

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 24**

COOPERATIVA DE AHORRO Y CREDITO DE ANASCO,

Employer

and

FEDERACION CENTRAL DE TRABAJADORES
LOCAL 481, UNITED FOOD AND COMMERCIAL
WORKERS INTERNATIONAL UNION, AFL-CIO,¹

Case 12-RC-125807

Petitioner

and

CONFEDERACION LABORISTA DE PUERTO RICO,

Union

DECISION AND DIRECTION OF ELECTION

Cooperativa de Ahorro y Credito Añasco (the Employer) is engaged in the operation of a credit union providing savings and loan services to its members at its Añasco, Puerto Rico location.² On April 2, 2014, Federacion Central de Trabajadores, Local 481, United Food and Commercial Workers International Union, AFL-CIO (the Petitioner) filed a petition seeking to represent the following unit of employees employed by the Employer:

All part-time and regular full-time service employees employed by the Employer at its facility located at San Antonio Street, Añasco Puerto Rico; excluding all other employees, guards, and supervisors as defined by the Act.

¹ The full name of the Petitioner's international union is reflected in this decision.

² The stipulation of the Employer and the Petitioner at the hearing establishes that the Employer is a nonprofit corporation, organized under the laws of the Commonwealth of Puerto Rico, with its place of business located in Añasco, Puerto Rico. During the last 12 months, a representative period, in operating its credit union, the Employer has invested in excess of \$50,000 in certificates of deposit with Barrows Banking, an institution located outside of the Commonwealth of Puerto Rico. I take official notice of the fact that on June 13, 1997, the Employer and the Union stipulated to similar facts concerning the Employer's operations in Cooperativa de Ahorro y Credito de Añasco, Case 24-RC-7882. I find that the Employer is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

I. The Hearing

Pursuant to the filing of the petition herein, a hearing officer of the Board conducted a hearing on April 14, 2014. All parties were notified of the hearing. The Employer and the Petitioner appeared at the hearing. The Union did not appear at the hearing.³ The parties were given the opportunity to present witnesses and other evidence at the hearing. The parties raised no issues and did not present any witnesses or other evidence.⁴

The employees in this unit have been represented by Confederacion Laborista de Puerto Rico (the Union) since at least July 10, 1997.⁵ The collective-bargaining agreement between the Employer and the Union that was admitted in evidence describes the unit as follows:

All office and accounting clerks, collectors, tellers and maintenance employees employed by the Employer at its facility at Añasco, Puerto Rico; excluding accountants, administrators, sub-administrators, controller, accounting supervisor, assistant to the administrator, data entry personnel, executive secretaries, guards and supervisors as defined in the Act.

It appears that the petitioned-for unit is the same unit as the one that is more specifically described immediately above and in the collective-bargaining agreement.⁶

³ The record shows that on April 3, 2014, Subregion 24 served the Union with copies of the petition filed on April 2, 2014, and the Notice of Representation Hearing stating the date of the hearing. In addition, the record shows that on April 7, 2014, in a telephone conversation, the Union's President told the Hearing Officer that he was ill, but would have someone else from his office attend to this case. The Hearing Officer made subsequent calls to the Union's President's cell phone before the hearing, but her calls were not answered and she did not receive any response from the Union. The Union did not submit a request to postpone the hearing.

⁴ At the hearing, the Employer and the Petitioner waived their right to file briefs.

⁵ I take official notice of the fact that on July 10, 1997, the Union was certified as the representative of a similarly described unit in the matter of Cooperativa de Ahorro y Credito de Añasco, Case 24-RC-7882.

⁶ The unit descriptions in the petition and the collective-bargaining agreement are both consistent with the representation of Employer counsel that there are 14 unit employees, including five loan and service officers, four cashiers or tellers, two collections officers, two maintenance employees, and one receptionist/office clerk. Although the Employer and Petitioner stipulated that the petitioned-for unit is an appropriate unit for the purposes of collective bargaining, I shall direct an election in the unit as it is described in the current collective-bargaining agreement between the Employer and the Union.

A collective-bargaining agreement between the Employer and the Union covering this unit has been in effect since August 1, 2011, and expires, by its terms, on June 30, 2014. The petition was filed within the period between 90 and 60 days prior to the expiration of the collective-bargaining agreement. Accordingly, the petition was timely filed. *Leonard Wholesale Meats*, 136 NLRB 1000 (1962).

Based upon the foregoing, and the record as a whole, I shall direct an election in the above-described unit set forth in the current collective-bargaining agreement between the Employer and the Union.

II. Conclusions and Findings

A. The Hearing Officer's rulings made at the hearing are free from prejudicial error and are affirmed.

B. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this case.

C. The Petitioner claims to represent certain employees of the Employer and the Union represents certain employees of the Employer pursuant to its collective-bargaining agreement with the Employer.

D. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and 2(7) of the Act.

E. The following employees constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All office and accounting clerks, collectors, tellers and maintenance employees employed by the Employer at its facility at Añasco, Puerto Rico; excluding accountants, administrators, sub-administrators, controller, accounting supervisor, assistant to the administrator, data entry personnel, executive secretaries, guards and supervisors as defined in the Act.

III. 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 they wish to be represented for purposes of collective bargaining by Federacion Central de Trabajadores, Local 481, United Food and Commercial Workers International Union, AFL-CIO, or by Confederacion Laborista de Puerto Rico, or by neither labor organization. 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 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 strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Those in military service of the United States may vote if they appear in person at the polls. Ineligible to vote are (1) employees who have quit or have been discharged for cause since the designated payroll period; (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date; and (3) employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.

B. Employer to Submit List of Eligible Voters

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To ensure that all eligible voters have the opportunity to be informed of the issues in the exercise of the 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); *N.L.R.B. v. Wyman-Gordon Company*, 394 U.S. 759 (1969).

Accordingly, it is hereby directed that within 7 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 eligible voters. *North Macon Health Care Facilities*, 315 NLRB 359 (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. 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 National Labor Relations Board Subregion 24 Office, La Torre de Plaza, Suite 1002, 525 F.D. Roosevelt Avenue, San Juan, Puerto Rico 00918-1002, on or before May 8, 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. Since the list will be made available to all parties to the election, please furnish three copies of the list.⁷

C. Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices of Election provided by the Board in areas conspicuous to potential voters for a minimum of three full working days prior to the date of the election. Failure to

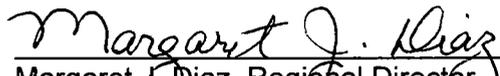
⁷ The list may be submitted electronically through the Agency's website at www.nlr.gov, or by facsimile transmission to (787) 766-5478, as well as by hard copy. To file the list electronically, go to the Agency's website at www.nlr.gov, select **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. Only one copy of the list should be submitted if it is filed electronically or by facsimile.

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.

IV. 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, D.C. 20570-0001. This request must be received by **May 15, 2014**. The request may not be filed by facsimile, but may be filed electronically.⁸

DATED the 1st day of May, 2014.



Margaret J. Diaz, Regional Director
National Labor Relations Board, Region 12
201 E. Kennedy Boulevard, Suite 530
Tampa, Florida 33602

⁸ See www.nlr.gov for instructions about electronic filing and the Board's Rules and Regulations with respect to filing requirements generally.

