

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

UNION TANK CAR COMPANY

Employer

and

Case 12-RC-221465

**INTERNATIONAL ASSOCIATION OF SHEET
METAL, AIR, RAIL AND TRANSPORTATION
WORKERS (SMART)**

Petitioner

**REGIONAL DIRECTOR'S DECISION AND
DIRECTION OF SECOND ELECTION BY MAIL BALLOT**

Pursuant to a petition filed in the above case on June 5, 2018, and following the issuance of a Notice of Hearing in the above case, on June 8, 2018, I approved a Stipulated Election Agreement between Union Tank Car Company (the Employer) and International Association of Sheet Metal, Air, Rail And Transportation Workers (SMART) (the Petitioner), providing for a Board-conducted manual election to be held on June 22, 2018, in a unit of production and maintenance employees, including leadsmen, employed by the Employer at its facility located at 400 S. Blanchard Street, Valdosta, Georgia; excluding all other employees, office clerical employees, confidential employees, managerial employees, quality control inspectors, engineering personnel, write-up men, guards, and supervisors as defined in the Act. An election was conducted as scheduled on June 22, 2018, in which 54 employees voted for the Petitioner

and 55 employees voted against the Petitioner.¹ Thereafter, the Petitioner filed timely objections to the election.

On July 17, 2020, following a hearing on the objections and related unfair labor practice charges filed by the Petitioner against the Employer, and an Administrative Law Judge's Decision, the National Labor Relations Board issued a Decision, Order, and Direction of Second Election, reported at 369 NLRB No. 120. The Board determined that the Employer engaged in objectionable conduct and set aside the election held on June 22, 2018, severed Case 12-RC-221465 from the related unfair labor practice cases, and remanded Case 12-RC-221465 to me to conduct a second election when I deem it appropriate.

Thereafter, following the Employer's compliance with the Board Order with respect to the related unfair labor practice cases, the Region solicited the parties' positions concerning the method and timing of the second election. The Employer insisted on a manual election, whereas the Petitioner preferred a mail ballot election, but was willing to agree to a manual election at that time. Based on the changed circumstances of the COVID-19 pandemic that were not present at the time of the Stipulated Election Agreement and the first election, and information provided by the Employer about confirmed cases of COVID-19 at its Valdosta, Georgia facility, I issued an Order Revoking Approval of Stipulated Election Agreement and Notice of Hearing about Method of Second Election. That Order, which is included in the record, fully explains my reasons for revoking the Stipulated Election Agreement.

A hearing was conducted on October 21, 2020, for the purpose of eliciting the parties' representations of their full positions regarding the only issue herein, the method and timing of

¹ I take administrative notice of the petition, Notice of Hearing and proof of service thereof, the Employer's Statement of Position which raised no issues, and the Stipulated Election Agreement, which are appended hereto as Exhibit 1.

the second election.² The Employer maintained its position that a manual election should be conducted at presented its plan for doing so, and the Petitioner argued that a mail ballot election should be conducted but did not state any willingness to agree to a manual election in the alternative, as it had informed the Region before the hearing. Neither party addressed the timing of the election to be conducted.³

I have determined that in view of health concerns based on the history of COVID-19 infections among the Employer's workforce and the current status of the pandemic in Valdosta and Lowndes County, Georgia areas, the second election will be a mail ballot election, conducted on the dates set forth below in the Direction of Second Election by Mail Ballot.

I. The Employer's Position

Employer counsel represented the following facts in setting forth the Employer's position: There are currently approximately 130 employees currently working in bargaining unit positions at its Valdosta plant. The vast majority of them work either on the first shift from 7:00 a.m. to 3:30 p.m. daily, or on the third shift, from 8:30 p.m. to 5:00 a.m. daily. A small group of three employees works on the second shift from 2:30 p.m. to 11:00 p.m. A third party cleaning

² All dates hereafter are in 2020. The parties stipulated, and I find, that the Employer is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act and is subject to the jurisdiction of the Board, based on the following facts: Union Tank Car Company, a Delaware corporation with its principal office and place of business located in Chicago, Illinois, maintains an office and place of business in Valdosta, Georgia, and is engaged in the business of manufacturing, repairing and maintaining railroad tank cars. During the past 12 months, the Employer sold and shipped from its Valdosta, Georgia facility good valued in excess of \$50,000 directly to points outside the State of Georgia. The parties further stipulated, and I find that the Petitioner is a labor organization within the meaning of Section 2(5) of the Act; there is no contract bar or other bar to an election in this case; and that the unit of unit of production and maintenance employees, including leadsmen, employed by the Employer at its facility located at 400 S. Blanchard Street, Valdosta, Georgia; excluding all other employees, office clerical employees, confidential employees, managerial employees, quality control inspectors, engineering personnel, write-up men, guards, and supervisors as defined in the Act (the same unit that voted in the first election pursuant to the now-revoked Stipulated Election Agreement), is a unit appropriate for collective-bargaining within the meaning of Section 9(b) of the Act.

³ Although the title of the Order issued on October 13 did not mention the timing of the election to be conducted, the language of that Order stated that the parties may present their positions about the timing of the election, in addition to their positions about the method of voting.

crew disinfects and sterilizes all high traffic areas in the plant between the third shift and first shift every night (apparently between 5:00 a.m. and 7:00 a.m.). This is a change from the pre-COVID-19 operations when the first and second shifts were larger and the third shift smaller, with the object of avoiding interaction between the larger first and third shifts, and thereby minimizing the possibility of spreading the coronavirus. Employee breaks within the shifts have also been staggered to minimize the risk of spreading the coronavirus, and employees are socially distancing during breaks.

