

NOT INCLUDED
IN BOUND VOLUMES

PGB
San Mateo, CA

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

CERVERA AUTOMOTIVE GROUP LLC
d/b/a VERACOM FORD

Employer

and

Case 20-RC-086155

MACHINISTS DISTRICT LODGE 190,
MACHINISTS LOCAL LODGE NO. 1414

Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered determinative challenges in and objections to an election held on September 4, 2012, 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 5 for and 0 against the Petitioner, with 6 determinative challenged ballots.¹

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

CERTIFICATION OF REPRESENTATIVE

¹ Before issuing his report, the Regional Director opened and counted two of the challenged ballots without resolving the challenges pursuant to the Board's decision in *International Ladies' Garment Workers' Union*, 137 NLRB 1681 (1962). The revised tally of ballots shows that both voters, who have been named as discriminatees in an unfair labor practice charge filed against the Employer, indicated their desire to be represented. Accordingly, if both, either, or neither of these individuals are eligible to vote, the Petitioner has received a majority of the votes, as the remaining four challenges would be insufficient to affect the results.

IT IS CERTIFIED that a majority of the valid ballots have been cast for Machinists District Lodge 190, Machinists Local Lodge No. 1414, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time Service Advisors and Technicians employed by the Employer at its facility located at 790 North San Mateo Dr., San Mateo, California; excluding all other employees, managers, guards, and supervisors as defined in the Act.

Dated, Washington, D.C., December 12, 2012.

Mark Gaston Pearce, Chairman

Richard F. Griffin, Jr., Member

Sharon Block, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD