

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

ADT Security Services,
Employer,
and

Case 18-RD-206831

IBEW, Local Union 110
Union,
and

Lance Oelrich
Petitioner.

PETITIONER'S REQUEST FOR REVIEW

INTRODUCTION

Petitioner Lance Oelrich (“Petitioner” or “Oelrich”) is employed at by ADT Security Services (“Employer”) and is in a bargaining unit currently exclusively represented by IBEW, Local Union 110 (“Union”). On September 26, 2017, Oelrich filed a decertification petition supported by the requisite showing of interest pursuant to Section 9 of the National Labor Relations Act (“the Act” or “NLRA”), 29 U.S.C. § 159. On October 2, 2017, the Regional Director stopped the decertification election process at the Union’s behest based on the filing of an unfair labor practice charge against the Employer. (Ex. A). This “blocking charge” is entirely without merit. However, based on the National Labor Relations Board’s (“Board”) current policy, the Union’s bare and self-serving allegations were sufficient for the Regional Director to halt a valid decertification election proceeding without a hearing or even a threshold determination of their legitimacy taking into account the Petitioner’s position. *See* NLRB Casehandling Manual Part Two, Representation Proceedings at 11730- 31. By these actions, the Regional Director gave unwarranted credence to the Union’s allegations, while diminishing and

denying Petitioner's and other employees' *statutory rights* to decide their workplace representative for themselves under Sections 7 and 9 of the Act, 29 U.S.C. §§ 157, 159. Oelrich urges the Board to rethink its allowance of these types of dilatory "blocking charges" that incumbent unions use strategically and predictably to prevent decertification elections from occurring.

Pursuant to Board Rules and Regulations §§ 102.67 and 102.71, Oelrich submits this Request for Review of the block of election proceedings based on his decertification petition because it raises "compelling reasons for reconsideration of [a] . . . Board rule or policy." Rules & Regulations § 102.71(a)(1), (2). The current rule effectively stops decertification elections upon a union's filing of an unfair labor practice charge, which is contrary to the purposes of the Board and the Act. The Board exists to *conduct* elections and thereby vindicate employees' right under the Act to choose or reject union representation, not to arbitrarily suspend election petitions at the unilateral behest of unions who fear an election loss. *C.f. General Shoe Corp.*, 77 NLRB 124, 126 (1948) (holding that the Board should exercise the power to set aside an election "sparingly" in representation cases because it cannot "police the details surrounding every election" and the secrecy in Board elections empowers employees to express their true convictions). The Board's "blocking charge" rules inequitably deny employees their fundamental rights under NLRA Sections 7 and 9, and allow unions to "game the system" and strategically delay all *decertification* elections, even as the Board's new Representation Election Rules, *see* 79 Fed. Reg. 74308 (Dec. 15, 2014) (to be codified at 29 C.F.R. pts. 101, 102, and 103), rush all *certification* petitions to an election with no "blocks" allowed under any circumstances. *See id.* at 74430-74460. The Board should put to an end to this double-standard, order this election to proceed at once, and follow the lead of Chairman Miscimarra, who has urged a wholesale

revision of the “blocking charge” rules. *See Cablevision Systems Corp.*, Case 29-RD-138839 (June 30, 2016) (Order Denying Review); *see also Baltimore Sun Co. v. NLRB*, 257 F.3d 419, 426 (4th Cir. 2001) (finding that Section 7 “guards with equal jealousy employees’ selection of the union of their choice and their decision not to be represented at all.”); *Conair Corp. v. NLRB*, 721 F.2d 1355, 1381 (D.C. Cir. 1983) (citing the “NLRA’s core principle that a majority of employees should be free to accept or reject union representation.”).

Petitioner asks the Board to: grant his Request for Review; reactivate his decertification election petition; and overrule, nullify, or substantially revise its “blocking charge” policies. Such action by this Board will restore protection for employees’ right to choose or reject unionization at a time they choose by removing the current Board-created shelter for incumbent unions that “game the system” by unilaterally blocking elections, and cling to power despite actual evidence of their loss of employee support.

