

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

RANGLES SAND AND GRAVEL, INC.
and LYNCH CREEK QUARRY, LLC,
a Single Employer

Employer

and

Case 19-RC-13778

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 612, AFL-CIO

Petitioner

**SECOND SUPPLEMENTAL DECISION
AND CERTIFICATION OF RESULTS**

Pursuant to a Decision and Direction of Election issued by the Regional Director on April 21, 1999, an election by secret ballot was conducted on May 18, 1999 in the following unit of employees:

All mechanics, oilers, crusher operators, maintenance personnel, heavy equipment operators, off-road truck drivers, and welders employed by the Employer at its Puyallup and Eatonville, Washington, locations; excluding all other employees, over-the-highway truck drivers, weigh masters, and guards and supervisors as defined in the Act.

The Tally of Ballots was served upon the parties at the conclusion of the election which set forth the following results:

Approximate number of eligible voters	33
Void ballots.....	0
Votes cast for Petitioner.....	9
Votes cast against participating labor organization	21
Valid votes counted.....	30
Challenged ballots.....	2
Valid votes counted plus challenged ballots	32

The challenged ballots were not sufficient to affect the results of the election. On May 19, 1999, the Petitioner filed an objection to the election. On May 25, 1999, the Regional Director issued a Supplemental Decision and Direction of Hearing in which he concluded that the objection to the election raised substantial and material issues which could best be resolved at a hearing. Pursuant thereto, a hearing was held on June 7, 1999, at Seattle, Washington, before hearing officer Martin Eskenazi. All

parties were represented and were afforded full opportunity to be heard, to examine and cross-examine witnesses, to introduce evidence bearing upon the issues, and to file briefs upon conclusion of the hearing. On June 24, 1999, the hearing officer issued his Hearing Officer's Report on Objections and Recommendation, in which he recommended that Petitioner's objection to the conduct of the election be overruled in its entirety and that the appropriate certification issue.

No party has filed exceptions to the Hearing Officer's Report and Recommendation. Accordingly, I hereby adopt pro forma the findings, conclusions, and recommendation of the hearing officer.¹ Accordingly, I hereby issue the following:

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to authority vested in the undersigned by the National Labor Relations Board,

IT IS HEREBY CERTIFIED that a majority of the valid ballots has not been cast for any labor organization appearing on the ballot, and that no such organization is the exclusive representative of all the employees in the unit herein involved within the meaning of Section 9(a) of the National Labor Relations Act, as amended.

DATED at Seattle, Washington, this 22nd day of July, 1999.

/s/ PAUL EGGERT

Paul Eggert, Regional Director
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174

378-4242-2500
378-4258

¹ As provided in Section 102.69(c) of the Board's Rules and Regulations, Series 8, as amended, any party may, within 14 days from the date of issuance of this Second Supplemental Decision and Order, file with the Board in Washington, D.C., eight (8) copies of exceptions to such Second Supplemental Decision and Order, with supporting brief if desired. A copy of such exceptions and brief must be timely served upon the other parties and upon the Regional Director. To be timely filed, exceptions must be received by the Board in Washington, D.C., by the close of business August 5, 1999.