

Exhibit 1

**To Allied Power Services, LLC's Opposition to
Joint Petitioner's Request for Review**

Employer: Allied Power Services, LLC
Union: IBEW Local Unions 145, 146, 364 and 601
NLRB Case No.: 25-RC-220264

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ALLIED POWER SERVICES, LLC,
Employer,
and
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL UNIONS
145, 146, 364 AND 601,
Joint Petitioners.

Case No. 25-RC-219264

The above matter came on for hearing pursuant to Notice,
before TIFFANY MILLER, Hearing Officer, at the National Labor
Relations Board, at 101 Southwest Adams, Suite 400, Peoria,
Illinois 61602, on Tuesday, May 8, 2018, at 11:35 a.m.

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A P P E A R A N C E S

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A P P E A R A N C E S
Continued

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I N D E X

	<u>VOIR CRT</u>				
<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>DIRE EXAM</u>
ROBERT NEVIN	35	159	183	192	179
<u>OPENING STATEMENTS</u>					
BY MS. KALIS					24
BY MR. RYAN					32

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1 eligibility formula for determining the eligibility to
2 vote.

3 Are there other specific issues that you'd like the
4 Regional Director -- that you would like to present
5 evidence on?

6 MS. KALIS: No, you have summarized the four
7 issues, although I was not intending to put oral
8 argument on with respect to the election rules and the
9 arguments contained within the position statement.

10 HEARING OFFICER MILLER: Okay. Okay.

11 MS. KALIS: I understand the Region wouldn't accept
12 oral argument on that anyways.

13 HEARING OFFICER MILLER: In off-the-record
14 conversations with the Regional Director, she has
15 indicated to me that the Employer would be precluded
16 from presenting any evidence on the record over the
17 rules, the R-case rules.

18 In off-the-record conversations with both the
19 parties, there's an agreement that the Steiny formula
20 would be appropriate in this case, and the parties are
21 willing to enter into a stipulation on the record that
22 the Steiny formula would be appropriate to determine the
23 eligibility of the voters. Can I get confirmation that
24 that's appropriate?

25 MR. RYAN: Yes, the Petitioners agree and stipulate

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1 to that.

2 MS. KALIS: So stipulated.

3 HEARING OFFICER MILLER: Okay. In regard to that
4 issue then, in your Statement of Position, I think it
5 would be my assessment that that's issues resolved and
6 there wouldn't be a need for presentation of evidence
7 specifically on the eligibility of voters.

8 MS. KALIS: Correct.

9 HEARING OFFICER MILLER: Okay.

10 MS. KALIS: At least in this pre-election hearing.
11 Of course, the Employer reserves the right to assert any
12 challenges in the event that an election does occur.

13 HEARING OFFICER MILLER: Okay. And in off-the-
14 record conversations with the Regional Director, she's
15 indicated that the Employer would be precluded from
16 raising any issues of supervisory taint invalidating the
17 Union's showing of interest.

18 MS. KALIS: I strenuously object to that ruling,
19 particularly since we have documents that we would like
20 to submit on that particular issue, and we would request
21 the Region reconsider its decision.

22 HEARING OFFICER MILLER: Okay.

23 MS. KALIS: And I would be happy to submit those
24 documents at some point in camera if that would help the
25 Region to address it.

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1 HEARING OFFICER MILLER: Okay. From what -- the
2 Regional Director has indicated to me that showing of
3 interest issues such as this would be inappropriate to
4 litigate at a prehearing -- in a prehearing -- I'm
5 sorry.

6 MR. RYAN: Pre-election

7 HEARING OFFICER MILLER: Pre-election hearing. So,
8 at this time, the Region will not be receiving into
9 evidence documents on supervisory taint, although I will
10 -- I don't think that means that the Employer couldn't
11 submit it at later time should there be a decision that
12 they -- employees -- the Petition for Employees are not
13 -- are supervisors.

14 MS. KALIS: Okay.

15 [Long pause]

16 MS. KALIS: So, just to make sure I understand, the
17 Region would prefer to have essentially a bifurcated
18 hearing on that issue in the event that a supervisory
19 status of any of the Petition for Employees is found.
20 At that point, then the Region would have a second
21 hearing prior to issuance of the ballots on the
22 supervisory taint issue?

23 HEARING OFFICER MILLER: I don't -- I don't -- the
24 showing of interest are administrative and are handled -
25 - not usually handled through a hearing. They're

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1 usually handled through --

2 What I can do is, at the end of the hearing, at the
3 conclusion, if you'd like to, you know, renew your
4 request that we --

5 MS. KALIS: Take evidence.

6 HEARING OFFICER MILLER: -- take evidence on that,
7 I can talk to the Regional Director about that.

8 MS. KALIS: Thank you.

9 HEARING OFFICER MILLER: In off-the-record --
10 before getting on the record, the parties have agreed to
11 a set of stipulations. For the purposes of this matter,
12 the Company has agreed that they are engaged in
13 construction industry work. Is that accurate?

14 MS. KALIS: Yes, that is accurate.

15 HEARING OFFICER MILLER: Joint Petitioner?

16 MR. RYAN: Yes. Agreed.

17 HEARING OFFICER MILLER: Okay. So, that stipulation
18 is received into evidence.

19 The parties have -- in off-the-record conversations,
20 the parties have agreed that the Petition for a Unit would
21 be superintendents, lead superintendents, planners, and
22 lead planners. Is that accurate?