The Employer also provided its day-to-day COVID-19 protocols. The Employer issued a memorandum for its Repair Business Units such as the Valdosta plant on March 11, at the outset of the coronavirus pandemic. The memorandum includes provisions for cleaning and disinfecting requirements at least once per shift for frequently touched surfaces, training and use of personal protective equipment (PPE) by cleaning personnel, suggestions for employee hygiene, and protocols for confirmed COVID-19 cases, including a 24-hour shutdown and evacuation of the plant. The Employer has made soap and water and hand sanitizer available to its employees since about March 11.

On June 29, the Employer issued more extensive protocols in a document titled “Interim COVID-19 Safety Directive for Continued Operations.” This document requires that employees must stay home if they have flu-like symptoms, and outlines measures to be taken if an employee has a confirmed case of COVID-19, including contact tracing, testing and return to work, information on proper use of PPE, and certain requirements for contractors and vendors. The Employer further asserts that it has barred “non-essential business visitors” from entering its facility since June 29, and that the Employer takes the temperature of all individuals daily before

they start their shift, requires employees to maintain social distancing, and to wear masks when in close contact with another employee.

The Employer provided a chart with some further information about the confirmed COVID-19 cases among its Valdosta plant workforce. Ten voting unit employees have tested positive for COVID-19, on June 25 (three employees), July 7, July 20, July 30, August 3, August 6, September 18, and October 2. Eight members of the Employer's management tested positive for COVID-19, on July 13, July 28, July 30, August 3, August 5, and August 17.⁴ In summary, according to the Employer's chart, among its workforce there were three confirmed COVID-19 tests in June, six in July, four in August, one in September, and one in October. Employees who have confirmed cases of COVID-19 are required to quarantine for a certain period before returning to work. All of the employees and managers known to have tested positive to date have returned to work after quarantining for 14 days or more, and/or testing negative. Thus, the Employer represented that as of the time of the hearing, no current employees were on leave or quarantined as a result of COVID-19 infections or exposure.

The Employer proposes to conduct a manual election outdoors, under a 20 square foot tent open on all four sides, which is to be pitched on a small grassy area adjacent to the parking lot of its Valdosta, Georgia plant. The Board agent and observers would be seated at separate tables, six feet apart from each other. The Employer proposes to release employees to vote in small groups during their shifts. The employees would line up in the parking lot six feet from each other, and there would be markings on the ground so employees know how far apart they are to stand. One voter would approach an observer table at a time, each employee would receive his or her own pencil to vote, and the ballot box would be located at the "exit" of the tent.

⁴ The record does not contain a representation as to the number of managers and other non-unit employees employed by the Employer at Valdosta.

The Employer further proposes to require all voters, party representatives, and other participants (presumably referring to the Board agent) be required to wear “CDC-conforming” masks, and that throughout the election day, there would be momentary pauses during which the ballot area “could be sterilized briefly.” The Employer further proposes to certify in writing that the polling place has been consistently cleaned under CDC guidelines and as to the number of persons who had been present in the tent during the past 14 days, which would be few because the Employer would erect the tent just a day or so before the election. A diagram of the Employer’s proposed polling place shows the Board agent and observers at separate tables, but not covered by the tent. In response to the Hearing Officer’s inquiry pointing out that they would be under the sun during the election, Counsel for the Employer suggested that small eight or ten square foot tents could be erected over each of the observers and the Board agent.

The Employer further proposes that in the event of inclement weather the election should be held in a conference room in the Employer’s facility that is approximately 20 feet by 35 feet in size. One door leads from outside the building into the conference room, and there is a second door between the conference room and the plant. According to the Employer, voters would enter from one door and exit through the other door, one at a time, and social distancing would be maintained. However, the diagram submitted by the Employer shows that the two conference room doors are near each other on adjoining walls. The Employer would certify that it is “in compliance with General Counsel Memo GC 20-10,” which concerns suggested manual election protocols.

II. The Petitioner’s Position

The Petitioner argues that the Employer’s workforce is now working in closer quarters than it did at the time of the first election conducted on June 22, 2018, because a greater

percentage of the workforce is compressed into two shifts rather than three shifts. The Petitioner's representative expressed concerns about the level of cleanliness in the Employer's facility, the possibility of inclement weather forcing the election indoors, and poor ventilation in the conference room, the proposed indoor location, which has no windows, and the fact that during the Employer's regular operations employees and supervisor regularly enter and exit the conference room to keep track of the progress of repair jobs on boards located on the wall in the conference room.⁵ The Petitioner's representative also questioned whether the Employer actually shut down for 24 hours after each confirmed COVID-19 case, and Counsel for the Employer represented that the shutdown only occurred after the initial COVID-19 cases, and thereafter the Employer has focused on social distancing and the wearing of face masks. The Petitioner argues that all of these safety risks can be avoided with a mail ballot election.

A second Petitioner representative presented some documents regarding Georgia Department of Health COVID-19 statistics for Lowndes County, Georgia, which includes the City of Valdosta. The Petitioner's Georgia Department of Health statistics are about two weeks old, but showed that Lowndes County was one of Georgia's counties with high rates of positive COVID-19 tests of about 11 percent during the 7-day period from October 13 to October 19 and the 14-day period from October 6 to October 19, and that the number of cases of COVID-19 was trending upward.

