

NOT INCLUDED
IN BOUND VOLUMES

PHG
New York, NY

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GRACE INDUSTRIES, LLC
Employer

and

HIGHWAY ROAD AND STREET
CONSTRUCTION LABORERS LOCAL 1010,
LABORERS INTERNATIONAL UNION
OF NORTH AMERICA, AFL-CIO
Petitioner-Intervenor

Cases 29-RC-012031
29-RC-012043

and

UNITED PLANT AND PRODUCTION
WORKERS, LOCAL 175, INTERNATIONAL
UNION OF JOURNEYMEN AND ALLIED TRADES
Petitioner-Intervenor

DECISION AND ORDER

The National Labor Relations Board, by a three-member panel, has considered challenges in an election held July 23, 2012 and the Regional Director's Second Supplemental Report on Challenges recommending disposition of them.¹ The election was conducted pursuant to a Decision and Direction of Election. The tally of ballots for Voting Group A shows 0 for Petitioner Local 175, 0 for Petitioner Local 1010, and 0 against representation, with 3 challenged ballots, which are determinative of the outcome of this voting group.

¹ In his Second Supplemental Report on Challenges, the Regional Director directed that a hearing be held regarding Robert Moresco's eligibility to vote. However, the Regional Director subsequently issued a Third Supplemental Report on Challenges recommending that the challenge to Moresco's ballot be sustained. In the absence of timely filed exceptions, the Board adopted the Regional Director's findings and recommendation. See Grace Industries, LLC, Cases 29-RC-012031 and 29-RC-012043 (Oct. 18, 2012) (not included in bound volumes).

The Board has reviewed the record in light of the exceptions and briefs and has adopted the Regional Director's findings and recommendations.²

ORDER

IT IS ORDERED that this proceeding is remanded to the Regional Director for Region 29 for further appropriate action consistent with his Second Supplemental Report on Challenges.

Dated, Washington, D.C., October 25, 2012

Mark Gaston Pearce, Chairman

Brian E. Hayes, Member

Richard F. Griffin, Jr, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

² In adopting the Regional Director's findings and recommendations, we note that Petitioner-Intervenor Local 175's exceptions require an unfair labor practice finding. By letter dated September 13, 2012, the Region dismissed an unfair labor practice charge filed by Local 175 in Case 29-CA-085667, which alleged the same conduct alleged in Local 175's exceptions. We therefore decline to entertain Local 175's unfair labor practice allegations in this case. See Texas Meat Packers, 130 NLRB 279 (1961). Further, we decline Local 175's request that any unit certified be limited to employees who "primarily perform concrete paving," as Local 1010's petitioned-for unit is appropriate. See Grace Industries, LLC, 358 NLRB No. 62, slip op. at 4 fn. 19 (2012).