



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
One West Fourth Street
Suite 710
Winston-Salem, NC 27101

Agency Website: www.nlr.gov
Telephone: (336)631-5201
Fax: (336)631-5210

February 6, 2024

tayloral@westinghouse.com
April Taylor
Westinghouse Electric Co. LLC
5801 Bluff Rd
Hopkins, SC 29061

melissa_reyes@ibew.org
Melissa Reyes, Lead Organizer
International Brotherhood of Electrical Workers, AFL-CIO
6638 Bluegill Rd
Charlotte, NC 28216

Re: Westinghouse Electric Co. LLC
Case 10-RC-334420

Dear Ms. Taylor, Ms. Reyes:

Enclosed are the Notice of Election and a copy of the election agreement that I have approved in this case. This letter will provide you with information about the voter list, posting and distribution of the election notices, and the agreed-upon election arrangements.

Voter List

The Employer must provide the regional director and parties an alphabetized list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters, **accompanied by a certificate of service** on all parties.

To be timely filed and served, the list must be *received* by the regional director and the parties by **Wednesday, February 7, 2024**. **The region will no longer serve the voter list.** The Employer's failure to file or serve the list within the specified time or in the proper format is grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list in the specified time or in the proper format if it is responsible for the failure.

The list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx) and is searchable electronically. The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is

provided on the NLRB website at www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx.

Pursuant to Section 102.5 of the Board's Rules and Regulations, the list must be filed electronically by submitting (E-Filing) it through the Agency's website (www.nlr.gov), unless the Employer provides a written statement explaining why electronic submission is not possible or feasible. The Employer must also electronically serve the list on the other parties. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. The burden of establishing the timely filing and receipt of the list is on the sending party.

Posting and Distribution of Election Notices

The Employer must post copies of the attached Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted at least 3 full working days prior to 12:01 am on the day of the election and must also distribute the Notice of Election electronically to any employees in the unit with whom it customarily communicates electronically. The Notice of Election must be posted so all pages are simultaneously visible. In this case, the notices must be posted and distributed **before 12:01 a.m. on Monday, February 26, 2024**. The Employer's failure to timely post or distribute the election notices is grounds for setting aside the election if proper and timely objections are filed. However, a party is estopped from objecting to the nonposting or nondistribution of notices if it is responsible for the nonposting or nondistribution.

To make it administratively possible to have election notices and ballots in a language other than English, please notify the Board agent immediately if that is necessary for this election. Also, as noted in paragraph 10 of the stipulated election agreement, if special accommodations are required for any voters, potential voters, or election participants to vote or reach the voting area, please tell the Board agent as soon as possible.

Election Arrangements

The arrangements for the election in this matter are as follows:

Date of Election: Thursday, February 29, 2024 AND Friday, March 1, 2024 AND Saturday, March 2, 2024

Time: 6 am to 8 am, 2pm to 4pm 10pm to 12 midnight (Thursday AND Friday) AND 10:30 am to 11:30 am (Saturday)

Place: Conference Room 131A of Employer's facility located at 5801 Bluff Road, Hopkins, South Carolina

Election Observers: Each party may have one observer for each polling session. The observers may be present at the polling place during the balloting and to assist the Board agent in counting the ballots after the polls have been closed. **Please complete the**

enclosed Designation of Observer form and return it to this office as soon as possible.

Pre-election Conference: A pre-election conference for all parties will be held at 5:30AM on Thursday, February 29, 2024 at the designated polling area, and the observers should be present at least 30 minutes before the opening of the polls on each polling session of each day. The parties are requested to have their election observers present at this conference so that the observers may receive instruction from the Board Agent about their duties.

Election Equipment: The Board agent conducting the election will furnish the ballot box, ballots, and voting booths. The Employer is requested to provide, at the polling place, a table and a sufficient number of chairs for use by the Board agent and observers during the election.

Enclosed is a Description of Election and Post-Election Procedures in Representation Cases, Form NLRB-5547, which describes the election and the method for handling challenges as well as post-election proceedings to deal with determinative challenges and any objections that are filed.

If you have any questions, please feel free to contact Field Examiner Ingrid J. Jenkins at telephone number (336) 582-7127 or by email at ingrid.jenkins@nlrb.gov. The cooperation of all parties is sincerely appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read 'L. Henderson', with a long horizontal line extending to the right.

Lisa Y. Henderson
Regional Director

Enclosures

1. Approved Election Agreement
2. Notice of Election
3. Designation of Observer Form
4. Description of Procedures in Election and Post-Election Representation Case Procedures (Form 5547)

cc: kmiller@littler.com
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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

Westinghouse Electric Co. LLC

Case 10-RC-334420

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

Westinghouse Electric Co. LLC, the Employer herein, is a Pennsylvania corporation with places of businesses throughout the United States including a facility located at 5801 Bluff Road, Hopkins, South Carolina, the only facility involved herein. The Employer provides nuclear fuel services to its customers. A representative time period, the Employer purchased and received goods valued in excess of \$50,000 directly from suppliers located outside the state of South Carolina. Also, during this same time period, the Employer provided services valued in excess of \$50,000 to customers located outside the state of South Carolina.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

**DATES: Thursday, February 29, 2024
AND
Friday, March 1, 2024**

**HOURS: 6 am to 8 am
2pm to 4pm
10pm to 12 midnight**

**AND
Saturday, March 2, 2024**

10:30 am to 11:30 am

**PLACE: Conference Room 131A of Employer's facility located at
5801 Bluff Road, Hopkins, South Carolina**

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Initials: JN 

All full-time and regular part-time production, maintenance, and warehouse employees employed by the Employer at its facility located at 5801 Bluff Road, Hopkins, South Carolina; but excluding all other employees, Contract Management Techs, Field Service Technicians, Irradiated Fuel Inspection Specialists, ISD Global Support Technicians, Maintenance Contract Coordinators, office clerical employees, managers, guards and supervisors as defined in the Act.

Those eligible to vote in the election are **hourly employees in the above unit who were employed during the payroll period ending January 25, 2024; and salary, non-exempt employees in the above unit who were employed during the payroll period ending December 31, 2023**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the above unit on both the payroll period ending date and on the date they mail in their ballots to the Board's designated office.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, and, in a mail ballot election, before they mail in their ballots to the Board's designated office, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO?" The choices on the ballot will be "Yes" or "No".

Initials: J N 

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative:

Annette Pope – Senior Director CFFF
5801 Bluff Road
Hopkins, SC
Telephone: (803) 647-1994
Email address: popeah@westinghouse.com

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

14. MANUAL ELECTION PROTOCOLS (MEMORANDUM GC 20-10, SUGGESTED MANUAL ELECTION PROTOCOLS, REVISED MAY 16, 2023)

1. Individuals should not participate in-person in a manual election (including other in person meetings related to the election) if they have COVID-19, fever or chills, or if they have other new or unexplained symptoms consistent with COVID-19, such as: new or unexplained onset of cough, shortness of breath, or difficulty breathing; new or unexplained loss of taste or smell; or new or unexplained muscle aches.

2. If an individual who participated in a manual election develops symptoms or tests positive for COVID-19 within 10 days after the election or an in-person meeting related to the election, they must promptly notify the Board agent assigned to the case.

J N 

3. If the CDC or a state or a locality determines that a mask requirement is necessary in the location in which a manual election is to be held, all individuals must wear a well-fitting, high quality face mask (N-95, KN-95, N-94, surgical mask, or similar). If masks are required, and the Region or Employer has an adequate supply of N-95 or equivalent masks available, they are strongly encouraged to offer them for use by all election participants. Individuals participating in manual elections in other locations may wear a mask at their choosing.

4. Individuals participating in manual elections are encouraged to maintain reasonable physical distance and avoid overcrowding.

5. Individuals will be encouraged to use hand sanitizer, where available.

Westinghouse Electric Co. LLC

(Employer)

By:



2/5/24

(Signature)

(Date)

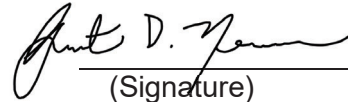
Print Name:

Brian M. Hentosz

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO**

(Petitioner)

By:



2/5/24

(Signature)

(Date)

Print Name:

Jonathan D. Newman

Recommended:

INGRID JENKINS

Digitally signed by INGRID

JENKINS

Date: 2024.02.05 14:52:11 -05'00'

Ingrid J. Jenkins, Field Examiner (Date)

Date approved:

February 5, 2024



Regional Director, Region 10

National Labor Relations Board



United States of America
National Labor Relations Board
NOTICE OF ELECTION



PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by SECRET ballot under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Electioneering will not be permitted at or near the polling place. Violations of these rules should be reported immediately to an NLRB agent. Your attention is called to Section 12 of the National Labor Relations Act which provides: ANY PERSON WHO SHALL WILLFULLY RESIST, PREVENT, IMPEDE, OR INTERFERE WITH ANY MEMBER OF THE BOARD OR ANY OF ITS AGENTS OR AGENCIES IN THE PERFORMANCE OF DUTIES PURSUANT TO THIS ACT SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$5,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off, and also include employees in the military service of the United States who appear in person at the polls. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are *not* eligible to vote.