III. Additional COVID-19 Statistical Information

I take administrative notice of the continuing public health crisis in the United States created by the COVID-19 pandemic. On March 11, the COVID-19 outbreak was characterized

⁵ Counsel for the Employer acknowledged that the plant is dirty but asserted that has no impact on the spread of the coronavirus, which is spread through close contact between human beings.

as a pandemic by the World Health Organization. The Centers for Disease Control and Prevention (CDC), an agency of the United States Government stated yesterday, October 29:⁶

- The virus that causes COVID-19 most commonly spreads between people who are in close contact with one another (within about 6 feet, or 2 arm lengths).
- It spreads through respiratory **droplets or small particles, such as those in aerosols, produced when an infected person coughs, sneezes, sings, talks, or breathes.**
 - These **particles can be inhaled** into the nose, mouth, airways, and lungs and cause infection. **This is thought to be the main way the virus spreads.**
 - Droplets can also land on surfaces and objects and be transferred by touch. A person may get COVID-19 by **touching the surface or object that has the virus on it** and then touching their own mouth, nose, or eyes. Spread from touching surfaces is not thought to be the main way the virus spreads.
- It is possible that **COVID-19 may spread through the droplets and airborne particles that are formed when a person who has COVID-19 coughs, sneezes, sings, talks, or breathes.** There is growing evidence that droplets and airborne particles can remain suspended in the air and be breathed in by others, and travel distances beyond 6 feet (for example, during choir practice, in restaurants, or in fitness classes). In general, indoor environments without good ventilation increase this risk.

COVID-19 seems to be spreading easily and sustainably in the community (“community spread”) in [many affected geographic areas](#). Community spread means people have been infected with the virus in an area, including some who are not sure how or where they became infected.

According to the CDC, as of today, October 30, there have been 8,924,548 confirmed cases of COVID-19 in the United States, and over 228,100 deaths.⁷ The United States has experienced a roller coaster-like transmission rate, often experiencing a sharp uptick in confirmed cases after periods of lower transmission. Daily new confirmed cases in the United States as of October 29 were 90,155, an all-time high, and the 7-day moving average number of cases is also at its peak, 76,785.⁸

⁶ <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Spread>

⁷ https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days

⁸ https://covid.cdc.gov/covid-data-tracker/#trends_dailytrendscases – see graph and linked Excel spreadsheet.

The State of Georgia and Lowndes County have been heavily affected by the pandemic. The State of Georgia Department of Health reports that Georgia has had a total of 358,225 confirmed COVID-19 cases or 3,809 per 100,000 population; 20,949 cases in the past two weeks or 193 per 100,000 population; and that Lowndes County has had a total of 4,503 cases or 3,820 cases per 100,000 population; and 239 cases in the past two weeks or 203 cases per 100,000 population – higher than the statewide number of cases per 100,000 population.⁹ The John Hopkins School of Medicine Coronavirus Resource Center (Johns Hopkins) reports similar COVID-19 case numbers, and also reports a total of 86 COVID-19 deaths, for Lowndes County.¹⁰

IV. Analysis

The determination of the method of election is within the discretion of the Regional Director, so long as consideration is given to the relevant factors, and it is not an issue that is subject to litigation at a representation hearing. See *Halliburton Services*, 265 NLRB 1154 (1982); *Manchester Knitted Fashions*, 108 NLRB 1366 (1954); see also, NLRB Casehandling Manual (Part Two), Representation Proceedings, Sections 11228, 11301.2, and 11301.4. The Board has held that the mechanics of an election, such as date, time, and place are left to the discretion of the Regional Director. See *Ceva Logistics U.S., Inc.*, 357 NLRB 628 (2011). In addition, the Board has found that Regional Directors have the discretion to determine whether an election will be conducted manually or by mail ballot. See *Nouveau Elevator Industries*, 326 NLRB 470, 471 (1998).

The Board has stated:

⁹<https://dph.georgia.gov/covid-19-daily-status-report>

¹⁰ <https://bao.arcgis.com/covid-19/jhu/county/13185.html>

[w]hen deciding whether to conduct a mail ballot election or a mixed manual-mail ballot election, the Regional Director should take into consideration at least the following situations that normally suggest the propriety of using mail ballots: (1) where eligible voters are ‘scattered’ because of their job duties over a wide geographic area; (2) where eligible voters are ‘scattered’ in the sense that their work schedules vary significantly, so that they are not present at a common location at common times; and (3) where there is a strike, a lockout or picketing in progress.

