

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2

DCW CASING, LLC
Employer-Petitioner

and

UNITED FOOD AND COMMERCIAL
WORKERS UNION, LOCAL 342
Petitioner-Union

Case Nos. 02-RC-126182
and 02-UC-125587

and

DISTRICT 6, INTERNATIONAL UNION
OF INDUSTRIAL, SERVICE, TRANSPORT,
AND HEALTH EMPLOYEES
Intervenor-Union

ERRATUM

Inasmuch as there are inadvertent clerical errors in the Decision and Direction of Election that issued on June 4, 2014, the Decision is corrected to substitute the attached pages 9, 10 and 11.

DATED at New York, New York
this 5th day of June 2014.


Karen P. Fernbach
Regional Director
National Labor Relations Board
Region 2
26 Federal Plaza, Room 3614
New York, New York 07728
6/4/2014

In conclusion, I am directing an election in the petitioned-for unit, at which time employees will decide whether they desire representation by Local 342, by District 6, or by no labor organization.⁶

5. I find that the following unit is appropriate within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time and regular part-time production and maintenance employees employed by DCW Casing, LLC at its facility located at 700 South Fulton Avenue, Mount Vernon, New York and at its facility located at 1120 Close Avenue, Bronx, New York.

EXCLUDED: All other employees, including office clericals, and supervisors and guards as defined by the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among employees in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period immediately preceding the date of the Decision, including employees who did not work during the 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 twelve 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 twelve months before the election date and who have been permanently replaced.

NOTICE OF ELECTION

Please be advised that the Board has adopted a rule requiring that election notices be posted by the Employer at least three working days prior to an election. If the

⁶ District 6 has not indicated whether it is interested in representing the petitioned-for unit, which includes the employees at the Bronx facility. If it does not wish to represent employees in the appropriate unit described above, it shall notify the Regional Director to that effect within ten days of the date of this Decision and Direction of Election and its name will be removed from the ballot.

Employer has not received the notice of election at least five working days prior to the election date, please contact the Board Agent assigned to the case or the election clerk.

A party shall be estopped from objecting to the non-posting of notices if it is responsible for the non-posting. An Employer shall be deemed to have received copies of the election notices unless it notifies the Regional office at least five working days prior to 12:01 a.m. of the day of the election that it has not received the notices. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure of the Employer to comply with these posting rules shall be grounds for setting aside the election whenever proper objections are filed.

LIST OF VOTERS

To insure that all eligible voters 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 Co.*, 394 U.S. 759 (1969). Accordingly, it is directed that two copies of an eligibility list containing the full names and addresses of all the eligible voters must be filed by the Employer with the undersigned within seven days from the date of this Decision. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The undersigned shall make this list available to all parties to the election. In order to be timely filed, such list must be received in Region 2's office, 26 Federal Plaza, Room 3614, New York, New York, 10278, on or before **June 11, 2014**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

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 NW, Washington, DC, 20570. This request must be received by the Board in Washington by **June 18, 2014**.

In the Regional Office's initial correspondence the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may not be filed electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance for e-filing can also be found on the National Labor Relations Board website at www.nlr.gov. On the home page of the website, select the E-Gov¹ tab and click on E-Filing. Then select

¹ To file the request for review electronically, go to www.nlr.gov and select the E-Gov tab. Then click on the E-Filing link on the menu. When the E-File page opens, go to the heading Board/Office of the Executive Secretary and click on the "File Documents" button under that heading. A page then appears describing the E-Filing terms. At the bottom of this page, check the box next to the statement indicating

the NLRB office for which you wish to e-file your documents. Detailed e-filing instructions explaining how to file the documents electronically will be displayed.

DATED at New York, New York this 4th day of June 2014.



Karen P. Fernbach *see*

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6/4/2014

that the user has read and accepts the E-Filing terms and click the “Accept” button. Then complete the filing form with information such as the case name and number, attach the document containing the request for review, and click the “Submit Form” button. Guidance for e-filing is contained in the attachment supplied with the Regional Office’s initial correspondence on this matter and is also located under “E-Gov” on the Board’s website.