

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 25

INDIANA VOICE & DATA, INC.,

Employer

-and-

Case 25-RC-182936

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL UNION  
NO. 725, A/W INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL WORKERS,

Petitioner

**IBEW LOCAL 725'S RESPONSE TO INDIANA VOICE & DATA'S  
REQUEST FOR REVIEW OF REGIONAL DIRECTOR'S  
SUPPLEMENTAL DECISION AND DIRECTION OF  
RE-RUN ELECTION**

Petitioner, International Brotherhood of Electrical Workers, Local Union No. 725 (the "Union"), requests that the Board deny Respondent's, Indiana Voice & Data, Inc. (the "Employer"), request for review of the Regional Director's Supplemental Decision and Direction of Re-Run Election for the reasons set forth below.

**I. STATEMENT OF THE CASE**

The Employer has requested review of the Regional Director's Supplemental Decision and Direction of Re-Run Election (the "Decision") issued on May 4, 2017, in which the Regional Director sustained three objections by the Union to the election held on October 6, 2016. The Union filed the election petition on August 26, 2016,

seeking to represent the Employer's eight Field Technicians. (Decision, p. 1). The election resulted in a 4-4 tie, with no ballots challenged, and the Union filed three objections alleging misconduct by the Employer that affected the outcome of the election. *Id.* The alleged misconduct was (1) that the Employer awarded discretionary raises to five employees after learning about the union organizing, one of which was given during the critical period; (2) that the Employer changed the work rule regarding lunch and breaks after the election petition was filed, requiring employees to take their lunches and breaks together and at the same time; and (3) that the Employer called an employee meeting on the Friday before the representation hearing on the day after Labor Day to remind the employees that they had to work the day before and after Labor Day to receive holiday pay for Labor Day.

The Hearing Officer recommended that the first objection be sustained and the other two overruled. (Recommendation, p. 1). Exceptions were filed, and the Regional Director sustained all three objections. (Decision, pp. 1-2). The Employer's Request for Review of Regional Director's Supplemental Decision and Direction of Re-Run Election (the "Request for Review") asks the Board to reverse the Regional Director's decision on all three objections. The Employer's overarching argument is that the Regional Director, and the Hearing Officer by implication, allegedly ignored all of the Employer's evidence and should have given more weight to President Kaster's self-serving statements regarding his subjective intent than it gave to the objective facts and reasonable inferences drawn therefrom. As discussed below, the Employer

cannot identify a single piece of evidence the Hearing Officer and Regional Director ignored. Instead, the Regional Director accepted the Hearing Officer's findings and made an informed decision based on all of the evidence. Accordingly, the Employer cannot show that the Regional Director's decision on a substantial factual issue is clearly erroneous on the record and such error prejudicially affected its rights.

## **II. PROCEDURAL HISTORY**

With the exception of the Employer's claim that "[t]he Regional Director's decision is clearly in error with regard to substantial factual issues" that "prejudicially affected [its] rights," the Union agrees with the Employer's statement of the procedural history of the case. (Request for Review, pp. 2-4).

## **III. SUMMARY OF EVIDENCE & RULINGS**

The following evidence is summarized from the findings in the Hearing Officer's Recommendation and the Regional Director's Decision.

### **A. Union Organizing at Indiana Voice & Data**

Union representatives Dane Strahle and Joe Kerr met with Randy Cassidy, the Employer's majority-owner, on August 5, 2016 to discuss the Union's organizing of the Employer's field technicians. (Recommendation, p. 4; Tr. 15). On August 10, Kerr called Rudy Kaster, the Employer's president, to set up a meeting to discuss voluntarily organizing the Employer. (Recommendation, p. 5). Kaster, his wife, Kerr, and Strahle met on August 18, 2016. *Id.* Kaster decided not to make a decision at that

meeting, and subsequently refused to recognize the Union. *Id.* The Union filed the election petition on August 26, 2016.

**B. Wage Raises**

The Employer does not have a set starting rate for new employees, and gives raises solely on a discretionary basis. *Id.* There is no schedule in writing or by past practice for when Kaster awards raises. (Recommendation, pp. 6, 8; Decision, p. 2). Employees are not informed in advance that they have been given a raise. *Id.* The Union subpoenaed the Employer’s payroll records going back to 2013. For each employee, the table below shows his starting rate (or his rate in January of 2013, whichever is applicable), the date on which he received the raise, and the amount of the raise.

