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

ALEXANDRIA BUSINESS GROUP, INC.
t/a MAID BRIGADE

Employer

and Case 5-RC-15859

LABORERS' INTERNATIONAL UNION OF
NORTH AMERICA, LOCAL 572, AFL-CIO

Petitioner

SUPPLEMENTAL DECISION AND
CERTIFICATION OF RESULTS

Pursuant to a Decision and Direction of Election[1] issued on April 28, 2005[2] a secret-ballot election was conducted on May 27, 2005 with the following results:

Approximate number of eligible voters	124
Void ballots	1
Votes cast for Petitioner	50
Votes cast against participating labor organizations	73
Valid votes counted	123
Challenged ballots	0
Number of valid votes counted plus challenged ballots	123

The Petitioner, on June 2, filed a timely objection to conduct it alleges affected the results of the election.[3]

[1] The unit is: "All full-time and regular part-time housecleaners, housecleaner supervisors, and laundry workers employed at the Employer's Alexandria, Virginia and Adelphi, Maryland locations, but excluding quality control employees, customer service employees, guards, and supervisors as defined in the Act." The eligibility period is the payroll period ending April 23, 2005.
[2] Hereafter all dates are 2005, unless otherwise specified.
[3] The petition was filed on April 5. I will consider on its merits only that alleged interference which occurred during the critical period which begins on and includes the date of the filing of the petition and extends through the election. *Goodyear Tire and Rubber Co.*, 138 NLRB 453, 455 (1962).

THE OBJECTION

Objection 1

During the voting hours the owner of the company, Peter Glavas, and the Branch Manager, Teresa Butler, campaigned against the union near the election area.

In support of its objection, the Petitioner submitted statements from four employees.

According to these statements, on the day of the election at or near the third floor elevator, the employees at separate times were met by Teresa Butler, a supervisor, and Peter Glavas, the owner of the company. Butler had a clipboard and flyers in her hands, and Glavas made comments in English to the employees, which none of the employees could understand because they spoke only Spanish. Butler handed employees a flyer[4], and allegedly told some of the employees to "Vote No."; "Don't let us down."; "Vote No, give [the Employer] another chance"; and/or "We are your Employer, not the Union."

The Employer admits on the day of the election it distributed the document attached as Exhibit 1.

The substance of the literature does not warrant a post-election hearing. In Midland National LifeInsurance Co., 263 NLRB 127 (1982), the Board held that it will not "probe into the truth or falsity of the parties' campaign statements" and "will not set elections aside on the basis of misleading campaign statements." Id. at 133. An election will be set aside only where "a party has used forged documents which render the voters unable to recognize propaganda for what it is." Id. There is no evidence the Employer used forged documents that would make voters "unable to recognize propaganda for what it is." Id. It is clear the attached exhibit is recognizable as propaganda. Under these circumstances, an employee would not be misled to

[4] The flyer which is attached as Exhibit 1 was provided by the Employer in response to the objection. The Petitioner agrees this flyer was given to the employees.

believe that the literature in the instant case merely stating "VOTE NO," was anything other than campaign propaganda from the Employer and not a reproduction of a Board document. SDC Investments, 274 NLRB 556 (1985).

As for the alleged conversations at the third floor elevator between employees, Butler and Glavas, I find that these conversations did not run afoul of the *Milchem* rule, and were not so coercive as to disrupt or substantially impair unit employees exercising their free choice. *Milchem*, 170 NLRB 362 (1968). The Board's *Milchem* rule prohibits prolonged conversations between representatives of any party to an election and voters waiting in line. Here, there is absolutely no evidence showing that the conversations between the Employer's agents and employees occurred in the polling area while the employees were waiting in line to vote. In fact, both the employee witnesses and the Employer agree the campaigning occurred as the employees got off the elevator -- which was a distance from the entrance to the polling site and not within a designated "no electioneering" area. No evidence was presented that any voters were in line outside the polling site when the conversations occurred. Further, there is no evidence that the conversations were prolonged or were anything other then protected speech. Nothing was said during these brief conversations which can be construed to constitute intimidation or threats. Finally, neither party is entitled to the "lost word" in an election campaign. R.L. Polk and Co., 125 NLRB 181 (1959). Accordingly, under these facts and circumstances, even assuming all the facts presented by the Petitioner are true, I do not find that the conduct alleged by the Petitioner warrants setting aside the election.

In summary, that Petitioner's Objection is overruled in its entirety. Accordingly, I hereby issue the following Certification of Results of the Election.

CERTIFICATION OF RESULTS OF ELECTION

IT IS HEREBY CERTIFIED that a majority of the valid ballots has not been cast for Laborers' International Union of North America, Local 572, AFL-CIO and that said Union is not the excusive representative of all employees in the unit involved herein, within the meaning of Section 9(a) of the National Labor Relations Act, as amended.

Dated at Baltimore, Maryland, this 30th day of June 2005.

(SEAL) /s/ Wayne R. Gold

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

Under provisions of Section 102.69 of the Board's Rules and Regulations, exceptions to this Report, if filed, must be filed with the Board in Washington, D.C. Under provisions of Section 102.69(g) of the Board's Rules, documentary evidence, including affidavits, which a party has timely submitted to the Regional Director in support of objections and which are not included in the Report, are not a part of the record before the Board unless appended to exceptions or opposition thereto which the party files with the Board. Failure to append to the submission to the Board copies of the evidence timely submitted to the Regional Director and not included in the Report shall preclude a party from relying upon that evidence in any subsequent related unfair labor practice proceeding. Exceptions must be received by the Board in Washington by July 14, 2005.

FORM NLRB-877
(4-84)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ALEXANDRIA BUSINESS GROUP, INC. t/a MAID BRIGADE Employer and LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 572, AFL-CIO Petitioner	Case 5-RC-15859 DATE OF MAILING June 30, 2005

AFFIDAVIT OF SERVICE OF **SUPPLEMENTAL DECISION AND CERTIFICATION OF RESULTS**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document*(s)* by regular mail upon the following persons, addressed to them at the following addresses:

Mr. Peter Glavas
Mr. Leonardo Varella
Alexandria Business Group, Inc.t/a Maid Brigrade
4813 A Eisenhower Avenue
Alexandria, VA 22304-9706

Mr. Stephen J. Lanning
Organizer
Laborers' International Union of North America,
Local 572, AFL-CIO
12355 Sunrise Valley Drive, Suite 240
Reston, VA 20191

Subscribed and sworn to before me this 30th day of June 2005.	DESIGNATED AGENT **NATIONAL LABOR RELATIONS BOARD**