

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 14

VALLEY FORD, INC.

Employer

and

Case 14-RD-1911

LEO W. SCHULZE, an Individual

Petitioner

and

DISTRICT NO. 9, INTERNATIONAL  
ASSOCIATION OF MACHINISTS AND  
AEROSPACE WORKERS, AFL-CIO

Union

**REGIONAL DIRECTOR'S SUPPLEMENTAL REPORT**  
**ON CHALLENGED BALLOTS, ORDER APPROVING STIPULATION AND**  
**ORDER SCHEDULING OPEN AND COUNT**

Pursuant to a petition filed on September 9, 2008, and a Stipulated Election Agreement approved on September 23, 2008, an election was conducted on October 16, 2008, among employees of the Employer in the following-described appropriate collective-bargaining unit:

All journeyman automobile and truck mechanics (technicians), machinists, electrical machinists, welders, trimmers, metal fender, body and radiator repairers, painters, refrigeration and automotive air conditioning mechanics, inspectors, glass installers, service, salespersons, dispatchers/towerpersons, apprentices, working foremen, time flaggers, specialists, service salesperson trainees, service greeters and service department helpers employed by the Employer at its Hazelwood, Missouri facility, EXCLUDING office clerical and professional employees, guards and supervisors as defined in the Act.

The tally of ballots made available to the parties shows the following results:

Approximate number of eligible voters.....	37
Void ballots.....	0
Votes cast for District No. 9, International Association of Machinists and and Aerospace Workers, AFL-CIO .....	12
Votes cast against participating labor organization .....	11
Valid votes counted .....	23
Challenged ballots.....	12
Valid votes counted plus challenged ballots .....	35

Challenges are sufficient in number to affect the results of the election.

No objections to conduct of the election or to conduct affecting the results of the election were filed by any party within the time provided.

**BACKGROUND**

The Employer, a Missouri corporation with its principal offices located in Hazelwood, Missouri, is engaged in the retail sale and service of motor vehicles. The Union has been the exclusive collective-bargaining representative of the above-described unit for approximately 30 years under the overall supervision of the president, Frank Sprich. The most recent contract was effective from August 1, 2004 through September 30, 2007, and extended through October 31, 2007. On November 1, 2007, the employees represented by the Union went out on strike and remain on strike.

Pursuant to Section 102.69 of the Board’s Rules and Regulations, Series 8, as amended, the Regional Director caused an investigation to be made of the challenged ballots. On December 4, 2008, the Regional Director issued his Regional Director’s Report on Challenges, Order Directing Hearing and Notice of Hearing, that established January 12, 2009, as the date of the hearing.

**THE CHALLENGED BALLOTS**

The ballots of Matt Engelke, David Fleshman, Douglas Graf, Larry Hickerson, and Jerry Vaughan were challenged by the Board agent conducting the election because their names did not appear on the *Excelsior* list of eligible voters. The ballots of Mershad Bashi, Christopher

Buenger, and James Prater were challenged by the Union on the grounds they were hired after the payroll period ending date for eligibility to participate in the election and do not perform bargaining unit work. The ballots of Sheldon Fowler, Sheila Hemmy, Adam Humphrey, and Cornelius Pike were challenged by the Union on the ground that they do not perform bargaining unit work.

On January 9, 2009, the parties entered into a Stipulation<sup>1</sup> in which they agreed that the Regional Director may open and count the challenged ballots of Matt Engelke, David Fleshman, Douglas Graf, Larry Hickerson, Jerry Vaughan, Mershad Bashi, Christopher Buenger, James Prater, Sheldon Fowler, Sheila Hemmy, Adam Humphrey, and Cornelius Pike. The Stipulation further provides that the challenged ballots would be opened and counted at 1 p.m. on February 2, 2009, at the offices of Region 14 of the National Labor Relations Board. Additionally, in the Stipulation, the parties waived their right to a decision by the National Labor Relation Board, a hearing with respect to the challenged ballots, and to file exceptions to the Regional Director's Supplemental Report on Challenged Ballots, Order Approving Stipulation and Order Scheduling Open and Count.

### **CONCLUSION AND ORDERS**

The Regional Director, having carefully considered the matter, and having concluded that the Stipulation of the parties is not inconsistent with the purposes and policies of the Act:

IT IS HEREBY ORDERED that the parties' Stipulation is approved.

IT IS FURTHER ORDERED that the challenged ballots of Matt Engelke, David Fleshman, Douglas Graf, Larry Hickerson, Jerry Vaughan, Mershad Bashi, Christopher Buenger, James Prater, Sheldon Fowler, Sheila Hemmy, Adam Humphrey, and Cornelius Pike will be opened and counted at 1 p.m. on February 2, 2009, at the offices of Region 14 of the National Labor Relations Board and a revised tally of ballots shall issue. If the revised tally of

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<sup>1</sup>A copy of the parties' Stipulation is attached as Exhibit 1.

ballots discloses that a majority of the valid votes has been cast for the Union, a Certification of Representative shall issue. If the revised tally of ballots discloses that a majority of the valid votes has not been cast for the Union, a Certification of Results of Election shall issue.

January 12, 2009.

/s/ [Ralph R. Tremain]  
Ralph R. Tremain, Regional Director  
National Labor Relations Board  
Region 14  
1222 Spruce Street, Room 8.302  
St. Louis, MO 63103-2829