SPECIAL ASSISTANCE: Any employee or other participant in this election who has a handicap or needs special assistance such as a sign language interpreter to participate in this election should notify an NLRB Office as soon as possible and request the necessary assistance.

PROCESS OF VOTING: Upon arrival at the voting place, voters should proceed to the Board agent and identify themselves by stating their name. The Board agent will hand a ballot to each eligible voter. Voters will enter the voting booth and mark their ballot in secret. **DO NOT SIGN YOUR BALLOT.** Fold the ballot before leaving the voting booth, then personally deposit it in a ballot box under the supervision of the Board agent and leave the polling area.

CHALLENGE OF VOTERS: If your eligibility to vote is challenged, you will be allowed to vote a challenged ballot. Although you may believe you are eligible to vote, the polling area is not the place to resolve the issue. Give the Board agent your name and any other information you are asked to provide. After you receive a ballot, go to the voting booth, mark your ballot and fold it so as to keep the mark secret. **DO NOT SIGN YOUR BALLOT.** Return to the Board agent who will ask you to place your ballot in a challenge envelope, seal the envelope, place it in the ballot box, and leave the polling area. Your eligibility will be resolved later, if necessary.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the voting place and at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

All full-time and regular part-time production, maintenance, and warehouse employees employed by the Employer at its facility located at 5801 Bluff Road, Hopkins, South Carolina.

EMPLOYEES NOT ELIGIBLE TO VOTE:

All other employees, Contract Management Techs, Field Service Technicians, Irradiated Fuel Inspection Specialists, ISD Global Support Technicians, Maintenance Contract Coordinators, office clerical employees, managers, guards and supervisors as defined in the Act.

Those eligible to vote in the election are hourly employees in the above unit who were employed during the payroll period ending January 25, 2024, and salary, non-exempt employees in the above unit who were employed during the payroll period ending December 31, 2023, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

DATE, TIME AND PLACE OF ELECTION

Thursday, February 29, 2024	6 am to 8 am 2pm to 4pm 10pm to 12 midnight	Conference Room 131A of Employer's facility located at 5801 Bluff Road Hopkins, South Carolina
Friday, March 1, 2024	6 am to 8 am 2pm to 4pm 10pm to 12 midnight	Conference Room 131A of Employer's facility located at 5801 Bluff Road Hopkins, South Carolina
Saturday, March 2, 2024	10:30 am to 11:30 am	Conference Room 131A of Employer's facility located at 5801 Bluff Road Hopkins, South Carolina

EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



**UNITED STATES OF AMERICA
National Labor Relations Board
10-RC-334420**



OFFICIAL SECRET BALLOT

For certain employees of
WESTINGHOUSE ELECTRIC CO. LLC

Do you wish to be represented for purposes of collective bargaining by
**INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, AFL-CIO?**

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES

NO

**DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS
THAT WOULD REVEAL YOUR IDENTITY. MARK AN "X" IN THE SQUARE OF YOUR
CHOICE ONLY. If you make markings inside, or anywhere around, more than one square,
return your ballot to the Board Agent and ask for a new ballot. If you
submit a ballot with markings inside, or anywhere around, more than one square,
your ballot will not be counted.**

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.



United States of America
National Labor Relations Board
NOTICE OF ELECTION



RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with your employer on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities
- In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- Threatening loss of jobs or benefits by an Employer or a Union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or the mail ballots are dispatched in a mail ballot election
- Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a Union or an Employer to influence their votes

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (336) 631-5201 or visit the NLRB website www.nlr.gov for assistance.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
INSTRUCTIONS TO ELECTION OBSERVERS

The role of observers in an NLRB election is an important one. You are here to see that the election is conducted in a fair and impartial manner, so that each eligible voter has a fair and equal opportunity to express him or herself freely and in secret. As official representatives of the parties in this election, you should undertake your role with a fair and open mind. Conduct yourself so that no one can find fault with your actions during the election. The NLRB appreciates your assistance in this democratic process.

PRINCIPAL FUNCTIONS

- Monitor the election process.
- Help identify voters.
- Challenge voters and ballots.
- Assist Board Agent in the conduct of election.