Employee	Starting Date	Starting Pay	Raise 1 Date Amount From-To	Raise 2 Date Amount From-To	Raise 3 Date Amount From-To	Raise 4 Date Amount From-To
James Dennis	4/28/16	\$22.50	N/A	N/A	N/A	N/A
Christian Robertson	6/30/16	\$15	N/A	N/A	N/A	N/A
Thearon Miller	11/5/15	\$16	12/17/15 \$1 \$16-17	3/24/16 \$1 \$17-18	8/18/16 <sup>1</sup> \$1 \$18-19	N/A
Daniel Hobby	1/29/15	\$19	8/13/15 \$1 \$19-20	8/18/16 \$1 \$20-21	N/A	N/A
Tanner Trambaugh	5/19/16	\$15	8/18/16 \$1 \$15-16	N/A	N/A	N/A

<sup>1</sup> The payroll records incorrectly state that this pay date was August 12, but President Kaster explained at the hearing that was an error and it should be August 18. (Tr. 45-46).

Chris May	1/3/13	\$25	12/11/4 \$1.50 \$25-26.50	1/14/16 \$1.32 \$26.50- 27.82	8/18/16 \$0.38 \$27.82- 28.20	N/A
Dennis Clark	1/3/13	\$18	12/11/14 \$1.26 \$18-19.26	1/29/15 \$1 \$19.26- 20.26	12/24/15 \$1.21 \$20.26- 21.47	9/15/16 \$0.53 \$21.47-22

The Hearing Officer concluded, based on the payroll records and live testimony, that “[t]here is no documentation demonstrating that the granting of these raises and timing of these raises was solely the result of a legitimate business decision unrelated to the Petitioner’s organizing drive.” (Recommendation, p. 8). Further, “there is insufficient evidence demonstrating that employees have received raises mainly in the month of August in the past as in the instant case.” *Id.* Thus, “the timing of the raises in relation to the Petitioner’s organizing efforts infers that the raises were motivated by antiunion animus.” *Id.* (citing Tr. 16-17, 27). The flurry of raises on August 18 occurred only eight days before the election was filed, after the Employer became aware of union organizing, and Dennis Clark’s raise on September 15 occurred within the critical period. (Recommendation, pp. 8-9; Decision, pp. 2-3).

The Hearing Officer recommended that the objection based on the raises be sustained. (Recommendation, p. 9) The Regional Director accepted the recommendation. (Decision, p. 3).

### **C. Changes to the Lunch/Break Policy & Gag Order on Discussing Union-Related Topics on September 2**

The Employer does not have a written policy covering when employees can take lunches and breaks. (Recommendation, p. 9). Prior to the election petition being filed, they were generally permitted to take two 15 minute breaks and a 30 minute lunch as convenient with their work schedules. (Recommendation, pp. 9-10). However, on September 2, 2016, Kaster convened a meeting with the employees to “read the Notice of Petition for Election form that the Employer received from Region 25 in response to the Petitioner’s petition” and inform them of their rights. (Recommendation, p. 10). He then informed the employees that they would not be permitted to “talk about union-related topics during their work-day, and that they could only discuss such topics before and after work and during their lunches and breaks.” *Id.* (citing Tr. 77-80).<sup>2</sup> This new work rule on employee speech at work only applied to union-related topics; that is, “there are no other topics that the employees are prohibited from talking about at work.” *Id.* (citing Tr. 81). The gag order on union-related topics coincided with a change to the lunch/breaks policy, which now

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<sup>2</sup> As the Union was unaware of this new rule, which is a clear violation of 8(a)(1) as the Employer does not prohibit the employees from talking about any other topics on work time, until the Objections hearing, *Jensen Enterprises, Inc.*, 339 NLRB 877, 878 (2003) it was not set forth as a specific objection. The Union requested that the Regional Director consider it anyway under *American Safety Equipment Co.*, 234 NLRB 501 (1978) as it was directly related to Objection 2. (Union Objections Brief p. 16). However, it does not appear that the Regional Director did so. If the Board were to grant the Respondent’s Request for Review, the Union will reiterate its position that the Board should consider the Respondent’s blatant unfair labor practice in resolving the objections.

requires a uniform time for lunches and breaks. *Id.* These changes occurred within the critical period. *Id.*

The Hearing Officer recommended that the Union's objection based on the change to the lunch/break policy be overruled because the Union did not raise the gag order, which the Hearing Officer believed violated the National Labor Relation Act, as a separate objection. (Recommendation, p. 11). The Regional Director's decision to decline the Hearing Officer's recommendation and to sustain the objection was not based on a disagreement over the facts, but a holistic review of the evidence regarding the change in the lunch/break policy and gag order. (Decision, pp. 3-4).