San Diego Gas & Electric, 325 NLRB 1143, 1145 (1998). The Board further defined scattered “to apply in any situation where all employees cannot be present at the same place at the same time.” *San Diego Gas & Electric*, 325 NLRB at 1145, fn. 7. A Regional Director’s exercise of the broad discretion afforded by the Board in selecting the appropriate mechanics for an election will not be overturned “unless a clear abuse of discretion is shown.” *Nouveau Elevator Industries*, 326 NLRB 470, 471 (1998), citing *San Diego Gas & Electric*, 325 NLRB at 1144, fn. 4. Although the Board expects Regional Directors to exercise their discretion within the guidelines outlined above, it recognizes that deviation from those guidelines may occur in extraordinary circumstances. *San Diego Gas & Electric*, 325 NLRB at 1145. The Board has upheld Regional Directors’ determinations that mail ballots were warranted based on the guidelines in *San Diego Gas & Electric* because of the extraordinary circumstances created by COVID-19.¹¹

Given the rampant spread of COVID-19 cases throughout the country and the relatively high incidence and upward trend of COVID-19 in Lowndes County and Georgia as a whole, I find that extraordinary circumstances exist, and it is appropriate to exercise my discretion to direct a mail ballot election, the details of which are provided below. Moreover, although the Employer has not had any reported COVID-19 cases for almost a month, it has had a substantial

¹¹ See e.g., *Atlas Pacific Engineering Company*, 27-RC-258742, fn. 1 (May 8, 2020); see also *Touchpoint Support Services, LLC*, 07-RC-258867, fn. 1 (May 18, 2020) (unpublished order); *Pace Southeast Michigan*, 07-RC-257046, fn. 1 (August 7, 2020) (unpublished order).

number of confirmed cases among its workforce over the course of the last 5 months, including at least one case per month, and its workforce is exposed to the relatively high incidence of COVID-19 cases in Lowndes County.

Manual election procedures inherently require substantial interaction among voters, observers, party representatives, and the Board agent, all of whom must be present at the Employer's facility, and each interaction increases the risk to the participants. Party representatives, the parties' observers and the Board agent need to gather for a pre-election conference, including the check of the voter list, the showing of the ballot box being assembled, the parties' inspection of the voting area, and the Board agent's instructions to the observers. The Board agent and observers would share a voting area for the duration of the proposed manual election. The observers would need to check in voters on the voter list, and the Board agent would provide a ballot to each voter. There is no guarantee that social distancing would be possible. For example, in the case of a challenged ballot the Board agent, observers, and voter must be in reasonably close proximity to each other to make the challenge, obtain information from the challenged voter to be entered by the Board agent on the challenged ballot envelope stub, pass the challenged ballot envelope and ballot from the Board agent to the voter, and make sure the voter encloses the ballot in the envelope and seals the envelope before dropping it in the ballot box. See Casehandling Manual Section 11338.3.

Although the Board has a strong general preference of conducting manual elections, it also has a long history of conducting elections by mail. "From the earliest days of the Act, the Board has permitted eligible voters in appropriate circumstances to cast their ballots by mail." *London Farm Dairy*, 323 NLRB 1057 (1997), and cases cited therein.

It appears that the Employer is willing to implement at least most of the suggested protocols for manual elections set forth in General Counsel’s Memorandum 20-10, but some of those protocols, such as providing plexiglass barriers to protect the observers, Board agent, and voters from each other. Even assuming that the Employer is willing to comply with all of the guidelines set forth in General Counsel’s Memorandum 20-10, as noted therein, that memorandum is not binding on Regional Directors because the Board, not the General Counsel, has authority over representation cases. Among other measures, the memorandum proposes self-certification that individuals who will be in proximity to the polling place, including observers and party representatives, have not tested positive for COVID-19, or come into contact with someone who tested positive within the preceding 14 days, and are not awaiting test results. The memorandum also requires the parties to provide information about the number of individuals exhibiting COVID-19 symptoms. However, the CDC’s revised guidance updated on October 21, 2020, includes new recommendations that are based on “[g]rowing evidence of transmission risk from infected people without symptoms (asymptomatic) or before the onset of recognized symptoms (presymptomatic).”¹²

Asymptomatic and pre-symptomatic persons will not likely have been tested for COVID-19 nor will they be identified as having the virus. Moreover, GC 20-10 does not provide an enforcement mechanism for any of its suggestions other than canceling an election, which would delay the resolution of the question concerning representation. A mail ballot election avoids these concerns. I also note that the Employer has failed to provide a complete manual election proposal, as it has not included polling times or a proposed election date.

¹² <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>

In these circumstances a manual election would create an undue risk to the health and safety of all persons involved in the election. In particular, I find that current risk of infection with COVID-19 that would result from a manual election held at the Employer's Valdosta, Georgia plant constitutes extraordinary circumstances and warrants the direction of a mail ballot election. The election details are set forth below.

V. Conclusions and Findings

1. The Hearing Officer's rulings made at the hearing are free from prejudicial error and are affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate purpose of the Act to assert jurisdiction in this case.
3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.
4. A question commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. As stipulated by the parties, no contract bar or other bar exists to conducting an election in this matter.
6. I find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time production and maintenance employees, including leadsmen, employed by the Employer at its facility located at 400 S. Blanchard Street, Valdosta, Georgia; excluding all other employees, office clerical employees, confidential employees, managerial employees, quality control inspectors, engineering personnel, write-up men, guards, and supervisors as defined in the Act.

VI. Direction of Second Election by Mail Ballot

Pursuant to The National Labor Relations Board will conduct a secret ballot election by mail among the employees in the unit found appropriate above. Employees will vote whether or

not they wish to be represented for purposes of collective bargaining by International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART).

A. Election Details

The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective bargaining unit. At **9:30 a.m.** on **November 16, 2020**, ballots will be mailed to voters by the National Labor Relations Board, Region 12, from its office at **201 E. Kennedy Blvd., Suite 530, Tampa, Florida 33602-5824**. Voters must sign the outside of the envelope in which the ballot is returned. Any ballots received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by **November 24, 2020**, should communicate immediately with the National Labor Relations Board by either calling the Region 12 Office at **(813) 228-2665** or **(813) 228-2661** or our national toll free line at 1-844-762-6572.