FACTS

On September 26, 2017, Oelrich filed a decertification petition supported by the requisite showing of interest. Some (but not all) of the showing of interest was collected by Oelrich on September 14, 2017, in the parking lot of a hotel following a regularly scheduled quarterly meeting of the Employer. *See Affs. of Oelrich, Russell Gresham, Richard Snyder (Exs. B, C, D)*. The decertification petition was not discussed by the Employer at the meeting, nor was it circulated during the meeting. *See id.* Rather, after the meeting had ended and as everyone was leaving, Oelrich asked a number of employees to meet him in the parking lot outside of the hotel. *Id.* Only once the employees were away from management and in the parking lot did Oelrich ask his fellow employees to sign a decertification petition. His Employer had no role in encouraging the employee led parking lot meeting, nor were supervisors present for the collection of the

petition. *Id.* Oelrich specifically chose to meet in the parking lot after the meeting, away from any Employer supervisors or management, so his petition would be free from Employer taint. Aff. Oelrich. (Ex. B).

After the petition was filed, on September 28, 2017, the Employer sent an e-mail to its employees regarding the upcoming decertification election (“September 28 e-mail”). (Ex. E). The email simply states: “[w]e ask you to keep an open mind and learn more about the collective-bargaining process. We believe that once you get all the facts about the union, you will decide that our future will be better without a union.”

On September 29, 2017, the Union filed a “blocking charge” alleging the following unfair labor practices: (1) On or about September 14, 2017, the Employer called a meeting during which a decertification petition was circulated; and (2) On September 28, 2017, the Employer sent an email to employees notifying them that a petition had been filed and urged employees to vote to decertify the Union. (Ex. A).

There is no merit to either of the Union’s allegations. The first allegation is clearly baseless; the signatures were not collected during a meeting called by the Employer. Rather, as described above and in the attached affidavits (Exs. B, C, D), the signatures were collected in a parking lot by Oelrich without any Employer support. The second allegation, namely, that the September 28 e-mail (Ex. E) constituted an unfair labor practice by “urging” employees to vote for decertification, is also unfounded. The Employer was merely stating a preference for employees to vote against the Union. The Supreme Court has long recognized that this run-of-the-mill type of speech is permissible under the Act, and has held that Section 8(c) “expressly precludes regulation of speech about unionization ‘so long as the communications do not contain a threat of reprisal or force or promise of benefit.’” *Chamber of Commerce v. Brown*, 554 U.S.

60, 69 (2008) (quoting *NLRB v. Gissel Packing Co.*, 395 U.S. 575, 618 (1969)). An employer asking employees to keep an open mind, while stating its preference for decertification is in no way a threat of reprisal, or a promise of benefit, and is well-within permissible bounds.

Despite these facts, on September 29, 2017, the Regional Director halted the decertification election process because of the unfair labor practice charge filed by the Union. Thus, due to the Board's current "blocking charge" rules, Petitioner's valid decertification petition and the ability of the employees in the unit to exercise their Section 7 and 9 rights have been indefinitely postponed by the Union's unfounded allegations.

ARGUMENT

I. The current "blocking charge" rules are inconsistent with the purpose of the Act and should be revisited and overruled.

Employees enjoy a statutory *right* to petition for a decertification election under NLRA Section 9(c)(1)(A)(ii), and that right should not be trampled by arbitrary rules, "bars," or "blocking charges" that prevent the expression of true employee free choice. Employee free choice under Section 7 is the paramount interest of the NLRA. *See Pattern Makers League v. NLRB*, 473 U.S. 95, 104 (1985); *Lechmere, Inc. v. NLRB*, 502 U.S. 527, 532 (1992); *Lee Lumber & Bldg. Material Corp. v. NLRB*, 117 F.3d 1454, 1463 (D.C. Cir. 1997) (Sentelle, J., concurring) (employee free choice is the "core principle of the Act") (quotation marks and citation omitted). An NLRB conducted secret-ballot election is the preferred forum for employees to exercise their right of free choice. *See Levitz Furniture Co. of the Pac., Inc.*, 333 NLRB 717, 725-26 (2001). Industrial stability is enhanced when employees vote in secret ballot elections, since this ensures that employees actually support the workplace representative empowered to speak exclusively for them. Yet, the "blocking charge" rules sacrifice this right of *employee* free choice based on the whim and strategic considerations of an unpopular incumbent union clinging to power.