#### **D. Reminder of Holiday Pay Policy on September 2**

The Employer has an unwritten policy for holiday pay, which requires the employees to “work their last scheduled day before the holiday and their first scheduled day after the holiday” in order to receive holiday pay. (Decision, p. 4; Tr. 96-103). Labor Day is among the paid holidays. *Id.* The representation hearing was scheduled for Tuesday, September 6, 2016—the day after Labor Day. On September 2, the Friday before Labor Day, the Employer chose to refresh the employees on the holiday pay rule, which would have required them to work on the day of the representation hearing in order to receive holiday pay for Labor Day. (Decision, p. 4). That was the same day the Employer decided to implement the new lunch/break policy and the gag order. *Id.* The Hearing Officer and the Regional Director found

that the Employer did not have a practice of reminding employees of the holiday pay policy in advance of the holidays. (Recommendation, p. 12; Decision, p. 5). The Regional Director then concluded that the Employer's "announcement, in conjunction with its other objectionable conduct, tends to interference with employee free choice." (Decision, p. 5).

#### **IV. SUMMARY OF ARGUMENT**

The Regional Director correctly sustained the Union's objections to conduct affecting the results of the election held on October 6, 2016. Regarding the first objection, the Hearing Officer and Regional Director found that the Employer became aware of the union organizing campaign on August 5, 2016, and that the Employer's issuance of raises occurred after it was aware of union organizing, including one raise within the critical period. The Hearing Officer and Regional Director also considered and rejected the Employer's argument that the raises were pursuant to a past practice. Moreover, the Regional Director's consideration of the four pre-petition raises was in accordance with the law of this Board, which authorizes pre-petition conduct to be considered where it "adds meaning and dimension to the post-petition conduct." *Shamrock Coal Co.*, 267 NLRB 625 (1983). Thus, the Employer's argument that the Board review the Regional Director's sustaining of the first objection is without merit.

Regarding the second objection, the Regional Director and Hearing Officer found that on September 2, 2016, the Employer changed its lunch and break policy to

require all employees to take them at uniform times, and issued a gag order on union-related discussions in the workplace outside of lunch and break times (employees were free to discuss other topics in the workplace). The Employer's contention is that the Regional Director should have believed Kaster's self-serving testimony that he was trying ensure that the employees knew their rights and to create a safe place for the employees to discuss the union. The Regional Director correctly concluded that the Employer's actions interfered with the employees' free choice. The Employer's position on this issue should be denied because it is simply a request that the Board second guess the factual findings below.

Finally, regarding the third objection, the Hearing Officer and Regional Director found that the Employer called a meeting that same day, September 2, which was the Friday before Labor Day on September 5 and the representation hearing on September 6, and "reminded" the employees that they had to work the day before and after a holiday to receive holiday pay. The implication of the reminder is that the employees had to work on the day of the hearing if they wanted their holiday pay. The Regional Director and Hearing Officer considered and rejected the Employer's argument that it had a past practice of reminding employees of the holiday pay policy before each holiday. The Regional Director reasonably concluded, based on the obvious potential negative of losing out on holiday pay plus the other objectionable conduct that occurred on September 2, that the third objection should be sustained.

The Employer again requests that the Board reweigh the evidence and reach a different conclusion. The Board should deny the request for review.

## **V. STANDARD OF REVIEW**

The Board will not review a Regional Director's ruling on an election petition absent compelling reasons. 29 C.F.R. § 102.67(d). The party requesting review of the decision must establish one or more of the following:

- (1) That a substantial question of law or policy is raised because of:
  - (i) The absence of; or
  - (ii) A departure from, officially reported Board precedent.
- (2) That the regional director's decision on a substantial factual issue is clearly erroneous on the record and such error prejudicially affects the rights of a party.
- (3) That the conduct of any hearing or any ruling made in connection with the proceeding has resulted in prejudicial error.
- (4) That there are compelling reasons for reconsideration of an important Board rule or policy.

