler employees, and receiving clerk employees. The parties also stipulated that truck drivers should be removed from the petitioned-for unit as a separate job classification. Although there are some employees in the warehouse classification who drive vans among the Employer's three facilities in Santa Rosa and occasionally to other places, there is no separate truck driver job title. In the absence of any remaining issues, I find that the petitioned-for unit, as amended, is an appropriate unit for collective-bargaining purposes, and I am directing an election in that unit.

CONCLUSIONS AND FINDINGS

Based upon the record,¹ I conclude and find as follows:

- 1) The Hearing Officer's rulings made at the hearing are free from prejudicial error and are affirmed.
- 2) The parties stipulated, and I find, that 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.

¹ I am attaching and including in the record, as Board Exhibit 3, a Joint Stipulation entered into by the parties by emails dated January 28 and 29, 2014, regarding the correct names of the unions comprising Joint Petitioner and the approximate number of employees in the petitioned- for unit.

3) The parties stipulated, and I find, that the Unions comprising Joint Petitioner are labor organizations within the meaning of Section 2(5) of the Act.

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) Based on the amended petition, and in the absence of any remaining issues, I find that the following unit is an appropriate unit within the meaning of the Act:

All production, warehouse, maintenance and machinist employees, including molding employees, assembly employees, shipping employees, quality control employees, material handler employees and receiving clerks, employed by the Employer at its Santa Rosa, California facilities; excluding all other clerical employees, guards, managers, and supervisors as defined in the Act.

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 Teamsters Union Local 665, International Brotherhood of Teamsters, CTW and IAM Local Lodge 1596, International Association of Machinists and Aerospace Workers, AFL-CIO-CLC. The date, time and place 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 that ended immediately prior to 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 strike who 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.

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 359, 361 (1994). The 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.). This list may initially be used by me to assist in determining an adequate showing of interest. I shall, in turn, make the list 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 20, 901 Market Street, Suite 400, San Francisco, CA 94103, **on or before February 6, 2014**. 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 to the Regional Office by electronic filing through the Agency's website, www.nlr.gov,² by mail, or by facsimile transmission at (415) 356-5156. The burden of establishing the timely filing and receipt of the list will continue to be placed on the sending party.

Because the list will be made available to all parties to the election, please furnish a total of two copies of the list, unless the list is submitted by electronic filing, facsimile or e-mail, 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 at least three full days, not including weekend days or holidays, prior to 12:01 a.m. of the day 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 five 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 nonposting of the election notice.

RIGHT TO REQUEST REVIEW

Under the provisions 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 14th Street, N.W., Washington, DC 20570-0001. This request must be received by the Board in Washington by **February 13, 2014**. The request may be filed

² To file the eligibility list electronically, go to the Agency's website at www.nlr.gov, select **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions.

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electronically through the Agency's web site, www.nlr.gov,³ but may not be filed by facsimile.

DATED AT San Francisco, California, this 30th day of January 2014.

/s/ J.F. Frankl

Joseph F. Frankl, Regional Director
National Labor Relations Board, Region 20
901 Market Street, Suite 400
San Francisco, California 94103-1735

³ To file the request for review electronically, go to www.nlr.gov, select **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions.