

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

**UNDERWOOD FRUIT AND WAREHOUSE
COMPANY, LLC D/B/A MOUNT ADAMS FRUIT**

Employer

and

Case 19-RC-356795

**UNITED FOOD AND COMMERCIAL WORKERS
LOCAL 3000, CHARTERED BY THE UNITED
FOOD AND COMMERCIAL WORKERS**

Petitioner

DECISION AND DIRECTION OF ELECTION

Underwood Fruit and Warehouse Company, LLC d/b/a Mount Adams Fruit (“Employer”) receives, stores, packs and ships apples, pears and cherries. It operates three facilities located in Bingen, Washington, Dallesport, Washington and Odell, Oregon, all of which fall within the greater Columbia River Gorge area near the border between Washington and Oregon. United Food and Commercial Workers Local 3000, chartered by the United Food and Commercial Workers (“Petitioner”) filed a petition seeking to represent a single facility bargaining unit of the employees employed by the Employer at its Bingen facility. The Employer objects to the petitioned-for unit, arguing that the only appropriate unit is company-wide and includes all three of its facilities. It further argues that the Petitioner should be collaterally estopped from pursuing a single facility unit in this proceeding based upon my 2023 decision and direction of election in Case 19-RC-325227 involving the same parties.

A hearing officer of the Board held a hearing in the matter, and both parties filed briefs which I have carefully considered. Although my prior decision is not determinative of this case, I find that the Employer has met its burden to rebut the presumption that a single facility unit is appropriate and conclude, consistent with the prior case, that the unit must also include the employees employed by the Employer at its Dallesport, Washington and Odell, Oregon facilities.

I. RECORD EVIDENCE

A. The Employer’s Operations

The Employer operates fruit packing facilities in Bingen and Dallesport, Washington and Odell, Oregon where it stores, processes, packs, and ships apples, pears, and cherries. It is a subsidiary of the Mount Adams Orchard Corporation, with administrative offices located in Yakima, Washington. Other subsidiaries of the parent corporation manage 11 different orchards located near Yakima, along the Columbia River which serves as the border between Washington and Oregon, and in the Hood River Valley in Oregon. The orchards grow apples, pears, and cherries, most of which are processed at the Employer’s three packing facilities. Approximately

40% of the total fruit processed is considered “captive fruit,” meaning it was also grown by subsidiaries of the Mount Adams Orchard Corporation. The remaining 60% of the fruit is sourced from other growers in the region, although this split varies significantly between the three types of fruit with most of the cherries being from outside growers, most of the apples being from operations managed by the Employer’s parent company, and pears being roughly evenly split.

The Dallesport facility process only cherries, normally from May to early August with most of the work occurring in June and July. Both the Odell and Bingen facilities process pears on a nearly year-round basis, while Bingen also processes apples. Apple season lasts from August to the middle of November. Pear season goes from August to late October. From August to November the Employer is therefore receiving apples and pears, packing some of them and storing others. From the end of apple season to the beginning of cherry season in late May, the Employer packs apples and pears that had been placed in storage. The Employer employs approximately 400 employees across its three facilities.

The Employer’s overall operations are overseen by its CEO. The human resources functions for all three of its facilities are overseen by a single human resources director who is based in Bingen, although she also maintains office space at both the Odell and Dallesport facilities as well. Reporting to the human resources director is a manager who recruits and hires employees for all three facilities and is also the safety officer for all three. All hiring is centralized for the facilities and done by this manager. The clerical work for all of the warehouses is similarly performed by the same person managed by the human resources director.

Also reporting to the CEO is a production manager that oversees packing operations at all three facilities, including the apple, pear, and cherry lines. His primary desk is in Bingen, but he also works out of Odell. Reporting to the production manager are separate production supervisors at Bingen and Odell. The products director oversees the packing line schedule for all three facilities. He also oversees internal quality control teams that work at all three facilities. There are individual quality control employees who work on each packing line and on each shipping dock. If they work on a packing line in either Bingen or Odell, they report to a member of the quality control team. If they work on the shipping lines, they report to the warehouse supervisor and shipping manager. Finally, the facilities director has responsibility for managing employees in all three facilities.

Job descriptions are the same for all of the Employer’s facilities, as are all personnel policies and other work rules. Hourly employees are also placed on the same wage scale regardless of work location. The compensation structure for the piece rate packers is also the same if they work at Bingen or Odell. When employees are hired, they are told during the hiring process that they could be working at either the Bingen, Odell, or Dallesport facilities depending on company needs. The Employer’s job descriptions themselves also reflect that employees may be assigned to one or more facilities. While the Employer is occasionally able to accommodate requests for one location, these accommodations are temporary. Employees may attend new employee orientation at a facility that they do not normally work out of, as orientations are performed based on facility availability with most occurring at the Bingen plant.