DUTIES

- BE ON TIME: Observers should report one-half hour before the polls open.
- Identify voters.
- Check off the name of the person seeking to vote. One check before the voter's name is made by one party's observer. One check after the name is made by the other party's observer.
- See that only one voter occupies a booth at any one time.
- See that each voter deposits the ballot in the ballot box.
- See that each voter leaves the voting area immediately after depositing the ballot.
- Report any conflict regarding an individual's right to vote to the Board Agent at your table before the individual votes.
- Challenge of Voters: An observer has the right to challenge a voter for cause. A Board Agent may also question the eligibility of a voter. Any challenge must be made before the voter's ballot has been placed in the ballot box.
- Report any unusual activity to the Board Agent as soon as you notice it.
- Wear your observer badge at all times during the election.
- Remain in the voting place until all ballots are counted in order to check on the fairness of the count. If the ballots are not counted immediately after the polls close, you will be informed as to when and where the ballots will be counted.

DO NOT

- Keep any list of individuals who have or have not voted.
- Talk to any voter waiting in line to vote, except as instructed by the Board Agent. (Greeting voters as they approach to vote is acceptable.)

- Give any help to any voter. Only a Board Agent can assist the voter.
- Electioneer at any place during the hours of the election.
- Discuss or argue about the election.
- Leave the election area without the Board Agent's permission.
- Use any electronic device including cell phones, laptop computers, personal digital assistants (PDAs), mobile e-mail devices, wired or wireless data transmission and recording devices, etc. (Please turn off or disable these devices before entering the polling area).

DESIGNATION OF OBSERVER(S)

Re: Westinghouse Electric Co. LLC
Case 10-RC-334420

Westinghouse Electric Co. LLC hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

Westinghouse Electric Co. LLC

(Name of Party)

By:

(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the Employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

DESIGNATION OF OBSERVER(S)

Re: Westinghouse Electric Co. LLC
Case 10-RC-334420

PETITIONER International Brotherhood of Electrical Workers, AFL-CIO hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

International Brotherhood of Electrical Workers, AFL-CIO

(Name of Party)

By:

(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the Employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

**DESCRIPTION OF ELECTION AND POST-ELECTION
REPRESENTATION CASE PROCEDURES**

Election -- A secret ballot election will be conducted by an agent of the National Labor Relations Board on the date and at the time(s) and location(s) specified in the Notice of Election. Unless the election is conducted by mail ballot, each party is usually represented by an equal number of observers at the polls during the election. When the election is conducted manually, each party may be represented by an observer of its own selection; whenever possible, a party shall select a current member of the voting unit as its observer, and when no such individual is available, a party should select a current nonsupervisory employee as its observer. When a voter appears at the poll to vote, the voter is asked to state his or her name and is given a ballot to take to a voting booth and mark in secret. The voter folds the marked ballot and then drops it into a ballot box without showing the marking to anyone. Parties or the Board agent may challenge for good cause the eligibility of a voter to participate in the election. A challenged voter will place his or her ballot in a special envelope before placing it in the ballot box. After the time for voting has concluded but before counting the ballots, the Board agent will see if the parties can agree to resolve some or all of the challenges. Where a request for review of a direction of election has been timely filed or upon specific direction by the Board, the ballot(s) that might be affected by the Board's decision on review will be segregated and all ballots will be impounded and remain unopened pending the Board's ruling or decision. Otherwise, the Board agent will count the ballots and prepare a Tally of Ballots and make that Tally available to the parties. If the unresolved challenged ballots will not determine the outcome of the election, the challenged ballots are never opened and no determination is made on the voters' eligibility. If the remaining challenged ballot or ballots are determinative of the results of the election, those challenged ballots will be sealed in a special envelope in front of the parties and stored in a safe in an NLRB office.

Challenged Ballots -- If the challenged ballot or ballots are determinative, the Regional Director will send a letter to the parties after the election, listing the challenged voters and asking the parties to submit a statement of position with respect to each of the determinative challenged ballots detailing why each of the challenged individuals is or is not eligible to vote. The Regional Director will then determine whether it is necessary to conduct an investigation or schedule a hearing to resolve the determinative challenges.

Objections -- Within 5 business days after the Tally of Ballots has been prepared, any party may file objections to the conduct of the election or to conduct affecting the results of the election. The objections must be submitted within this time frame, regardless of whether challenged ballots, if any, are sufficient in number to affect the results of the election. The objections must contain a short statement of the reasons for the objections and be accompanied by a written offer of proof identifying each witness the party would call to testify concerning the issue and summarizing the witness's testimony. Upon request of a party and showing of good cause, the Regional Director may extend the time for filing the offer of proof. The party filing the objections will serve a copy of the objections, but not the written offer of proof, on each of the other parties to the case, and include a certificate of service with the objections. The objections must be faxed or E-Filed through the Agency's E-Filing system (www.nlr.gov), absent a written statement explaining why electronic submission is not possible or feasible.

