

United States Government

**NATIONAL LABOR RELATIONS BOARD**

Region 11

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[www.nlrb.gov](http://www.nlrb.gov)

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

August 6, 2008

Re: ResCare, Inc.  
Case 11-RD-694

Glenn Taubman, Esq.  
National Right to Work Legal Defense Foundation, Inc.  
8001 Braddock Road, Suite 600  
Springfield, VA 22160

Dear Mr. Taubman:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

As a result of the investigation, it appears that further proceedings on the petition are not warranted at this time. In this regard, the evidence disclosed that on November 29, 2006, an arbitrator certified that a majority of the employees at the Employer's Mercer County location desired union representation and, thereafter, the Mercer County employees were merged into the West Virginia state-wide bargaining unit. The instant petition only seeks to decertify the Union as the representative of the Mercer County employees. The Board has long held that the bargaining unit in which a decertification election is held must be coextensive with the certified or recognized unit; in other words, a petitioner cannot decertify part of a unit. Campbell Soup Co., 111 NLRB 234 (1955). As the petitioned-for unit is not coextensive with the recognized unit, I am dismissing the petition in this matter.

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefore with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C., 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (*eight copies*) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business at 5:00 p.m. EST (EDT) on **August 20, 2008**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing

the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph.

Very truly yours,

/s/ Willie L. Clark, Jr.

Willie L. Clark, Jr.  
Regional Director

SRM/srm

CERTIFIED MAIL - Return Receipt Requested

cc: Mr. Charles D. Webb, Jr.  
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