Form NLRB-652

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

The parties agree that a hearing is waived, that approval of this Agreement constitutes withdrawal of any notice of hearing previously issued in this matter, that the petition is amended to conform to this Agreement, and further **AGREE AS FOLLOWS:**

1. **SECRET BALLOT.** A secret-ballot election shall be held under the supervision of the Regional Director in the unit defined below at the agreed time and place, under the Board's Rules and Regulations.

2. **ELIGIBLE VOTERS.** The eligible voters shall be unit employees employed during the payroll period for eligibility, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off, employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements, and employees in the military services of the United States who appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the payroll period for eligibility, 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 employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. The Employer shall provide to the Regional Director, within 7 days after the Regional Director has approved this Agreement, an election eligibility list containing the full names and addresses of all eligible voters. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966), *North Macon Health Care Facility*, 315 NLRB 359 (1994).

3. **NOTICE OF ELECTION.** Copies of the Notice of Election shall be posted by the Employer in conspicuous places and usual posting places easily accessible to the voters at least three (3) full working days prior to 12:01 a.m. of the day of the election. As soon as the election arrangements are finalized, the Employer will be informed when the Notices must be posted in order to comply with the posting requirement. Failure to post the Election Notices as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

4. **ACCOMMODATIONS REQUIRED.** All parties should notify the Regional Director 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. 100.603, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, and request the necessary assistance.

5. **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.

6. **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.

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

8. **RECORD.** The record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

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9. 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). (*Insert commerce facts.*)

The Employer, Kentucky Power Company, is engaged as a public utility in the manufacture, sale and distribution of electrical power in the Ashland, Kentucky area. During the past 12 months, a representative period, the Employer purchased goods valued in excess of $50,000 which were shipped directly to it from points located outside the Commonwealth of Kentucky. During the same representative period, the Employer, during the course and conduct of its business, derived gross revenues in excess of $250,000.

10. WORDING ON THE BALLOT. When only one labor organization is on the ballot, the choice shall be "Yes" or "No". If more than one labor organization is on the ballot, the choices shall appear as follows, reading left to right or top to bottom. (*If more than one labor organization is on the ballot, any labor organization may have its name removed by the approval of the Regional Director of a timely written request.*)

First. **Second.** **Third.**

11. PAYROLL PERIOD FOR ELIGIBILITY - THE PERIOD ENDING FRIDAY, MAY 13, 2011

12. DATE, HOURS, AND PLACE OF ELECTION.

DATE: THURSDAY, JUNE 30, 2011
HOURS: 4:30 P.M. TO 4:45 P.M.
PLACE: IN THE CONFERENCE ROOM #1 AT THE ASHLAND SERVICE CENTER LOCATED AT 12333 KEVIN AVENUE, ASHLAND, KENTUCKY

13. THE APPROPRIATE COLLECTIVE-BARGAINING UNIT.

All regular full-time transmission line mechanics A, B, C and D employed by the Employer at its Ashland, Kentucky facility; but excluding all other employees and all professional employees, guards and supervisors as defined in the Act.

If a majority of valid ballots are cast for the International Brotherhood of Electrical Workers, Unit 1 of Local Union 1466, AFL-CIO, they will be taken to have indicated the employees' desire to be included in the existing bargaining unit described as all transmission line mechanics-A, B, C and D, transmission equipment operators, transmission system mechanics and stores attendants A and B, currently represented by the International Brotherhood of Electrical Workers, Unit 1 of Local Union 1466, AFL-CIO. If a majority of valid ballots are not cast for representation, they will be taken to have indicated the employees' desire to remain unrepresented.

KENTUCKY POWER COMPANY
(Employer)

By Thomas H. Dawson 5/25/11
(Name) (Date)
Thomas H. Dawson
Manager Labor Relations & EEO
(Title)

Recommended: Elisabeth J. Macaroni 5/25/11
Elisabeth J. Macaroni, Board Agent (Date)

Date approved 5/25/11

Gary E. Friday, Acting
Regional Director
National Labor Relations Board, Region 9

Case **9-RC-060138**

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, UNIT 1 OF LOCAL UNION 1466, AFL-CIO
(Labor Organization)

By _____
(Name) (Date)
Charles W. Tippie
President and Business Manager
(Title)

_____
(Labor Organization)

By _____
(Name) (Date)

_____
(Title)

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KENTUCKY POWER COMPANY
(Employer)

By _____
(Name) (Date)
Thomas H. Dawson
Manager Labor Relations & EEO
(Title)

Recommended: Elisabeth J. Macaroni 5/25/11
Elisabeth J. Macaroni, Board Agent (Date)

