

# NATIONAL LABOR RELATIONS BOARD

## Region 20

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February 5, 2009

Mr. Jerry L. Pigsley  
AmeriPride Services, Inc. d/b/a AmeriPride Uniform Services  
121 S 13th Street, Suite 800  
PO Box 82028  
Lincoln, NE 68501-2028

**Re:** AmeriPride Services, Inc. d/b/a  
AmeriPride Uniform Services  
**Cases:** 20-UC-426 and 20-UC-427

Dear Mr. Pigsley:

The above-captioned cases petitioning for clarification about the bargaining unit placement of certain employees under Section 9(b) of the National Labor Relations Act, as amended, have been carefully investigated and considered.

The Region's investigation into these petitions disclosed that Teamsters Union Local 150 and Teamsters Union Local 137 currently represent bargaining units of employees at Employer AmeriPride's facilities in Sacramento and Anderson, California, respectively. Each corresponding collective-bargaining agreement provides for bargaining units that include route sales employees, route salesmen, relief drivers, shuttle drivers, wholesale drivers, and dust control drivers, and that exclude office and clerical employees, salesmen, watchmen, guards, professional, supervisory and confidential employees, and all other employees. These contracts expired on October 31, 2008.

The Employer proposed in 20-UC-426 to revise the bargaining unit to read, "All Customer Service Representatives and Shuttle Drivers employed at its Sacramento, California Service Center, excluding office clerical employees, all other employees, guards, professional employees, and supervisors as defined in the Act." In 20-UC-427, the Employer proposed to revise the unit description to read, "All Customer Service Representatives employed at its Anderson, California Service Center, excluding office clerical employees, all other employees, guards, professional employees, and supervisors as defined in the Act."

The Employer explained that it filed these petitions to seek “to more accurately describe those classification (sic) in the bargaining unit. AmeriPride is not seeking to exclude any employee who is currently represented.” Moreover, the Employer’s petitions establish that neither does it seek to add any employees to the unit, as on each petition the “Present” and “Proposed (By UC/AC)” numbers are equal, at 18 and 3, respectively.

The Employer argues that these UC petitions provide the appropriate means to resolve ambiguities concerning the unit placement of individuals who come within a newly-established classification. (*Premcor, Inc.*, 333 NLRB 1365 (2001)). In fact, however, the investigation showed that no such ambiguities exist. The Employer has not established new job duties, nor does it seek to add any employees to or exclude any employees from the existing bargaining units. Rather, it merely wants to change the title of the jobs that the represented employees perform. In short, there is no dispute about whether particular employees should be included or excluded from the bargaining units, and the Employer’s desire to reduce in number and rename the covered employees’ job classifications does not constitute a material change in its operations or among its employees.

I do not believe that this is the substantive type of change or issue that the Board intended to address through its unit clarification processes. Rather, this is a matter of nomenclature that the Employer and the respective Unions should resolve between themselves. Accordingly, I hereby dismiss these petitions.

A review of this action may be obtained by filing a request therefore with the National Labor Relations Board, addressed to the Executive Secretary of the Board, 1099 14<sup>th</sup> Street, N.W. Washington, D.C.20570. A copy of such request for review must be served upon each of the other parties to the proceeding, including the undersigned. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (8 copies) must be filed with the Board in Washington by the close of business **February 19, 2009**. 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, and a copy of any such request for extension of time should be submitted to Regional Director, and to the other parties to this proceeding.

The request for review and any request for extension of time 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 it 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 fax.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may now be filed electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance for E-filing can also be found on the National Labor Relations Board web site at [www.nlrb.gov](http://www.nlrb.gov). On the home page of the website, select the **E-Gov** tab and click on **E-Filing**. Then select the NLRB office for which you wish to E-File your documents. Detailed E-filing instructions explaining how to file the documents electronically will be displayed.

Very truly yours,

*/s/ Joseph P. Norelli*

Joseph P. Norelli  
Regional Director

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cc: Director, Office of Representation  
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