

City of Commerce, CA

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

TERMINIX INTERNATIONAL
COMPANY, LP

Employer

and

Case 21-RC-064769

COMMUNICATIONS WORKERS OF
AMERICA, LOCAL 9586, AFL-CIO

Petitioner

DECISION, ORDER, AND DIRECTION OF SECOND ELECTION

The National Labor Relations Board has considered objections to an election held October 28, 2011, and the Administrative Law Judge's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 20 ballots cast for and 19 ballots cast against the Petitioner, with 0 void ballots and 0 challenged ballots.

The Employer filed timely exceptions to the Administrative Law Judge's Report and Recommendations. On March 19, 2012, the Employer filed a Notice of Withdrawal of its exceptions to the Administrative Law Judge's report. The Employer's request to withdraw its exceptions is hereby granted.

Accordingly, as there are no exceptions pending before the Board and the time allowed for such filings has expired, the Board adopts the Administrative Law Judge's findings and recommendations.

IT IS ORDERED that the election conducted on October 28, 2011, be set aside and that a new election be conducted.

DIRECTION OF SECOND ELECTION

A second election by secret ballot shall be conducted among the employees in the unit found appropriate whenever the Regional Director deems appropriate. The Regional Director shall direct and supervise the election, subject to the Board's Rules and Regulations. Eligible to vote are those employed during the payroll period ending immediately before the date of the Notice of Second Election, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike that began less than 12 months before the date of the first election and who retained their employee status during the eligibility period and their replacements. *Jeld-Wen of Everett, Inc.*, 285 NLRB 118 (1987). Those in the military services may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the payroll period, striking employees who have been discharged for cause since the strike began and who have not be rehired or reinstated before the election date, and employees engaged in an economic strike that began more than 12 months before the date of the first election and who have been permanently replaced. Those eligible shall vote whether they desire to be represented for collective bargaining by Communications Workers of America, Local 9586, AFL-CIO.

To ensure 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 that may be used to communicate with them. *Excelsior Underwear*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is directed that an eligibility list containing the full names and addresses of all the eligible voters must be filed by the Employer with the Regional Director within 7 days from the date of Notice of Second Election. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The Regional Director shall make the list available

to all parties to the election. No extension of time to file the list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election if proper objections are filed.

Dated, Washington, D.C., March 28, 2012.

By direction of the Board:

/s/ Henry S. Breiteneicher

Associate Executive Secretary