The Employer maintains a company-wide seniority list for packers. The packer seniority list is based on performance and hire date, and not by work location.

B. Bingen and Odell Facilities

The Employer's main facility is located at 6550 Highway 14 in Bingen, Washington. It is approximately 10 miles north of the Employer's Odell facility, which is located at 3366 Stadelman Drive, Hood River, Oregon. Both facilities contain production lines for packing pears and space for storing fruit. The Bingen facility has two pear packing lines, and a separate apple packing line. Odell has one pear packing line. It does not have an apple packing line.

The Employer purchased the Odell facility from Stadelman Fruit Company in 2021. In addition to having a pear packing line, the facility also has approximately 25,000 fruit bins worth of storage. Much of the storage space is controlled atmosphere storage. The Employer stacks bins of fruit in the controlled atmosphere storage rooms, pumps out the oxygen and, depending on whether the fruit is considered organic or not, may add a chemical to put the fruit in a state of isolation so that it does not ripen. Upon purchasing the facility, the Employer offered jobs to the former Stadelman employees. It then applied all of its existing terms and conditions of employment to the new Odell employees.

Fruit is delivered to Bingen or Odell based on the type of storage room required for the fruit, the type of fruit it is, and where the fruit is to be delivered. While Dallesport is used primarily for cherries, it does also store apples and pears, particularly during harvest season. Once the fruit is ready to be processed and packed, it is put in boxes, palletized, and prepared for shipping. All pear and apple shipping has to go through the Bingen facility as Odell does not have a shipping department, but the steps prior to that may involve one facility, or multiple facilities depending on what lines are available.

During a normal season, fruit is moved between all three facilities on a daily basis with multiple trips occurring each day. The drivers at all three facilities have other jobs that they perform in addition to their driving duties. All three facilities are required to comply with the same food safety standards, which is overseen by the same manager.

Both the Odell and Bingen facilities utilize the same job classifications of employees in order to accomplish the work. This includes forklift drivers, packers, a receiving team, a dump operator, and sorters. The forklift drivers work to move the fruit from the trucks to the various rooms around the facility. The dump operator manages the machinery that transfers the fruit from the fruit dump into a bin of water from which it is transported to a dryer and then to the conveyor system which moves it to the sorters. The sorters look for defects in the fruit and remove defective fruit from the packing line. Sorting is done manually in Odell and at least in part via a computerized system in Bingen. The packers will then pack the fruit, depending on type and size, into the appropriate receptacle. They do not utilize any special technology or equipment for their job as it is all done by hand. There is also a segregation team at each facility. This team stacks boxes onto the pallet and then wraps the pallets. For sorters, there is a difference between sorting the different types of fruit; however, a pear sorter can work at both the Bingen and Odell facilities

interchangeably on the pear lines. A pear sorter is not necessarily, however, an apple sorter although it is not uncommon for employees to be trained on both.

The employees at all three facilities utilize the same equipment. For example, the same forklifts are used at all three facilities. The equipment for putting labels on the boxes is the same at all facilities. The three facilities share trucks, forklifts, scissor lifts, and maintenance equipment. The three facilities utilize the same communication channels and platforms across all the facilities including email, phone, and Salesforce. All employees also utilize Dayforce to see their work schedules, pay rates, pay statements, and to clock-in and out each day.

The fruit dump is slightly different between the facilities, but functions similarly. The sorters at all three facilities also perform the same job function and generally receive the same training. There is slightly different training between the Bingen and Odell sorters in that Bingen sorters will also need to understand what makes an apple defective. However, there is no difference between a pear sorter at Bingen or Odell. The Bingen facility has some sorting technology in their shipping department and a palletizer that does not exist at the Odell facility; otherwise, the equipment is the same. The same training is provided to all employees at the individual facilities.

Until this season, as noted below, the Odell facility had approximately 85 employees working in it. Five to six of those were forklift drivers, 12 worked as sorters and 20-25 were packers. An additional five to six employees worked on a segregation team with other employees in other classifications.

In most years, employees frequently move between all of the facilities. When a packing line at one facility is not running, for instance, the Employer will pull employees from that line to another line to help. For example, when employees are not packing in Odell, the Employer will bring those employees to Bingen to help pack on one of those lines. This type of interchange happens frequently particularly towards the end of a season. The Bingen pear group tends to always work at the Bingen facility; however, the employees in other classifications are significantly more likely to float between the Bingen and Odell facilities. When job postings are created for positions, they are posted internally and externally and are posted as dual location. Additionally, even though Dallesport is not mentioned in every job posting, employees will be expected to work there during cherry season. During cherry season, almost all employees go to Dallesport to work. There are 20-25 employees who remain behind at Bingen to repack and do shipping; those employees may be employees who typically work at Odell or Bingen.

