

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8**

WHIZ Media Group

EMPLOYER

and

Case No. 8-RC-16627

**National Association of Broadcast
Employees and Technicians-CWA, AFL-CIO**

PETITIONER

ORDER TO OPEN AND COUNT CHALLENGED BALLOT

Pursuant to a Stipulated Election Agreement approved by the Regional Director on June 10, 2004, an election was conducted on June 30, 2004, among the employees in the following described unit:

All full-time and regular part-time television engineers, production employees, and photographer/editors employed by the Employer at its 629 Downard Road, Zanesville, Ohio location, but excluding all other employees, including commercial production managers, confidential employees, guards and supervisors as defined by the Act.

The tally of ballots issued after the election shows that of approximately 19 eligible voters, 16 cast ballots, of which 8 were cast for and 8 against the Petitioner. There was 1 challenged ballot, a number sufficient to affect the results of the election.

THE CHALLENGE

The ballot of Jon Hartmeyer was challenged by the Petitioner on the grounds that he was not included in the bargaining unit description.

By letter dated July 1, 2004, I requested that the Parties to the election submit their respective positions regarding the validity of the challenged ballot. Thereafter, the Petitioner requested in writing that its challenge to Hartmeyer's ballot be withdrawn and

that his ballot be opened and counted. The Employer has expressed no objection to this action.

Based on the foregoing withdrawal of the challenge to Hartmeyer's ballot, which I hereby approve in accordance with **Casehandling Manual Part Two (Representation Cases), Section 11361.2, Voluntary Resolution**, I conclude that Hartmeyer is eligible to vote. Accordingly, I have determined that his ballot shall be opened and counted.

CONCLUSIONS AND RECOMMENDATIONS

I conclude that the challenge to the ballot of Jon Hartmeyer's should be opened and counted, and that the parties be served with a Revised Tally of Ballots, including therein, the results of the count of the above ballot.

Dated at Cleveland, Ohio this 20th day of July 2004.

Frederick J. Calatrello

Frederick J. Calatrello
Regional Director
National Labor Relations Board
Region 8