The Board has long operated under a system of “presumptions” that prevent employees from exercising their statutory rights under Sections 7 and 9(c)(1)(A)(ii) to hold a decertification election whenever a union files so-called “blocking charges.” Once an unfair labor practice charge is filed by the Union against the Employer during a decertification proceeding, pursuant to the Board’s policies, the decertification proceeding is almost invariably and automatically held in abeyance.

The Board’s “blocking charge” rules and Regional Director’s reflexive application thereof, ignore the fact that Petitioner and his fellow bargaining unit members may wish to be free from Union representation, irrespective of any alleged Employer infractions. Yet, the Board treats Petitioner and his fellow like children who cannot possibly make up their own minds. This is wrong. Even assuming, *arguendo*, the Employer actually committed the violations alleged in the unfair labor practices charges, “[t]he wrongs of the parent should not be visited on the children, and the violations of [the employer] should not be visited on these employees.” *Overnite Transp. Co.*, 333 NLRB 1392, 1398 (2001) (Member Hurtgen, dissenting); *see also Cablevision Systems Corp.*, Case 29-RD-138839 (June 30, 2016) (Order Denying Review) (Member Miscimarra, dissenting).

Indeed, the Board’s policies often deny decertification elections even where the employees are not aware of the alleged employer misconduct, and where their disaffection from the union springs from wholly independent sources. Use of “presumptions” to halt decertification elections serves only to entrench unpopular but incumbent unions, thereby forcing an unwanted representative onto employees. Judge Sentelle’s concurrence in *Lee Lumber* specifically highlights the inequitable nature of the Board’s policies. 117 F.3d at 1463-64.

a. The application of the “blocking charge” policies to the current case illustrates its impingement on the rights of employees.

This case illustrates the absurdity of the current “blocking charge” policy because there were no “wrongs” perpetrated by the Employer—both allegations in the charge are baseless. Instead, the Union’s charge was strategically-filed for the purpose of indefinitely postponing a decertification election, rather than challenging actual unfair labor practices, making the application of the “blocking charge” policy even more egregious.

The *Master Slack Corporation*, 271 NLRB 78 (1984) factors compel a determination that the charge should not block an election. *Master Slack* requires an analysis of several factors including: “[1] the nature of the illegal acts, including the possibility of their detrimental or lasting effect on employees; [2] any possible tendency to cause employee disaffection from the union; and [3] the effect of the unlawful conduct on employee morale, organizational activities, and membership in the union.” *Id.* at 84 (citing *Olson Bodies, Inc.*, 206 NLRB 779 (1973)).

Here, the charge does not allege unilateral changes that are essential terms and conditions of employment. The types of violations that cause dissatisfaction “are those involving coercive conduct such as discharge, withholding benefits, and threats to shutdown the company operation.” *Tenneco Auto, Inc. v. NLRB*, 716 F.3d 640, 650 (D.C. Cir. 2013) (finding employer’s refusal to provide union addresses of replacement employees, requirement that employees obtain company permission before posting materials, and discipline of union advocate did not taint petition); *see also Goya Foods of Fl.*, 347 NLRB 1118, 1122 (2006) (finding that hallmark violations are those “issues that lead employees to seek union representation”).

