

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

WALTER H. JENSEN CATTLE)	
COMPANY, INC.,)	
)	Case No. 93-RC-1-VI
Employer,)	
)	
and)	
)	19 ALRB No. 7
INTERNATIONAL BROTHERHOOD OF)	(May 28, 1993)
TEAMSTERS, LOCAL 517,)	
CREAMERY EMPLOYEES & DRIVERS,)	
)	
Petitioner.)	

DECISION AND ORDER ON CHALLENGED BALLOTS

This matter is before the Agricultural Labor Relations Board (ALRB or Board) on exceptions filed by the employer, Walter H. Jensen Cattle Company, Inc.¹ (Employer), to a Challenged Ballot Report issued by the Visalia Regional Director (RD) on April 21, 1993. In his report, the RD briefly described the results of the pre-election investigation that led to the conclusion that the appropriate bargaining unit consisted of only the employees at what is known as the Employer's Traver facility in Kingsburg. Consequently, the employees at another facility in

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¹The Employer also claims that the RD used an incorrect name in his report. The RD referred to the Employer as "Walter H. Jensen Dairy and Cattle Company, Inc.," while the Employer insists that its proper name is "Walter H. Jensen Cattle Company, Inc." A search of records at the Office of the Secretary of State has confirmed that the Employer is correct in its assertion. Therefore, the name has been corrected.

Kingsburg voted challenged ballots because they did not appear on the eligibility list.²

Since the same issues that must be decided in the challenged ballot case were involved in the election objections case which had already been set for hearing,³ the RD recommended that the challenged ballots be held in abeyance pending the resolution of the unit issues in the election objections case. The RD's actions were in furtherance of expediting the overall processing of election cases, in accordance with both the spirit and the letter of the statutory prescription that elections and related proceedings under the Agricultural Labor Relations Act be conducted promptly. In this case, election objection proceedings properly have gone forward without awaiting a challenged ballot report, resulting in an opportunity for prompt resolution of issues common to both proceedings.

The Employer does not contest the propriety of the RD's recommendation to hold the challenged ballots in abeyance, but filed objections to the Challenged Ballot Report in order to express disagreement with conclusions concerning the appropriate bargaining unit that appear in the RD's report. The operative portion of the RD's report is the recommendation to hold the challenges in abeyance and that is what we affirm by this decision. All of the issues concerning the appropriate

²The employees at the Employer's Merced facility did not receive notice of the election and did not attempt to vote.

³The hearing has now concluded and the IHE's decision will issue shortly.

bargaining unit should be fully litigated in the election objections case and the decision in that case will in all likelihood dictate whether the challenged ballots should be opened and counted.

ORDER

The Visalia Regional Director's recommendation to hold the challenged ballots in the above-referenced case in abeyance pending the resolution of election objections filed by the employer is AFFIRMED.

DATED: May 28, 1993

BRUCE J. JANIGIAN, Chairman⁴

IVONNE RAMOS RICHARDSON, Member

LINDA A. FRICK, Member

⁴The signatures of Board Members in all Board decisions appear with the signature of the Chairman first, followed by the signatures of the other Board Members in order of their seniority.

CASE SUMMARY

WALTER H. JENSEN CATTLE
COMPANY, INC.
(TEAMSTERS LOCAL 517)

19 ALRB No. 7
Case No. 93-RC-1-VI

Background

The employer, Walter H. Jensen Cattle Company, Inc. (Employer), filed exceptions to a Challenged Ballot Report issued by the Visalia Regional Director (RD) on April 21, 1993. In his report, the RD briefly described the results of the pre-election investigation that led to the conclusion that the appropriate bargaining unit consisted of only the employees at what is known as the Employer's Traver facility in Kingsburg. Consequently, the employees at another facility in Kingsburg voted challenged ballots because they did not appear on the eligibility list. The employees at the Employer's Merced facility did not receive notice of the election and did not attempt to vote.

Since the same issues that must be decided in the challenged ballot case were involved in the election objections case which had already been set for hearing, the RD recommended that the challenged ballots be held in abeyance pending the resolution of the unit issues in the election objections case. The Employer did not contest the propriety of the RD's recommendation to hold the challenged ballots in abeyance, but filed objections to the Challenged Ballot Report in order to express disagreement with conclusions concerning the appropriate bargaining unit that appear in the RD's report. The Employer also claimed that the RD used an incorrect name in his report. The RD referred to the Employer as "Walter H. Jensen Dairy and Cattle Company, Inc.," while the Employer insists that its proper name is "Walter H. Jensen Cattle Company, Inc."

The Board's Decision

The Board affirmed the RD's decision to hold the challenged ballots in abeyance pending the outcome of the election objections case. The Board pointed out that the operative portion of the RD's report is the recommendation to hold the challenges in abeyance and that is what is affirmed by its decision. The Board noted that all of the issues concerning the appropriate bargaining unit should be fully litigated in the election objections case and the decision in that case will in all likelihood dictate whether the challenged ballots should be opened and counted. In addition, the Board noted that a search of records at the Office of the Secretary of State confirmed that the Employer is correct in its assertion with regard to its proper name. Therefore, the name was corrected.