All ballots will be commingled and counted at the **Region 12 office, 201 E. Kennedy Blvd., Suite 530, Tampa, Florida** on **December 15, 2020**, at **10:00 a.m.** In order to be valid and counted, the returned ballots must be received in the **Region 12 office in Tampa** prior to the counting of the ballots. Due to the above-described extraordinary circumstances of the COVID-19 pandemic, I further direct that the ballot count will take place remotely by videoconference on an electronic video platform such as Zoom for Government.

The Notices of Election and ballots shall be printed in English.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending on **October 24, 2020**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Also eligible to vote using the Board's challenged ballot procedure are those individuals employed in the patient dining supervisor classification whose eligibility remains unresolved as specified above and in the Notice of Election.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

As required by Section 102.67(1) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers)

of all eligible voters.

To be timely filed and served, the list must be *received* by the regional director and the parties by **November 4, 2020**. The list must be accompanied by a certificate of service showing service on all parties. **The region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding,

Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution. Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review must be E-Filed through the Agency's website and may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001, and must be accompanied by a statement explaining the circumstances concerning not having access to the Agency's E-Filing system or why filing electronically would impose an undue burden. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Dated: October 30, 2020.



David Cohen, Regional Director
National Labor Relations Board, Region 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Exhibit 1

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE

Case No.
12-RC-221465

Date Filed
6-5-18

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer Union Tank Car Company Inc.		2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 400 S Blanchard St GA Valdosta 31601-2424	
3a. Employer Representative - Name and Title Joseph Keys		3b. Address (If same as 2b - state same) 400 S Blanchard St GA Valdosta 31601-2424	
3c. Tel. No. (229) 244-4125	3d. Cell No.	3e. Fax No. (229) 244-6038	3f. E-Mail Address jkeys@utcc.com
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Railroads		4b. Principal product or service Repair and Maintenance of Railroad Tank Cars	
4c. City and State where unit is located: Valdosta, GA		5a. City and State where unit is located: Valdosta, GA	
5b. Description of Unit Involved Included: See Attached Page 2 for additional details Excluded: See Attached Page 2 for additional details		6a. No. of Employees in Unit: 130 6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Check One: 7a. Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about _____ (Date) (If no reply received, so state).
 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent (if none, so state).		8b. Address	
8c. Tel No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address
8g. Affiliation, if any		8h. Date of Recognition or Certification	8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)
9. Is there now a strike or picketing at the Employer's establishment(s) involved? No. If so, approximately how many employees are participating? _____ (Name of labor organization) _____, has picketed the Employer since (Month, Day, Year) _____			

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)

10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address.

11. Election Details: if the NLRB conducts an election in this matter, state your position with respect to any such election.

11b. Election Date(s): June 21, 2018	11c. Election Time(s): 5:00 am -- 8:00 am & 3:00 pm -- 4:00 pm	11d. Election Location(s): Employers Main Break Room Located on Second Level above Offices
12a. Full Name of Petitioner (including local name and number) Thomas Eugene Fisher International Association of Sheet Metal Air Rail Transportation Workers Union (SMART)		12b. Address (street and number, city, state, and ZIP code) 8882 Red Creek Dr S Al Semmes 36575-4474

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)
SMART

12d. Tel No. (251) 752-2616	12e. Cell No. (251) 752-2616	12f. Fax No.	12g. E-Mail Address tfisher@smart-union.org
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13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title		13b. Address (street and number, city, state, and ZIP code)	
13c. Tel No.	13d. Cell No.	13e. Fax No.	13f. E-Mail Address

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

Name (Print) Thomas Eugene Fisher	Signature Thomas Eugene Fisher	Title International Representative	Date 06/3/2018 17:19:00
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WILLFUL FALSE STATEMENTS ON THIS PETITION 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 representation 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.

NLRB
REGION 12

2018 JUN -5 PM 12:28

RECEIVED
TAMPA, FLORIDA

DO NOT WRITE IN THIS SPACE

Attachment

Case 12-RC-221465	Date Filed 6-5-18
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Employees Included

All Production and Maintenance Hourly Employees as defined by the Act

Employees Excluded

All Management and Salaried Employees as defined by the Act, also any Quality Assurance (QA), Write up Men, Security Guards, etc normally excluded by the Act.

MLPR
REGION 12

2018 JUL -5 PM 12:28

RECEIVED
TAMPA FLORIDA



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12



<p>Union Tank Car Company Employer</p> <p>and</p> <p>International Association of Sheet Metal Air Rail Transportation Workers Petitioner</p>	<p>Case 12-RC-221465</p>
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NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 9:30 AM on **Wednesday, June 13, 2018** and on consecutive days thereafter until concluded, at the National Labor Relations Board offices located at Hearing Room, 201 E Kennedy Blvd Ste 530, Tampa, FL 33602-5824, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, Union Tank Car Company must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that is received by them by no later than **noon** Eastern time on **June 12, 2018**. The Statement of Position may be E-Filed but, unlike other E-Filed documents, must be filed by noon Eastern on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position is not required to be filed.