The first allegation, that the Employer circulated the decertification petition at its September 14 meeting is false. As the attached affidavits show, Oelrich collected the decertification petition on his own time with no involvement from his Employer. *See Affs.* of

Oelrich, Snyder, Gresham. Thus there can be no tendency to cause disaffection or any other coercive effect, as the Employer was uninvolved in the collection of signatures. The Petitioner is only guilty of using his non-work time to engage in the most basic form of Section 7 rights: talking to his co-workers about their choice to self-organize. *See e.g. Central Hardware Co. v. NLRB*, 407 U.S. 539, 543 (1972) (“[Section 7] organization rights are not viable in a vacuum; their effectiveness depends in some measure on the ability of employees to learn the advantages and disadvantages of organization from others.”); *Eastex, Inc. v. NLRB*, 437 U.S. 556, 574 (1978) (noting the workplace is “a particularly appropriate place for [employees to exercise their Section 7 rights] because it is the one place where [employees] clearly share common interests and where they traditionally seek to persuade fellow workers in matters affecting their union organizational life and other matters related to their status as employees.”); *NLRB v. Magnavox Co. of Tennessee*, 415 U.S. 332, 325 (1974) (“The place of work is a place uniquely appropriate for dissemination of views [about a union] . . .”). The fact Oelrich collected the petition during non-work time in a parking lot is important as a ban on oral solicitation during these times are “an unreasonable impediment to self-organization.” *Republic Aviation v. NLRB*, 324 U.S. 793, 803 n.10 (1945).

With respect to the second allegation, the Employer’s September 28 e-mail was nowhere close to a “hallmark violation,” “involving coercive conduct such as discharge, withholding benefits, and threats to shutdown the company operation.” *Tenneco*, 716 F.3d at 650. Its simple e-mail asking employees to “keep an open mind” and that it believes “once you get all the facts about the union, you will decided our future will be better without a union,” (Exh. C), is not the type of conduct that encourages employees “to seek union representation.” *Goya Foods of Fl.*, 347 NLRB at 1122. The email is simply a statement of position without a threat or promise of a

benefit.

Thus, any way the Union's charge is evaluated, there is no merit to its allegations. Despite this fact, the Union's charge was sufficient to smother the rights of Oerich and his fellow employees to determine whether they wish to be represented by the Union for an undetermined amount of time.

b. The “blocking charge” policies infringe on employee rights and should be overhauled.

The Board's “blocking charge” practice is not governed by statute. Rather, its creation and use lies within the Board's discretion to effectuate the policies of the Act. *American Metal Prods. Co.*, 139 NLRB 601, 604-05 (1962); *see also* NLRB Casehandling Manual (Part Two) Representation Sec. 11730 et seq. (setting forth the “blocking charge” procedures in detail). Discretionary Board policies (*see, e.g.*, Section 11730 of the NLRB Casehandling Manual concerning “blocking charges”), such as these should be reevaluated when industrial conditions warrant. *See, e.g., IBM Corp.*, 341 NLRB 1288, 1291 (2004) (holding that the Board has a duty to adapt the Act to “changing patterns of industrial life” and the special function of applying the Act's general provisions to the “complexities of industrial life”) (citation omitted).

For this reason, the Board's practice of delaying and denying elections has faced judicial criticism. In *NLRB v. Minute Maid Corp.*, 283 F.2d 705, 710 (5th Cir. 1960), the Fifth Circuit stated: “[T]he Board is [not] relieved of its duty to consider and act upon an application for decertification for the sole reason that an unproved charge of an unfair practice has been made against the employer. To hold otherwise would put the union in a position where it could effectively thwart the statutory provisions permitting a decertification when a majority is no longer represented.” *See also NLRB v. Gebhardt-Vogel Tanning Co.*, 389 F.2d 71, 75 (7th Cir. 1968).

Here, the Board should take administrative notice of its own statistics, which show that 30% of decertification petitions are “blocked,” whereas certification elections are *never* blocked for any reason. See NLRB, *Annual Review of Revised R-Case Rules*, <https://www.nlr.gov/sites/default/files/attachments/news-story/node-4680/R-Case%20Annual%20Review.pdf>. Rather, in the context of challenges to a certification petition, the Board holds the election first and settles any challenges after. If the Board can rush certification petitions to prompt elections by holding all objections and challenges until afterwards, it can surely do the same thing for decertification petitions. 79 Fed. Reg. 74308, 74430-74460 (Dec. 15, 2014). It is time for the Board to eliminate its discriminatory “blocking charge” rules, which apply solely to those employees seeking to refrain from supporting a union. The Board must create a system for decertification elections whereby those employees are afforded the same rights as employees seeking a certification election to support a union.

