

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5

MACK PRINTING COMPANY, t/a PORT
CITY PRESS

Employer

and

COMMUNICATIONS WORKERS of
AMERICA, LOCAL 2101, AFL-CIO, CLC

Case 5-RC-15679

Petitioner

**REPORT ON CHALLENGES AND
NOTICE OF HEARING**

Pursuant to a Stipulated Election Agreement¹ approved by me on March 5, 2004,² a secret-ballot election was conducted under my supervision on March 19, with the following results:

Approximate number of eligible voters	130
Void ballots	1
Votes cast for Petitioner	59
Votes cast against participating labor organization	50
Valid votes counted	109
Challenged ballots	21
Valid votes counted plus challenged ballots	130

The challenged ballots are sufficient in number to affect the results of the election.

THE CHALLENGED BALLOTS

Petitioner challenged the ballots of Michael W. Bell, Sr., Gerard J. Bode, Kevin J. Ervin, Shawana L. Gibson, Phillip C. Johnston, Jr., Daniel B. Kriebs, Craig J. Leeman, Joseph M. Leidig, Jr., Robert L. Martin, Marjorie T. Mears, James J. Natalavage, Eileen O'Connor-Pendleton, Sylvia R. Randolph, Wayne M. Shoemaker and John Yamber as not being in the unit and not sharing a

¹ The unit is "All full-time and regular part-time production and maintenance employees employed by the Employer at its Baltimore, Maryland, facility in the following departments: pre-press, press room, maintenance, finishing, including bindery, composition, and raw stock warehouse; but excluding all office clerical employees, sales persons, managerial employees, professional employees, guards, and supervisors as defined in the Act." The payroll eligibility period is the payroll period ending Sunday, February 22, 2004.

² Unless otherwise specified, all dates are in 2004.

community of interest with the unit employees. Petitioner also challenged Darren Bush, James Hupp, Betty Shipley and Robert Wise as supervisors, and challenged Kenneth T. Clark on the basis he works at another location. Finally, the Board Agent challenged Ronald Bolden because his name did not appear on the eligibility list. As the various challenges raise substantial and material issues of fact, I find that a hearing is warranted on whether the challenges should be overruled or sustained.

NOTICE OF HEARING

IT IS HEREBY DIRECTED, pursuant to Section 102.69 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, that a hearing be held in the John A. Penello Memorial Hearing Room, 7th Floor, the Appraisers Store, National Labor Relations Board, 103 South Gay Street, Baltimore, Maryland on Tuesday, April 6, 2004, and Wednesday, April 7, 2004, beginning at 9:30 am and continuing on consecutive days thereafter until completed, before a hearing officer of the National Labor Relations Board, who will take testimony for the purpose of resolving issues raised challenged ballots at which time the parties have the right to appear in person or otherwise and give testimony. The hearing officer designated for the purpose of conducting such hearing shall prepare and cause to be served upon the parties a report containing resolutions of the credibility of witnesses, findings of fact, and recommendations to the Board as to the disposition of said issues. Within 14 days from the issuance of such report, any party may file with the Board in Washington, DC, an original and seven copies of exceptions thereto. Immediately upon filing such exceptions the party filing the same shall serve a copy thereof on the other parties and shall file a copy with the Regional Director. If no exceptions are filed thereto, the Board may decide the matter forthwith upon the record or make other dispositions of the case.

Dated at Baltimore, Maryland this 31st day of March 2004.

(SEAL)

Wayne R. Gold

Wayne R. Gold, Regional Director
National Labor Relations Board, Region 5
Appraiser's Store Building
103 S. Gay Street, 8th Floor
Baltimore, MD 21202