Dated: June 5, 2018



David Cohen, Regional Director
National Labor Relations Board
Region 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

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

Union Tank Car Company Employer and International Association of Sheet Metal Air Rail Transportation Workers Petitioner	Case 12-RC-221465
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AFFIDAVIT OF SERVICE OF: Petition dated June 5, 2018, Notice of Representation Hearing dated June 5, 2018, Description of Procedures in Certification and Decertification Cases (Form NLRB-4812), Notice of Petition for Election, and Statement of Position Form (Form NLRB-505).

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on June 5, 2018, I served the above documents by electronic mail and regular mail upon the following persons, addressed to them at the following addresses:

Joseph Keys
Union Tank Car Company
400 S Blanchard St
Valdosta, GA 31601-2424
jkeys@utlx.com

Thomas Eugene Fisher, International Representative
International Association of Sheet Metal Air Rail
Transportation (SMART)
8882 Red Creek Dr. S
Semmes, AL 36575-4474
tfisher@smart-union.org

June 5, 2018

Date

Michele Serrano,
Designated Agent of NLRB

Name

/s/ Michele Serrano

Signature

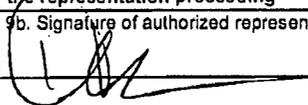
UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE

Case No.
12-RC-221465

Date Filed
June 5, 2018

INSTRUCTIONS: Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing. Note: Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7. In RM cases, the employer is NOT required to respond to items 3, 5, 6, and 8a-8e below.

1a. Full name of party filing Statement of Position: Union Tank Car Company		1c. Business Phone: 229-244-4125	1e. Fax No.:
1b. Address (Street and number, city, state, and ZIP code): 400 S. Blanchard St., Valdosta, GA 31601		1d. Cell No.:	1f. e-Mail Address: keysj@utlx.com
2. Do you agree that the NLRB has jurisdiction over the Employer in this case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)			
3. Do you agree that the proposed unit is appropriate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If not, answer 3a and 3b.)			
a. State the basis for your contention that the proposed unit is not appropriate. (If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards.) Proposed unit should be per stipulated election agreement			
b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit. Added: None		Excluded: Should be per stipulated election agreement	
4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility. None--The parties have a stipulated election agreement			
5. Is there a bar to conducting an election in this case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, state the basis for your position.			
6. Describe all other issues you intend to raise at the pre-election hearing. N/A			
7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at http://www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015 (a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B) (b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be excluded from the proposed unit to make it an appropriate unit. (Attachment D).			
8a. State your position with respect to the details of any election that may be conducted in this matter. Type: <input checked="" type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail			
8b. Date(s): Per stipulated election agreement	8c. Time(s): Per stipulated election agreement	8d. Location(s): Per stipulated election agreement	
8e. Eligibility Period (e.g. special eligibility formula): Per stipulated election agreement	8f. Last Payroll Period Ending Date: Per stipulated election agreement	8g. Length of payroll period <input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Biweekly <input type="checkbox"/> Other (specify length)	
9. Representative who will accept service of all papers for purposes of the representation proceeding			
9a. Full name and title of authorized representative Hope Abramov, counsel		9b. Signature of authorized representative 	9c. Date 06/12/18
9d. Address (Street and number, city, state, and ZIP code) Thompson Coburn, LLP One US Bank Plaza St. Louis, MO 63101		9e. e-Mail Address h Abramov@thompsoncoburn.com	
9f. Business Phone No.: 314-552-6496	9g. Fax No.: 314-552-7000	9h. Cell No.: 314-602-6496	

WILLFUL FALSE STATEMENTS ON THIS PETITION 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. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

NATIONAL LABOR RELATIONS BOARD
QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office.
If additional space is required, please add a page and identify item number.

CASE NAME Union Tank Car Company	CASE NUMBER 12-RC-221465
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)
Union Tank Car Company

2. TYPE OF ENTITY
 CORPORATION LLC LLP PARTNERSHIP SOLE PROPRIETORSHIP OTHER (Specify)

3. IF A CORPORATION OR LLC
 A. STATE OF INCORPORATION OR FORMATION B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
 Delaware

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed)
 Railcar Repair

7A. PRINCIPAL LOCATION Chicago, IL	7B. BRANCH LOCATIONS Valdosta, GA
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8. NUMBER OF PEOPLE PRESENTLY EMPLOYED
 A. TOTAL B. AT THE ADDRESS INVOLVED IN THIS MATTER
 2109 148

9. DURING THE MOST RECENT (Check the appropriate box): CALENDAR 12 MONTHS or FISCAL YEAR FY DATES

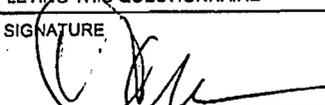
	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.	X	
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount.		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount.	X	
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.	X	
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount.	X	
H. Gross Revenues from all sales or performance of services (Check the largest amount): <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input checked="" type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date:		X

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYEE GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?
 YES NO (If yes, name and address of association or group)

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME Joseph Keys	TITLE Facility Manager	E-MAIL ADDRESS keysj@utlx.com	TEL. NUMBER 229-244-4125
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE Hope Abramov	SIGNATURE 	E-MAIL ADDRESS habramov@thompsoncoburn.com	DATE 06/12/2018
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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 representation and/or unfair labor practice proceedings 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 may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

INITIAL LIST (Filed with Statement of Position)

