

NOT INCLUDED IN
BOUND VOLUMES

PJS
Manassas, VA

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

STRUCTURAL CONCRETE PRODUCTS, LLC
Employer

and

Case 05-RC-116939

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 77, AFL-CIO
Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered objections to an election held on December 13, 2013, and the Regional Director's Report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 4 for and 3 against the Petitioner, with no challenged ballots.

The Board has reviewed the record in light of the exceptions and brief, has adopted the Regional Director's findings and recommendations,¹ and finds that a certification of representative should be issued.

¹ We agree with the Regional Director that the Employer has failed to raise any substantial and material factual issues requiring a hearing with respect to its objections. Sec. 102.69 (d) of the Board's Rules and Regulations. With respect to the Employer's Objection No. 3(b), the Employer points to Union representatives' remaining in a car parked on the Employer's lot within view of employees entering the facility to vote. In finding that this objection was properly overruled without a hearing, we rely also on the absence of any evidence that the Union agents spoke to voters while at that location or that they were at any time present in the polling location itself or in any designated non-electioneering area. With respect to Objection No. 3(d), and the conduct of the Board agent in connection with advising an employee of his voting rights, we rely also on the absence of any evidence that the agent expressed any personal opinions that would tend to undermine confidence in the Board's election process or that would reasonably be

CERTIFICATION OF REPRESENTATIVE

It is certified that a majority of the valid ballots have been cast for International Union of Operating Engineers, Local 77, AFL-CIO, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time Equipment Operators and Mechanics employed by the Employer at its Manassas, Virginia facility, but excluding all office clerical employees, professional employees, managerial employees, guards and supervisors as defined by the Act.

Dated, Washington, D.C., June 6, 2014.

Mark Gaston Pearce, Chairman

Harry I. Johnson, III, Member

Nancy Schiffer, Member

NATIONAL LABOR RELATIONS BOARD

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interpreted as impairing the election standards the Board seeks to maintain. *Sonoma Health Care Center*, 342 NLRB 933 (2004).