*Id.* The Employer challenges the Regional Director's Supplemental Decision and Direction of Re-Run Election under 29 C.F.R. § 102.67(d)(2).

## **VI. ARGUMENT**

The Regional Director correctly sustained the Union's objections to conduct affecting the results of the election held on October 6, 2016. The Regional Director's decision was not based on a substantial factual issue that is clearly erroneous on the record, nor were the Employer's rights prejudiced by the decision.

**A. Objection 1: The Regional Director correctly determined that the Employer's issuance of raises after becoming aware of Union organizing, including a raise given within the critical period, was objectionable.**

The Regional Director correctly determined that the Employer's issuance of raises after becoming aware of union organizing, including a raise given within the critical period, tended to interfere with the employees' exercise of free choice regarding union representation. The Employer's raises three issues in its request for review of the Regional Director's decision on this objection. The first is that the Regional Director should not have considered the four raises it gave out after learning that union organizing was taking place. The Employer's argument on this point is wholly without merit because the fifth raise occurred within the critical period and the law of this Board clearly authorizes pre-petition conduct to be considered where it "adds meaning and dimension to the post-petition conduct." *Shamrock Coal Co.*, 267 NLRB 625 (1983).

The Employer's second contention is that the Regional Director incorrectly found that the Employer became aware of the union organizing activity on August 5, 2016. Because it is undisputed that the Union met with majority-owner Randy Cassidy on August 5, 2016, the Employer can only make a bizarre argument that Cassidy's knowledge from the meeting cannot be imputed to the company he owns and was acting on behalf of. Finally, the Employer argues that the discretionary raises were part of a "general pattern" of giving raises in January and August. The record establishes that if an employee was given a raise *at all* in a given year, he had no way of

knowing in what month it would occur. This is, in part, why both the Hearing Officer and Regional Director rejected the Employer's argument that it had a past practice of giving raises at set times. Therefore, the Employer's issuance of raises after becoming aware of union organizing activity was objectionable.

**1. The Regional Director correctly considered the pre-petition raises given by the Employer after it became aware of Union organizing.**

The law of this Board clearly authorizes pre-petition conduct to be considered where it "adds meaning and dimension to the post-petition conduct." *Shamrock Coal Co.*, 267 NLRB 625 (1983); *Dresser Industries, Inc.*, 242 NLRB 74 (1979). The Employer gave employee Dennis Clark a raise on September 15, 2016, which was within the critical period. (Decision, pp. 2-3). Because it occurred within the critical period, the raise was presumed objectionable and the burden shifted to the Employer to rebut it. *See Star, Inc.*, 337 NLRB 962, 963 (2002). "An employer can meet this burden by showing that the benefits granted were part of an already established company policy and the employer did not deviate from that policy upon the advent of the union." *Mercy Hospital*, 338 NLRB 545 (2002).

The Employer argues in its request for review that the Regional Director committed "prejudicial error" by considering the pre-petition raises, but "ignore[ing]" the Employer's assertion that Clark received the raise because he had returned from "his leave of absence for workers' compensation purposes." (Request for Review, p. 11). The reality is that both the Regional Director and the Hearing Officer did not

ignore the Employer's purported reason for Clark's raise; rather, they considered and rejected it. The Regional Director concluded that "[n]o evidence was presented that the raises were part of a regular raise schedule or part of a set policy." (Decision, p. 2). Further, "[d]espite the Employer's assertion in its exceptions that Clark would have received the raise prior to the critical period but not for his workers' compensation leave of absence, the record evidence fails to demonstrate any such planned raise for Clark." (Decision, p. 3). Similarly, the Hearing Officer found that "[t]here is no documentation demonstrating that the granting of these raises and timing of these raises was solely the result of a legitimate business decision unrelated to the [Union's] organizing drive." (Recommendation, p. 8).