Employer Name: Union Tank Car Company

Case No. 12-RC-221465

Attachment B: Employees in Petitioned for Unit

Employee Name	Work Location	Shift	Job Classification
1. Abbot, Jason	Lining department	1	Blaster-interior
2. Albritton, Alex	Cleaning rack	1	Car cleaner B
3. Alderman, Mark	Repair shop	2	Welder
4. Allen, Ricky	Valve department	3	Valve man
5. Baker, Wayne	maintenance	1	Maint man
6. Ball, Johnathan	Repair shop	2	Welder
7. Barajas, Jose	Repair shop	2	Welder
8. Bennette, Ray	Repair shop	1	Welder
9. Bolen, Andrew	Lining department	1	Blaster-interior
10. Boxx, Sammy	Repair shop	1	Welder
11. Bradford, Brandon	Cleaning rack	1	Car cleaner B
12. Breeden, Cedric	Valve department	1	Valve man
13. Burden, DeTron	Repair shop	3	Welder
14. Campbell, Jaylin	Repair shop	2	Welder
15. Carter, Tony	Valve department	1	Valve man
16. Castleberry, Dalton	Repair shop	1	Welder
17. Casto, Brayan	Repair shop	2	Welder
18. Christiano, Donald	Repair shop	2	Welder
19. Church, Trace	Repair shop	3	Welder
20. Corbett, Dalton	Repair shop	1	Welder
21. Corbett, Todd	Valve department	1	Valve man
22. Daugherty, TJ	Repair shop	1	Welder code B
23. Delk, Josh	Repair shop	1	Welder
24. Dominguez-Cruz, Jose	Repair shop	3	Welder
25. Duncan, Eric	Paint department	2	Blaster-exterior
26. England, Kane	Paint department	1	Baker
27. Evans, Jesse	Repair shop	1	Material Dist. Handler
28. Faison, Duncan	Repair shop	3	Welder
29. Farias, David	Paint department	3	Stencil/prep man
30. Ferrell, Calvin	Lining department	2	Blaster-interior
31. Garrett, Will	Repair shop	2	Welder
32. Gibson, Roy	Lp rack	2	Car cleaner A
33. Godwin, Gregory	Valve department	1	Valve man
34. Gonzalez, Carlos	Lp rack	1	Car cleaner A

INITIAL LIST (Filed with Statement of Position)

Employer Name: Union Tank Car Company

Case No. 12-RC-221465

Employee Name	Work Location	Shift	Job Classification
35. Grant, Gary	Repair shop	3	Welder
36. Harrell, Clint	Repair shop	1	Welder
37. Harting, Chris (inactive military)	Lp rack	2	Car cleaner A
38. Haskins, Joshua	Paint department	1	Exterior sprayer
39. Hayden, Taylor	Repair shop	2	Welder
40. Hendley, Mark	Repair shop	3	Welder
41. Hiers, Shawn	Shipping dept	1	Material dist handler
42. Hitson, Alfonso	Paint department	3	Exterior sprayer
43. Horne, Andy	Valve department	2	Valve man
44. Hunter, Steve	Valve department	1	Valve man
45. Jernigan, Andrew	Shipping department	1	Material dist handler
46. Johns, Jesse	Repair shop	3	Welder
47. Johnson, Darriën	Paint department	3	Blaster-exterior
48. Johnson, Jimmy	Repair shop	2	Welder
49. Johnson, Lonnie	Maintenance	1	Maint. Man
50. Jones, Logan	Lining department	3	Blaster-interior
51. Kirkland, Travis	Cleaning rack	1	Car cleaner B
52. Knight, Matthew	Repair shop	3	Welder
53. Lane, Kenneth	Paint department	1	Stencil man
54. Lane, Rickeem	Paint department	1	Blaster-exterior
55. Lanier, Roy	Repair shop	3	Welder
56. Marsh, Cody	Repar shop	2	Welder
57. Martin, Henry	switching	1	Switch man
58. Mason, Thomas	Valve department	1	Valve man
59. Mathis, Stanford	Lining department	1	Sprayer-interior
60. McEady, Tim	Repair shop	1	Welder code B
61. Mckinnon, Larry	Paint department	3	Stencil man
62. Miley, "JD" Jeffery	Repar shop	1	Welder
63. Moody, Bobbie Jo	Valve department	2	Valve women
64. Moore, Carenthis	Lp rack	1	Car cleaner A
65. Moore, Robert	Paint department	3	Blaster-exterior
66. Morgan, Chad	Repair department	1	Welder code A
67. Murry, Marquisit	Lining department	2	Blaster-interior

INITIAL LIST (Filed with Statement of Position)