Date approved 5/25/11

Gerald E. Kindorf, Acting
Regional Director
National Labor Relations Board, Region 9

Case 9-RC-060138

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, UNIT 1 OF LOCAL UNION 1466, AFL-CIO
(Labor Organization)

By Charles W. Tippie 5/25/2011
(Name) (Date)
Charles W. Tippie
President and Business Manager
(Title)

IBEW 1466
(Labor Organization)

By _____
(Name) (Date)

_____
(Title)

FORM NLRB-760
(12-82)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 9

KENTUCKY POWER COMPANY

Employer

and

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, UNIT 1 OF LOCAL UNION 1466, AFL-CIO

Petitioner

Case No. 9-RC-060138

Date Filed 5/19/2011

Date Issued MONDAY, JUNE 27, 2011

Type of Election
(Check one:)

- ☒ Stipulation
- ☐ Board Direction
- ☐ Consent Agreement
- ☐ RD Direction

Incumbent Union *(Code)*

(If applicable check either or both:)

- ☐ 8(b) (7)
- ☐ Mail Ballot

NONE

TALLY OF BALLOTS

The undersigned agent of the Regional Director certifies that the results of the tabulation of ballots cast in the election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters 3
2. Number of Void ballots ..... —
3. Number of Votes cast for PETITIONER 2
4. Number of Votes cast for .....
5. Number of Votes cast for .....
6. Number of Votes cast against participating labor organization(s) 1
7. Number of Valid votes counted (sum of 3, 4, 5, and 6) 3
8. Number of Challenged ballots ..... Ø
9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) 3
10. Challenges are (not) sufficient in number to affect the results of the election.
11. A majority of the valid votes counted plus challenged ballots (Item 9) has (not) been cast for INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, UNIT 1 OF LOCAL UNION 1466, AFL-CIO

For the Regional Director Elisabeth J. Macaroni

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For EMPLOYER

For PETITIONER

For

For Kimberly Y. Hechalt

GPO U.S. GOVERNMENT PRINTING OFFICE: 2006-331-913

7/6/2011

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 9

KENTUCKY POWER COMPANY

Employer

and **Case 9-RC-060138**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, UNIT 1 OF LOCAL UNION 1466,
AFL-CIO

Petitioner

CERTIFICATION OF RESULTS OF ELECTION

An election having been conducted in the above matter under the supervision of the Regional Director of the National Labor Relations Board in accordance with the Rules and Regulations of the Board, among the following voting group of employees of the Employer to determine whether they desired to be included in the existing bargaining unit of all transmission line mechanics-A, B, C and D, transmission equipment operators, transmission system mechanics and stores attendants A and B, currently represented by the International Brotherhood of Electrical Workers, Unit 1 of Local Union 1466, AFL-CIO:

> *All regular full-time transmission line mechanics A, B, C and D employed by the Employer at its Ashland, Kentucky facility, but excluding all other employees and all professional employees, guards and supervisors as defined in the Act.*

And appearing from the Tally of Ballots that INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, UNIT 1 OF LOCAL UNION 1466 AFL-CIO, has been designated by the employees in the above voting group; and no objections having been filed to the Tally of Ballots furnished to the parties, or to the conduct of the election, within the time provided therefor; and it appearing that this organization is now the exclusive bargaining representative of certain employees of the Employer;

Pursuant to the authority vested in the undersigned by the National Labor Relations Board,

IT IS HEREBY CERTIFIED that the said organization may bargain for the employees in the above voting group as part of the unit of employees which it currently represents.

Signed at Cincinnati, Ohio this 6TH day of July 2011.

On behalf of
NATIONAL LABOR RELATIONS BOARD

Gary W. Muffley

Gary W. Muffley, Regional Director, Region 9

cc's by Regular Mail, 7/6/2011 to:

THOMAS H. DAWSON MANAGER
LABOR RELATIONS & EEO
KENTUCKY POWER COMPANY
12333 KEVIN AVE
ASHLAND, KY 41102-8653

THOMAS H DAWSON MANAGER
KENTUCKY POWER COMPANY
PO BOX 60
ONE SUMMIT SQUARE
FORT WAYNE, IN 46801

CHARLES W. TIPPIE
PRESIDENT & BUSINESS MANAGER
INTL BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL UNION 1466, AFL-CIO
610 LANCASTER AVE
REYNOLDSBURG, OH 43068

MS. LESTA A. CHANDLER
DISTRICT DIRECTOR
OFFICE OF LABOR MANAGEMENT STANDARDS
US DEPART. OF LABOR
36 E. SEVENTH ST
STE 2550
CINCINNATI, OH 45202

3 UNIT