Here, Region 18 should be ordered to proceed to an immediate election without further delay. Petitioners and their colleagues are not sheep, but responsible, free-thinking individuals who should be able to make their own choice about unionization. The employees’ paramount Section 7 rights are at stake, and their rights should not be so cavalierly discarded simply because their Employer is alleged to have committed a violation or made a technical mistake under the labor laws. Petitioners urge the Board to overrule or overhaul its “blocking charge” policies to protect the true touchstone of the Act—*employees’* paramount right of free choice under Section 7. *Int’l Ladies Garment Workers v. NLRB*, 366 U.S. 731, 737 (1961) (holding that “there could be no clearer abridgment of § 7 of the Act” than for a union and employer to enter into a collective bargaining relationship when a majority of employees do not support union representation); see also *Saint Gobain Abrasives, Inc.*, 342 NLRB 434 (2004).

II. Alternatively, the Board should at least require the Union to prove a causal nexus between its allegations and the decertification petition during an adversarial hearing for an unfair labor practice charge to block an election.

Alternatively, this case should be used to require, at the very least, *Saint-Gobain* hearings as a precondition to blocking an election on the basis of a Union's unfair labor practice charge. *Saint Gobain Abrasives, Inc.*, 342 NLRB at 434. The Union filed its charge to block the election on September 29, 2017. As discussed in detail, *supra*, Petitioner disputes the facts in that charge. In accordance with the Board's "blocking charge" policy, the Regional Director prevented Petitioner and the rest of the bargaining unit from voting to decertify the Union, based solely on the Union's unproven assertions and in the face of Petitioner's evidence to the contrary.

The Regional Director should have at least held a hearing pursuant to *Saint Gobain Abrasives, Inc.*, 342 NLRB at 434. In order for an unfair labor practice to taint a petition or block an election there must be a "casual nexus" between an Employer's unfair labor practice and the employees' dissatisfaction with the Union. *Id.* Thus, the Regional Director should have required the Union to prove the existence of this "causal nexus" though a hearing.

As the Board noted in *Saint-Gobain*, "it is not appropriate to speculate, without facts established in a hearing, that there was a causal relationship between the conduct and the disaffection. To so speculate is to deny employees their fundamental Section 7 rights." 342 NLRB at 434. At a hearing, the Union will be required to bear the burden of proof concerning the existence of unfair labor practices. *See, e.g., Roosevelt Memorial Park, Inc.*, 187 NLRB 517, 517-18 (1970) (holding that party asserting the existence of a bar bears the burden of proof); *Saint Gobain Abrasives, Inc.*, 342 NLRB at 434.

The Regional Director erred by failing to require the Union to prove the "causal nexus" between its allegations in its unfair labor practice charge and the employee disaffection through a

Saint Gobain hearing. Based on the attached affidavits (Exs. B, C, D), it will not be able to prove any such nexus. Thus, the Regional Director's reflexive block of Petitioner's decertification election proceeding has needlessly delayed the exercise of Petitioner's and his fellow employees' Section 7 and 9 rights.

CONCLUSION

The Board should grant the Request for Review and order the Regional Director to promptly process this decertification petition. It should also overrule or substantially overhaul its "blocking charge" rules that are used and abused to arbitrarily deny decertification petitions.