23 MR. RYAN: Yes.

24 MS. KALIS: That is the Employer's understanding as
25 well. Yes.

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1 HEARING OFFICER MILLER: For the Petition for a Unit.
 2 Okay.
 3 MS. KALIS: Yes. In the electrical department.
 4 HEARING OFFICER MILLER: In the electrical department.
 5 Is that --
 6 MR. RYAN: That's correct.
 7 HEARING OFFICER MILLER: So, the Petition for a Unit
 8 should be electrical lead -- lead electrical
 9 superintendents, electrical superintendents, lead
 10 electrical planners, and electrical planners. Is that a
 11 better description of the unit?
 12 MR. RYAN: The Petitioners agrees.
 13 HEARING OFFICER MILLER: Okay.
 14 MS. KALIS: Let me just double check my job
 15 classifications. Electrical superintendent, electrical
 16 lead superintendent, work planner electrical, and lead
 17 electrical planner, those are the four classifications, and
 18 they are contained within the Employer's Attachment B to
 19 its position statement.
 20 HEARING OFFICER MILLER: Okay. Joint Petitioner, is
 21 that appropriate?
 22 MS. RYAN: I believe so. Just let me double check.
 23 Yes, we're good with that.
 24 HEARING OFFICER MILLER: And can you --
 25 MS. KALIS: Do you want me to restate those?

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1 HEARING OFFICER MILLER: Yeah, that would be great.
 2 MS. KALIS: Electrical superintendent, electrical lead
 3 superintendent, work planner electrical, lead electrical
 4 planner.
 5 [Long pause]
 6 MS. KALIS: So, electrical superintendent, electrical
 7 lead superintendent, work planner electrical, lead
 8 electrical planner.
 9 HEARING OFFICER MILLER: Okay. And then just to
 10 confirm, Joint Petitioner, that's an accurate reflection of
 11 the Petition for a Unit?
 12 MR. RYAN: Yes.
 13 HEARING OFFICER MILLER: Okay.
 14 MS. KALIS: And one other clarification is the
 15 Employer understands this petition to be relating to the
 16 six sites within the State of Illinois.
 17 MR. RYAN: Yes, that's correct.
 18 HEARING OFFICER MILLER: And then to just further
 19 clarify those six sites. The names of them?
 20 MS. KALIS: Certainly, and again those are contained
 21 within Attachment E. Braidwood, Byron, Dresden, Quentin,
 22 LaSalle, and Quad Cities.
 23 HEARING OFFICER MILLER: Okay. That stipulation is
 24 received into evidence.
 25 [Long pause]

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1 HEARING OFFICER MILLER: Also, in discussions with the
 2 parties prior to going on the record, the Union had served
 3 on the Employer a subpoena for documents, and the Employer,
 4 in response, has filed a Petition to Revoke Subpoena duces
 5 tecum No. A-1-110(i) XI(F).
 6 The parties, from my understanding, have reached an
 7 agreement to defer ruling -- well, let me first say, the
 8 Regional Director has deferred ruling on the Employer's
 9 petition to revoke the subpoena to me as the Hearing
 10 Officer, and based on the off-the-record discussion with
 11 the parties, it appears that there may be a resolution to
 12 this -- the subpoena and the Petition to Revoke that would
 13 require the Region -- that would not require us to rule on
 14 the Petition to Revoke, but that that parties, at the close
 15 of the hearing will review their positions and get back to
 16 me.
 17 MS. KALIS: Our preference is for those positions to
 18 be put on the record now so that the entire subpoena has
 19 been resolved at the outset, and then should the Union
 20 determine that it needs additional documentation or feels
 21 that there's other materials, it can serve a second
 22 subpoena.
 23 MR. RYAN: We agree with that.
 24 HEARING OFFICER MILLER: Okay.
 25 MS. KALIS: So, we'd like to walk through the rider to

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1 the subpoena now and put that on the record if possible.
 2 HEARING OFFICER MILLER: Okay. Let's do that.
 3 MR. RYAN: The first -- well, I guess we'll call them
 4 stipulations is that the rider Instruction No. 2 we will
 5 withdraw any requests for electronically stored
 6 information.
 7 HEARING OFFICER MILLER: Okay. Do you want me to go
 8 through -- do you just want to read them -- all of them,
 9 and then we can get a stipulation on the record?
 10 MR. RYAN: I think that makes sense, and if I misstate
 11 something, you can let me know.
 12 MS. KALIS: Absolutely.
 13 MR. RYAN: The next one in the Instructions No. 4
 14 concerning the time period of requests. It's currently
 15 stated as January 1, 2017, to the present. We withdraw a
 16 request for any documents prior to the Company's existence,
 17 which came about at some point in 2017.
 18 And then onto the documents to be produced, for No. 1,
 19 we requested a list of all current and past employees of
 20 the Employer with appropriate job classifications or
 21 titles, locations, and dates of work performed. We will
 22 withdraw that request for information outside of the
 23 Petition for a Bargaining Unit.
 24 For No. 2, that's the same.
 25 MS. KALIS: Yep, 2, 3 and 4.

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