The Employer's argument boils down to an empty claim that the Regional Director and Hearing Officer should have credited its exceptionally weak explanation for Clark's raise and should have turned a blind eye to the discretionary raises it gave shortly after learning of the union organizing activity. The Regional Director's decision comports with the evidence and the rules regarding pre-petition misconduct set forth in *Shamrock Coal Co.*, 267 NLRB 625 (1983) and *Dresser Industries, Inc.*, 242 NLRB 74 (1979). Accordingly, review of the Regional Director's decision § 102.67(d)(2) is unnecessary and unwarranted.

**2. The Regional Director's conclusion that the Employer became aware of the organizing campaign on August 5, 2016 is supported by ample evidence in the record.**

The Employer's next contention is that "[e]ven if pre-petition raises granted by the Employer were properly considered," it did not know of the organizing activity at the time of the pre-petition raises on August 18, 2016 despite the fact that Randy Cassidy, majority owner of the Employer, met with the Union to discuss the organizing activity on August 5. (Request for Review, pp. 11-12). It is undisputed that the Union met with Cassidy on August 5, 2016. (Request for Review, p. 12; Tr. 105). The Union then spoke with President Kaster on August 10 or 11 to set up another meeting. (Tr. 107). That meeting occurred on August 18. (Tr. 107). The four pre-petition raises were given that same day. (Decision, p. 8). Thus, given the undisputed fact that the raises occurred shortly after the meetings with the Union regarding its organizing campaign, and the presumption triggered by the raise given to Clark in the critical period, the Regional Director reasonably concluded that the raises were objectionable.

The Employer's argument that the Regional Director was wrong is bizarre. It claims that Cassidy's knowledge from the meeting to discuss the Union's organizing campaign on August 5 could not be imputed to the Employer, despite his status as majority owner. President Kaster testified that "Randy Cassidy has majority ownership of the company from a financial standpoint, I have 100 percent control of the company from an operational standpoint." (Tr. 15). The Employer cites no authority

for its claim that Cassidy's knowledge cannot not be imputed to the company. Moreover, it completely ignores the other undisputed fact that the Union called Kaster on August 10 to set up a second meeting with him. (Decision, pp. 4-5). While the Regional Director may not have analyzed the Employer's specious argument, it is clear that the decision was based on a consideration of all of the evidence and reasonable inferences drawn therefrom.

**3. The Regional Director did not error in concluding that the Employer failed to prove that the benefits granted were pursuant to an already established company policy.**

The Employer's final attack on the first objection is that the Regional Director should have found that it granted the raises pursuant to "a regular schedule over the course of the past several years." (Request for Review, p. 14). As the Regional Director recognized, "[a]n employer is free to implement a wage increase during the critical period if (1) the timing and amount of the increase comports with past practice, (2) business considerations are involved, and (3) the process through which the increase is granted is begun before the onset of union activity." (Decision, p. 2 (citing *Union Hospital of Cecil County*, 229 NLRB 91 (1977))). The Employer claims that the Regional Director "ignored evidence demonstrating that the Employer's raises were generally granted in December and August." (Request for Review, p. 14). However, after reviewing the evidence, the Regional Director found that:

[T]he evidence demonstrates that since 2013 and prior to August 2016, the Employer granted raises to two employees in December 2014, one employee in January 2015, one employee in August 2015, two employees

in December 2015, and one employee in March 2016, and all of which were raises of varying amounts. After the petition was filed on August 26, 2016, the Employer then granted a raise to Employee Clark on September 15, 2016, who had just returned to work after a 3-month leave due to a worker's compensation injury. . . . Despite the Employer's assertion in its exceptions that Clark would have received the raise prior to the critical period but not for his worker's compensation leave of absence, the record evidence fails to demonstrate any such planned raise for Clark. (Decision, pp. 2-3).

The Hearing Officer similarly found that "there is insufficient evidence demonstrating that employees have received raises mainly in the month of August in the past as in the instant case." (Recommendation, p. 8).

The Employer's request for review contains a distorted review of the evidence in an attempt to reverse engineer a company raise policy and then shoehorn this case into that policy. (Request for Review, p. 14). It was the Employer's burden to prove that it "did not deviate from" an "already established company policy . . . upon the advent of the union." *Mercy Hospital*, 338 NLRB 545 (2002). The Regional Director's conclusion that the Employer did not meet its burden was amply supported by the record and certainly not clear error.

