

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ADT, LLC

Employer-Petitioner

and

Case 16-RM-123509

COMMUNICATION WORKERS
OF AMERICA, LOCAL 6215
Union

ORDER

Union's Request for Review of the Regional Director's Decision and Direction of Election is granted as it raises substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., April 22, 2015.

¹ Member Miscimarra would deny review in this case, which involves an RM petition filed by the Employer that acquired a new company and its employees, where a subsequent consolidation effectively eliminated the prior bargaining unit of installation and service technicians. The Union-represented employees now work in four facilities where they are greatly outnumbered by employees who have not previously been represented by the Union and to whom the collective bargaining agreement has never been applied. Member Miscimarra believes there is no substantial question regarding the Regional Director's determination that the petitioned-for unit (consisting of installation and service technicians at the four currently existing facilities) is appropriate, or regarding the appropriateness of an RM petition and election in these circumstances. *Levitz Furniture*, 333 NLRB 717, 723 (1998) (holding that "Board-conducted elections are the preferred way to resolve questions regarding employees' support for unions" and "we shall allow employers to obtain RM elections by demonstrating reasonable good-faith *uncertainty* as to incumbent unions' continued majority status") (emphasis in original; footnote omitted).