Respectfully submitted,

/s/ Aaron B. Solem

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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2017, a true and correct copy of the foregoing Request for Review was filed electronically with the Executive Secretary using the NLRB e-filing system, and copies were sent to the following parties via e-mail, as noted:

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/s/ Aaron Solem

Aaron Solem

EXHIBIT A

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
18-CA-207143
Date Filed
September 29, 2017**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer ADT		b. Tel. No. 763-242-6901
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) ADT Security 5910 Rice Creek Parkway #700 Shoreview, MN 55126	e. Employer Representative Tim Huffman Area General Manager	g. e-Mail thuffman@adt.com
		h. Number of workers employed 100+
i. Type of Establishment (factory, mine, wholesaler, etc.) security services provider	j. Identify principal product or service security services	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about September 14, 2017, the employer called an impromptu and mandatory meeting that ended after the circulation of a petition to decertify the union at the employer's Shoreview facility. Additionally, on or about September 28, 2017, the employer sent an email to employees after the petition to decertify the union at the employer's Shoreview facility had been filed which urged the employees to vote to decertify the union.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

International Brotherhood of Electrical Workers, Local 110

4a. Address (Street and number, city, state, and ZIP code)IBEW Local Union 110
1330 Conway Street, Suite 110
St. Paul, MN 55106

4b. Tel. No. 651-776-4239

4c. Cell No. 651-261-3605

4d. Fax No.

4e. e-Mail
paugustine@ibew110.org**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

International Brotherhood of Electrical Workers, Local 110

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



(signature of representative or person making charge)

Laura Bernstein, attorney

(Print/type name and title or office, if any)

Tel. No. 612-465-0108

Office, if any, Cell No.

Fax No.

e-Mail
laura@cummins-law.com

Address

Cummins & Cummins 1245 International Ctr. 920 2nd Ave S Mpl

9/29/17

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT B

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

ADT Security Services,
Employer,
and

Case 18-RD-206831

IBEW, Local Union 110
Union,
and

Lance Oelrich
Petitioner.

AFFIDAVIT OF LANCE OELRICH

I, Lance Oelrich, state as follows:

1. My name is Lance Oelrich and I am employed by ADT Security Services in a bargaining unit represented by the IBEW, Local 110.
2. I am the decertification petitioner in Case No. 18-RD-206831. I collected all of the signatures on the decertification petition that was delivered to the NLRB.
3. The charge filed by the IBEW in 18-CA-207143 states: "On or around September 14, 2017, the employer called an impromptu and mandatory meeting that ended after the circulation of a petition to decertify the union at the employer's Shoreview facility." The claim that a petition was circulated during that meeting is not true. My decertification petition was never circulated during a company run meeting.
4. We did have a quarterly meeting scheduled on September 14, 2017. The meeting was held at the Best Western hotel in Shoreview, Minnesota. These are common meetings held around four times a year. Sometimes they are held at our facility in Shoreview, and sometimes they are held off-site.
5. Because we install security systems, I often do not work in the same location as many of my other co-workers. Generally, we install security systems by ourselves and sometimes with a co-worker. Given there are over 30 people in the bargaining unit, I wanted to meet with my co-workers in a place where I could discuss the petition. We only meet a few times a month as a group. When I decided to start collecting the decertification petition, our next scheduled meeting was the quarterly meeting.

6. On September 14, we had our quarterly meeting at the Best Western hotel. Around 33 employees were present during the meeting. A petition was not distributed during this meeting. Nor did anyone from management discuss or mention a decertification petition during the mandatory meeting.
7. At the end of the meeting our supervisors told us that we were free to go. As people were leaving, I stood up and asked my co-workers to meet with me outside in the parking lot to have a conversation.
8. I wanted to meet with employees in the parking lot away from management because I knew that having my employer involved could harm my decertification petition.
9. In the hotel parking lot, I met with about 25 of my co-workers. I explained to them I was collecting a decertification petition to remove the IBEW from our workplace. I then asked them to sign the petition. Out of the 25 who were present, about 11 signed. Management was not present during our meeting in the parking lot.
10. I circulated the decertification petition on my own without any help or aid from management. Prior to filing the petition with the NLRB, I never spoke with my employer about the petition.



Lance Oelrich

EXHIBIT C

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

ADT Security Services,
Employer,
and

Case 18-RD-206831

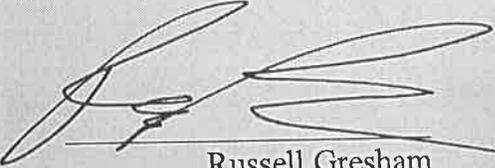
IBEW, Local Union 110
Union,
and

Lance Oelrich
Petitioner.