**B. Objection 2: The Regional Director correctly determined that the Employer's change to the lunch/break policy and gag order during the critical period was objectionable.**

"An employer's promulgation of changes to work rules during the critical period raises an inference of coercion, absent another explanation for timing."

(Decision, p. 3 (citing *Double J Services, Inc.*, 347 NLRB No. 58 (2006)). *See also*

*Carter's, Inc.*, 339 NLRB 1089 (2003); *Shore & Ocean Services, Inc.*, 307 NLRB 1051, 1051

(1992). The Employer does not deny Objection 2. Kaster admitted that after he became aware of the petition, he changed the lunch and break policy to require employees to take their lunches and breaks together at specified times.

(Recommendation, pp. 10-11). Prior to the election, the policy was that employees were permitted to take their lunches and breaks when most convenient for them. *Id.*

The change in policy created an impression of surveillance and discouraged employees from discussing union matters during breaks or lunches. This is particularly true in light of the gag order on union-related discussion in the workplace other than on lunches and breaks that the Employer simultaneously imposed. (Recommendation, p. 11).

The Employer claims that the Regional Director should have found that it provided a sufficient explanation for changing the lunch/break work rule during the critical period. According to the Employer, the purpose of the change was “to create a safe space for Union organization activity.” (Request for Review, p. 15). Further, President Kaster was only trying “to ensure access to discussion and information,” and the Union failed to present “evidence of any kind” that the change “was for any other purpose.” *Id.* The Employer conveniently ignores the gag order it imposed at the same time, which concerned the Regional Director and which the Hearing Officer believed to be a ULP. (Recommendation, p. 11; Decision, p. 4). The Employer’s argument is merely a request that the Board reweigh the evidence and reach a different result than the Regional Director. Accordingly, the Employer has not

established that the Regional Director clearly erred in concluding that the work rule change was objectionable.

**C. Objection 3: The Regional Director correctly determined that the Employer’s reminder to the employees of its holiday pay policy on September 2 was objectionable.**

The Regional Director correctly determined that the Employer’s reminder to the employees of its holiday pay policy on the last work day prior to the representation hearing tended to interfere with the employee’s exercise of free choice. The Employer does not dispute that it has an unwritten policy for holiday pay, which requires the employees to “work their last scheduled day before the holiday and their first scheduled day after the holiday.” (Decision, p. 4; Tr. 96-103). Labor Day is among the paid holidays. *Id.* The representation hearing on the election was scheduled for Tuesday, September 6, 2016—the day after Labor Day. The Employer chose to refresh the employees on the holiday pay rule, which would have required them to work on the day of the hearing in order to receive holiday pay for Labor Day, on September 2, the Friday before Labor Day. (Decision, p. 4). That was the same day the Employer decided to implement the new lunch/break policy and the no-union-talk rules. The Hearing Officer and the Regional Director found that the Employer did not have a practice of reminding employees of the holiday pay policy in advance of the holidays. (Recommendation, p. 12; Decision, p. 5). The Regional Director then concluded that the Employer’s “announcement, in conjunction with its other

objectionable conduct, tends to interference with employee free choice.” (Decision, p. 5).

According to the Employer, it had a past practice of reminding employees of the holiday pay policy. (Request for Review, p. 18). The problem here is that contradictory evidence was presented at the hearing, and the Hearing Officer and the Regional Director resolved the credibility issue against the Employer. (Recommendation, p. 12; Decision, p. 5). The Employer’s position, again, is that the Board should reweigh the evidence and credit its subjective, self-serving assertion that it did not intend to impede the employee’s free choice regarding union representation. Its request to this Board to second guess the Hearing Officer and Regional Director should be denied.

## VII. CONCLUSION

For the foregoing reasons, the Union requests that the Board deny the Employer’s request for review of the Regional Director’s decision.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed electronically with the National Labor Relations Board on May 25, 2017. I also certify that I mailed and emailed a copy of the foregoing to the Employer's representative, Paul Sinclair, at ICE MILLER, One American Square, Suite 2900, Indianapolis, IN 46282 and [paul.sinclair@icemiller.com](mailto:paul.sinclair@icemiller.com). I further certify that I mailed a copy of the foregoing to the Regional Director of Region 25 of the National Labor Relations Board, Patricia K. Kachand, at 575 N. Pennsylvania St., Ste. 238, Indianapolis, In 46204.



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David T. Vlink