Employer Name: Union Tank Car Company

Case No. 12-RC-221465

Attachment B: Employees in Petitioned for Unit

Employee Name	Work Location	Shift	Job Classification
68. Newham, Steve	Valve department	1	welder
69. Overby, Corey	switching	2	Switch man
70. Padgett, George	Paint department	1	Sprayer-exterior
71. Phillips, Colby	switching	1	Switch man
72. Player, AJ	Lp rack	2	Car cleaner A
73. Porter, Darion	Repair shop	2	Welder
74. Pruitt, Michael	Valve department	1	Valve man
75. Queen, Joseph	Repair shop	1	Welder
76. Quintana, Oscar	switching	1	Switch man
77. Randall, Jamie	Cleaning rack	1	Car cleaner B
78. Reese, Richard	Repair shop	1	Welder
79. Rewis, Tobie	Repair shop	3	Welder
80. Roberts, Dewane	Valve department	3	Valve man
81. Roberts, Quincy	Lining department	1	Blaster-interior
82. Robinson, Calvin	Repair shop	1	Welder
83. Rodriguez-Gonzalez, Edson	Repair shop	2	Welder
84. Rodriguez-Martinez, Jesus	Repair shop	2	Welder
85. Rutledge, Nelson	Valve department	1	Welder
86. Sander, Anthony	Cleaning rack	1	Car cleaner A
87. Schick, John	switching	2	Switch man
88. Selph, Clinton	Repair shop	1	Welder
89. Sheffield, Darius	Lining department	1	Baker
90. Shoe, Laura	Repair shop	3	Welder
91. Sims, Maurice	Lining department	3	Blaster-interior
92. Singer, Joseph	Paint department	3	Sprayer exterior
93. Sloan, Jason	Cleaning rack	2	Car cleaner B
94. Smith, Daniel	Switching	2	Switch man
95. Southers, Brady	Lining department	2	Blaster-interior
96. Southers, Ronald	Paint department	3	Stencil/prep man
97. Sowell, Quinn	Repair shop	1	Welder
98. Spitznogle, Shane	Repair shop	1	Welder code B
99. Stevens, Michael	Lp rack	1	Car cleaner A
100. Stone, Derrell	Repair shop	1	Welder code A
101. Sullivan, William	Repair shop	3	Welder
102. Timpson, Zachary	Lining department	1	Baker
103. Towner, Grady	Paint department	1	Blaster-exterior

INITIAL LIST (Filed with Statement of Position)

Employer Name: Union Tank Car Company

Case No. 12-RC-221465

104.	Viers, Howard	Repair shop	2	Welder
105.	Walker, Chris M	Repair shop	3	Welder
106.	Walker, Derwin	Maintenance depart.	1	Muiti maintenance
107.	Wallace, Ridge	Repair department	2	Welder
108.	Walthour, James	Clean rack	2	Car cleaner B
109.	Waymon, Jaquan	Lining department	2	Blaster-interior
110.	Weeks, Michael	Repair department	2	Welder
111.	White, Sedrick	Valve department	1	Valve man
112.	William, Isha	Repair department	2	Welder
113.	Wisnbaker, Coy	Repair shop	1	Welder code B
114.	Wooten, Ellis	Paint department	1	Stencil/prep man
115.	Yates, Leon	Valve department	1	Valve man

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

UTLX Repair Services)
)
and)
) 12-RC-221465
International Association of)
Sheet Metal, Air, Rail and)
Transportation Workers (SMART))

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that The Employer's Statement of Position and required attachments were served as on the following via the method by their name this 12th day of June, 2018:

Tommy Fisher (e-mail/portal)
International Representative
SMART
tfisher@smaart-union.org

Imee C. Licare (e-mail/portal)
Resident Agent
NLRB Region 12
Imee.Licare@nrb.gov

David Cohen (e-mail/portal)
Regional Director
Region 12
David.Cohen@nrb.gov

/s/ Timothy J. Sarsfield

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

Union Tank Car Company

Case 12-RC-221465

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Union Tank Car Company, incorporated in the State of Delaware with its principal office and place of business in Chicago, IL, and with an office and place of business in Valdosta, Georgia, has been engaged in the business of manufacturing, repairing and maintaining railroad tank cars. During the past 12 months, the Employer sold and shipped from its Valdosta, Georgia facility goods valued in excess of \$50,000 directly to points outside the State of Georgia.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATE: Friday, June 22, 2018 **HOURS:** 5:30 a.m. to 7:30 a.m. and
3:00 p.m. to 4:00 p.m.

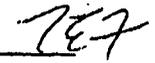
PLACE: Employer's Break Room,
2nd Floor Mezzanine Area
400 S. Blanchard Street, Valdosta, GA

Note: The ballots will be counted and tallied immediately following the closing of the last polling session.

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time production and maintenance employees, including leadsmen, employed by the Employer at its facility located at 400 S. Blanchard Street, Valdosta, Georgia.

Initials: HKA 

Excluded: All other employees, office clerical employees, confidential employees, managerial employees, quality control inspectors, engineering personnel, write-up men, guards, and supervisors as defined in the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending June 3, 2018**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART)?" The choices on the ballot will be "Yes" or "No"

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or

Initials: HKA 

distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

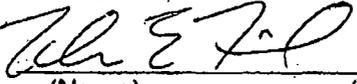
9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative: Joseph Keys; Plant Manager, 400 S. Blanchard St., Valdosta, GA 31601; Tel. (229) 244-4125; KeysJ@utlx.com.

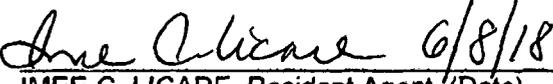
10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

<u>Union Tank Car Company</u> (Employer)	<u>International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART)</u> (Petitioner)
Hope Abramov, Esq.	Thomas Eugene Fisher
By <u></u> 6/7/18	By <u></u> JUNE 8, 2018
(Name) (Date)	(Name) (Date)
<u>Counsel for Employer</u> (Title)	<u>INTERNATIONAL REPRESENTATIVE</u> (Title)

Recommended:  6/8/18
IMEE C. LICARE, Resident Agent (Date)

Date approved: June 8, 2018

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Regional Director, Region 12
National Labor Relations Board