Certification in the Absence of Objections, Determinative Challenges, and Runoff Elections -- If no timely objections are filed, no runoff election is required to be held, and the challenged ballots are insufficient in number to affect the results of the election, the Regional Director will issue a certification of the results of the election, including certification of representative where appropriate. However, the Regional Director will not issue a certification if a request for review of the decision and direction of election is pending.

Regional Office Investigation and Decisions without a Hearing -- A Board agent may be assigned to conduct an administrative investigation of determinative challenges and/or objections. If the Regional Director determines that the evidence described in the offer of proof in support of objections would not constitute grounds for setting aside

the election if introduced at a hearing, and/or the Regional Director determines that any determinative challenges do not raise substantial and material factual issues, the Regional Director will issue a decision disposing of the objections and/or determinative challenges.

Notices of Hearing on Challenges and/or Objections -- The Regional Director will schedule the hearing on challenges and/or objections 15 business days after the preparation of the tally of ballots or as soon as practicable thereafter, unless the parties agree to an earlier date. In some cases, the Regional Director may consolidate the hearing concerning objections and challenges with an unfair labor practice proceeding before an Administrative Law Judge. In any proceeding involving a consent election where the representation case has been consolidated with an unfair labor practice proceeding for hearing, the Administrative Law Judge will, after issuing a decision, sever the representation case and transfer it to the Regional Director for further processing. If there was no consent election, the Administrative Law Judge's recommendations on objections and/or challenges that have been consolidated with an unfair labor practice proceeding will be ruled upon by the Board if exceptions are filed or adopted in the absence of exceptions.

Voluntary Resolution -- An objecting party may wish to withdraw its objections. The withdrawal may be oral or written. When objections are withdrawn, the Regional Director may issue the appropriate certification. If the parties agree to set aside the election and conduct a new one, the Board agent will prepare a written agreement for their signature and approval by the Regional Director. Agreement of the objecting party is not required.

Hearing on Challenges and/or Objections -- The hearing will continue from day to day until completed unless the Regional Director concludes that extraordinary circumstances warrant otherwise. Any party will have the right to appear at the hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the objections and/or determinative challenges that are the subject of the hearing. Post-hearing briefs may be filed within five business days after the close of the hearing, unless additional time is granted by the Hearing Officer prior to the close of hearing and upon showing of good cause.

Hearing Officer's Report and Exceptions -- After the hearing, the Hearing Officer will prepare and serve on the parties a report resolving questions of credibility and containing findings of fact and recommendations as to the disposition of the post-election issues. Within 10 business days from the issuance of that report, any party may file with the Regional Director exceptions to that report and a supporting brief if desired. A copy of the exceptions and any supporting brief must immediately be served on the other parties and a statement of service filed with the Regional Director. Within 5 business days from the last date on which exceptions and any supporting brief may be filed, or such further time as the Regional Director may allow, a party opposing the exceptions may file an answering brief. A copy of the answering brief must immediately be served on the other parties and a statement of service filed with the Regional Director. Thereafter, the Regional Director will decide the matter or make other disposition of the case. If no exceptions to the Hearing Officer's report are filed, the Regional Director may decide the matter upon the record or make other disposition of the case. The decision of the Regional Director will be final unless a request for review is granted by the Board.

Briefs in support of exceptions and answering briefs may not exceed 50 pages, excluding the subject index and table of cases and authorities, unless permission is obtained from the Regional Director by motion, setting forth the reasons for exceeding the limit, pursuant to the procedures set forth in *§ 102.2(c) of the Board's Rules and Regulations*. If a brief exceeds 20 pages, it must contain a subject index with page references and an alphabetical table of cases and authorities. All documents, including electronic documents, filed with the Regional Director must be formatted as double-spaced and in an 8 ½ by 11-inch format.

Request For Review by the Board – In stipulated and directed election cases, any party may request Board review of the Regional Director’s post-election decision. The request for review must be filed with the Board within 10 business days of the Regional Director’s post-election decision and must be served on the Regional Director and the other parties. This request for review of a Regional Director’s post-election decision may be combined with a request for review of the Regional Director’s pre-election decision and direction of election if the party has not previously filed a request for review of the decision and direction of election. A party may not, however, file more than one request for review of a particular action or decision by the Regional Director; repetitive requests will not be considered. A statement of service must also be filed with the Board. Any party opposing the request for review may file a statement in opposition within 5 business days after the last day for which the request for review must be filed. If the Board grants the request for review, the parties have 10 business days from the order granting review to file briefs with the Board. A party seeking review must identify a significant, prejudicial error or some other compelling reason for Board review.