

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
RD PETITION

DO NOT WRITE IN THIS SPACE

Case No.

3-RD-228337

Date Filed

10/1/18

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlrb.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 7 below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RD- DECERTIFICATION (REMOVAL OF REPRESENTATIVE) - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer Cornell University		2b. Address(es) of Establishment(s) involved (Street and number, city, state, ZIP code) 630 West North St Geneva, NY 14456	
3a. Employer Representative - Name and Title Laurie DeNardo Associate Director HR		3b. Address (If same as 2b - state same) 208 Mann Dr. Ithaca, NY 14850	
3c. Tel. No. 607-255-7659	3d. Fax No. 607-255-8795	3e. Cell No.	3f. E-Mail Address lmd3@cornell.edu
4a. Type of Establishment (Factory, mine, wholesaler, etc.)		4b. Principal product or service	
5a. Description of Unit Involved Included: All full-time and regular part time Utility II & III employed by the University at its Geneva Campus Excluded:			5b. City and State where unit is located: Geneva, NY
6. No. of Employees in Unit 6	7. Do a substantial number (30% or more) of the employees in the unit no longer wish to be represented by the certified or currently recognized bargaining representative? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
8a. Name of Recognized or Certified Bargaining Agent International Union of Operating Engineers Local 158S (John Tarasuk)		8b. Affiliation, if any Same	
8c. Address District 832 P.O. Box 93310 Rochester, NY 14692		8d. Tel. No. 585-272-4640	8e. Cell No. 585-738-4702
		8f. Fax No. 585-272-4651	8g. E-Mail Address
9. Date of Recognition or Certification July 1 2015		10. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year) June 30 2020	
11a. Is there now a strike or picketing at the Employer's establishment(s) involved? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		11b. If so, approximately how many employees are participating?	
11c. The Employer has been picketed by or on behalf of (Insert Name) (Insert Address)		a labor organization, of since (Month, Day, Year)	
12. Organizations or individuals other than those named in items 8 and 11c, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5 above. (If none, so state)			
12a. Name None	12b. Address	12c. Tel. No.	12d. Fax No.
		12e. Cell No.	12f. E-Mail Address
13. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.		13a. Election Type: <input type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail	
13b. Election Date(s) October 15 2018	13c. Election Time(s) 9:00am	13d. Election Location(s) Geneva Campus, Sawdust Cafe (bldg. 4912)	
14. Full Name of Petitioner (b) (6), (b) (7)(C)			
14a. Address (Street and number, city, state, ZIP code) (b) (6), (b) (7)(C)		14b. Tel. No. (b) (6), (b) (7)(C)	14c. Fax No.
		14d. Cell No. (b) (6), (b) (7)(C)	14e. E-Mail Address (b) (6), (b) (7)(C)
14f. Affiliation, if any			
15. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.			
15a. Name (b) (6), (b) (7)(C)		15b. Title (b) (6), (b) (7)(C)	
15c. Address (Street and number, city, state, ZIP code) (b) (6), (b) (7)(C)		15d. Tel. No. (b) (6), (b) (7)(C)	15e. Fax No.
		15f. Cell No. (b) (6), (b) (7)(C)	15g. E-Mail Address (b) (6), (b) (7)(C)
I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.			
Name (b) (6), (b) (7)(C)	Name (b) (6), (b) (7)(C)	Name (b) (6), (b) (7)(C)	Date Filed 9-18-18

WILLFUL FALSE STATEMENTS OR

ED BY FINE AND

8, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

RC PETITION

DO NOT WRITE IN THIS SPACE

Case No.

3-RC-229688

Date Filed

October 23, 2018

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. **The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.**

2a. Name of Employer

Komatsu America Corp.

2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code)

97 NY-302
NY Pine Bush 12566-

3a. Employer Representative - Name and Title

Jack Serratore

3b. Address (If same as 2b - state same)

97 NY-302
NY Pine Bush 12566-

3c. Tel. No.

(215) 822-0145

3d. Cell No.

(215) 822-0145

3e. Fax No.

3f. E-Mail Address

jack.serratore@midatlanticmachinery.com

4a. Type of Establishment (Factory, mine, wholesaler, etc.)

Construction

4b. Principal product or service

5a. City and State where unit is located:

Pine Bush, NY

5b. Description of Unit Involved

Included: See Attached Page 2 for additional details

Excluded: See Attached Page 2 for additional details

6a. No. of Employees in Unit:

17

6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes ☒ No ☐

Check One: ☒ 7a. Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about _____ (Date) (If no reply received, so state).

☐ 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent (If none, so state).

8b. Address

8c. Tel. No.

8d. Cell No.

8e. Fax No.

8f. E-Mail Address

8g. Affiliation, if any

8h. Date of Recognition or Certification

8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)

9. Is there now a strike or picketing at the Employer's establishment(s) involved? _____ If so, approximately how many employees are participating? _____

(Name of labor organization) _____, has picketed the Employer since (Month, Day, Year) _____.

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)

10a. Name

10b. Address

10c. Tel. No.

10d. Cell No.

10e. Fax No.

10f. E-Mail Address

11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.

11a. Election Type: ☒ Manual ☐ Mail ☐ Mixed Manual/Mail

11b. Election Date(s):
November 12, 2018

11c. Election Time(s):
9:00 A.M.

11d. Election Location(s):
97 NY-302, Pine Bush, NY 12566

12a. Full Name of Petitioner (including local name and number)

Mike Ham
International Union of Operating Engineers Local 825

12b. Address (street and number, city, state, and ZIP code)

96 Bates Gates Rd.
NY New Hampton 10958-3315

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)

International Union of Operating Engineers

12d. Tel. No.

(845) 674-9021

12e. Cell No.

(845) 741-8458

12f. Fax No.

(845) 674-9025

12g. E-Mail Address

mham@iuoe825.org

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title

Daniel C Stark Esq. Attorney
DeCotiis FitzPatrick Cole & Giblin, LLP

13b. Address (street and number, city, state, and ZIP code)

500 Frank W. Burr Blvd. Suite 31
NJ TEANECK 07666-

13c. Tel. No.

(201) 347-2129

13d. Cell No.

(201) 213-0458

13e. Fax No.

(201) 928-0588

13f. E-Mail Address

dastark@decotiislaw.com

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print)

Daniel C Stark Esq.

Signature

Daniel Stark

Title

Attorney

Date

10/23/2018 10:38:59

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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Attachment

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
3-RC-229688	October 23, 2018

Employees Included

Technicians, Mechanics, Foremen, Yard Workers, and Drivers

Employees Excluded

All other employees, including office clerical employees, managerial employees, guards, and supervisors as defined by the Act.