AFFIDAVIT OF RUSSELL GRESHAM

I, Russell Gresham, state as follows:

1. My name is Russell Gresham and I am employed by ADT Security Services in a bargaining unit represented by the IBEW, Local 110.
2. On September 13, 2017, I spoke with Lance Oelrich about decertifying the IBEW. Lance told me he was going to collect a petition after a company meeting on September 14 and to meet him in the parking lot after the meeting.
3. On September 14 I attended the company meeting at the Best Western hotel in Shoreview. During the meeting with management the decertification petition was never discussed or referenced.
4. After the meeting, I met with Lance and a number of our co-workers in the parking lot outside the hotel. Lance showed us the decertification petition and asked us to sign the petition in order to get rid of the IBEW. I signed the petition. There was no management present in the parking lot. Nor did any supervisors tell us to meet with Lance or to sign the petition.



Russell Gresham

EXHIBIT D

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

ADT Security Services,
Employer,
and

Case 18-RD-206831

IBEW, Local Union 110
Union,
and

Lance Oelrich
Petitioner.

AFFIDAVIT OF RICHARD SNYDER

I, Richard Snyder, state as follows:

- My name is Richard Snyder and I am employed by ADT Security Services in a bargaining unit represented by the IBEW, Local 110.
- On September 14 I attended a company meeting at the Best Western hotel in Shoreview. Management led this meeting. During the meeting with management the decertification petition was never discussed or referenced.
- After the meeting was over and as people were leaving, Lance Oelrich announced to everyone that he wanted to have all the employees meet outside. At the time he made this announcement, I did not know what he wanted to discuss.
- I decided to meet with Lance outside in the Best Western parking lot. A number of our coworkers were there, but not all of them came outside to meet with us. Lance showed us the decertification petition and asked us to sign the petition in order to get rid of the IBEW. Lance told us that we were free to sign or not to sign, that it was our choice. I signed the petition, but not everyone else there did. There was no management present in the parking lot. Nor did any supervisors tell us to meet with Lance or to sign the petition.


Richard Snyder

10-11-17

EXHIBIT E

Aaron B. Solem

From: Oelrich, Lance A <loelrich@adt.com>
Sent: Thursday, October 05, 2017 12:09 PM
Cc: Aaron B. Solem
Subject: Fw: ADT Election Notice

From: Huffman, Tim

Sent: Thursday, September 28, 2017 6:56 PM

To: Blanshan, Michael; Blom, John; Burrell, Bryan; DeBoer, Mark; Fasbender, Skyler; Fleming, Andy; Gresham, Russell T; Heintzelman, Adam; Marx, Kevin; Merrigan, Jeffrey; Oelrich, Lance A; Reichel, Justin; Rogotzke, Gregory; Siegrist, Branden; Smith, William; Waddell, Troy; Xiong, Johnlong; Almlie, Scott T; Anderson, Nathan (Shoreview); Bomgardner, Gene L; Johnson, Mark; Koch, Mark; Ringdahl, David; Snyder, Richard; Velure, Jeffrey G; Vojvodich, Douglas L; Bedwany, Adel; Bronk, James; Brown, Martrelle; Filek, Shawn; Hanson, Brock; Lee, Matthew; London, Ryan; Willy, Gregory
Subject: ADT Election Notice

Team,

The National Labor Relations Board has notified us that a petition has been filed to allow employees to choose whether they want to allow the International Brotherhood of Electrical Workers, Local 110 to continue to represent employees. In the coming days and weeks, we will be meeting with you to discuss the IBEW and answer questions regarding the collective-bargaining process.

The parties have not finalized the election details yet, but there should be a vote in the near future. As we have information regarding that topic we will share it with you. In the meantime, we ask you to keep an open mind and learn more about the collective-bargaining process.

We believe that once you get all the facts about the union, you will decide that our future will be better without a union.

As further developments occur, we will keep you informed.

Tim Huffman
763-242-6901
Area General Manager
Minnesota, Wisconsin, Iowa



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