

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CIRCLE K STORES, INC.
Employer

and

Case 27-RC-242382

UNITED FOOD & COMMERCIAL WORKERS
UNION, LOCAL 7, AFL-CIO
Petitioner

ORDER

The Employer's Request for Review of the Acting Regional Director's Decision and Order Directing Count of Challenged Ballots and Issuance of Revised Tally of Ballots is denied as it raises no substantial issues warranting review.¹ The Employer's request for extraordinary relief is denied as moot.

JOHN F. RING, CHAIRMAN

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., March 5, 2020.

¹ In denying review, we emphasize that the raffle at issue in this case granted a \$450 prize that was expressly tied to employees' participation in a "union quiz" that was promulgated by the Employer as part of its pre-election campaign and conducted during the week immediately prior to the election. All employees had the opportunity to compete for this prize, and there is no evidence that the Employer has ever conducted such "union quizzes" in the past. While the Employer has conducted other types of contests, such as sales contests, at its stores, this fact does not establish that union-related quizzes were either part of an established company policy or pattern, nor does it provide an explanation, other than the timing of the election, for the timing of the grant of this benefit, which, unlike the sales contests, was expressly related to the election. See *BFI Waste Systems*, 334 NLRB 934, 936 and fn. 8 (2001).