Included in the record as part of the 2023 proceeding was a report containing the total hours worked by every employee employed by the Employer between October 2022 and August 2023. The records show that, of all of the employees, around 7% worked at both Bingen and Odell. This figure, however, masks the extent of the interchange. Because Bingen is the larger of the Employer's facilities and its packing lines have newer technology and a higher production capacity, Bingen employees are less likely to temporarily work at Odell than the Odell employees are likely to work at Bingen. Indeed, although less than 10% of the total workforce worked at both locations, of all employees who worked at Odell, 45% of those also worked hours at Bingen. Similarly, consistent with the time sensitive and compressed nature of the cherry season compared

to pears and apples, the vast majority of the Employer's employees – roughly 80% - worked at its Dallesport facility, in addition to working hours at either Bingen, Odell, or both.

C. Dallesport Facility

Cherry season is relatively short compared to that for pears and apples, generally running from the end of May to the beginning of August. Most of the work, however, is performed in June and July. Cherries are packed fresh at the Employer's facility in Dallesport, Washington, which is located 18 miles from the Bingen facility and 28 miles from Odell. Dallesport is only used to pack cherries, it does not have packing lines for apples or pears, although it does have storage space for both. Because cherries are more perishable than apples and pears, during cherry season the Employer has nearly all of its workforce, including those who typically work in Odell and Bingen, report to Dallesport where the cherry packing line runs seven days a week with employees working 10-hour days. The Employer does maintain a complement of around 20 employees at Bingen to perform repack work Monday through Friday. Even those employees, however, have the option to perform additional work on Saturday or Sunday at Dallesport on the cherry line. Once cherry season is over, the employees return to their normally assigned facilities and only a small group of around 11 mechanics and warehouse employees remain in Dallesport until next cherry season. As the start of cherry season approaches, however, and the volume of available maintenance and repair work at Dallesport decreases, many of the employees who spend most of their year at Dallesport are often assigned to work temporarily at Bingen or Odell.

Although the fruit packed at Dallesport is different than that at Bingen and Odell, the process is much the same and the work is performed by employees in roughly the same classifications that exist at the other plants. After arriving at the facility in large bins, the cherries are dumped into water in order to protect the fruit. They exit the water on a conveyor system and pass through a cluster cutter where the cherries are separated from bunches into pairs, after which they pass into an electric sorter similar to that used on the pear lines at the other facilities. The cherries are then dumped into water again and transported to the fruit drops where they are again sorted, sized and placed by packers into bags that are pre-loaded into boxes. The boxes are moved to a segregation team which, as it does at the other facilities, stacks the boxes onto pallets and wraps them for shipping. The prepared cherries are then moved into cooling tunnels for six hours before they are shipped. Overall, the record evidence establishes that the skills and training involved in packing cherries are either identical – as is the case with the forklift drivers – or very similar to those possessed by employees working in the pear and apple operations at Bingen and Odell.

D. The Prior Case

On September 6, 2023, the Petitioner in this case filed the petition in Case 19-RC-325227 in which it sought to represent a bargaining unit of employees employed by the Employer at its Bingen and Dallesport facilities. The Employer objected, arguing that any appropriate unit must also include the Odell employees. Following a pre-election hearing, I issued a decision and direction of election on November 2, 2023, finding, in agreement with the Employer, that a unit composed solely of the Bingen and Dallesport employees was inappropriate and instead directing an election in an employer-wide unit that included all three facilities. The Petitioner did not prevail

in the ensuing election conducted on November 13 and 14, 2023, neither party filed objections to conduct affecting the results of the election, and I issued a certification of results on November 22, 2023. The Petitioner also did not file a request for review of my decision and direction of election.

E. Changes Since 2023

The parties stipulated at hearing in this case that the facts presented in the record in Case 19-RC-325227 remain but for any new evidence introduced in connection with the instant case.

The primary difference between the Employer's operations between 2023 and 2024 involved the Odell facility. During the spring of 2024 the area from which the Employer sources most of its fruit had a late frost bloom event. For pears, this resulted in many of the potential fruit buds being frozen off thus heavily reducing the eventual volume of fresh fruit available for packing. On an average year, the Employer's CEO estimated that they have capacity to receive and pack approximately 150,000 bins of pears. In 2024, however, as a result of the frost bloom, it only received and processed 90,000 bins. The Employer estimated it was the worst pear harvest in approximately 40 years.

As a result of the reduced pear crop, in around April 2024, the Employer decided to temporarily transfer nearly all of its Odell employees to the Bingen facility. At the time of the hearing there were only three employees working at Odell, two of whom are forklift drivers while the third performs work on the refrigeration system. Those employees receive fruit from growers and temporarily store it. That fruit is then slowly transported to the Bingen facility where it is packed and shipped.

The transfer of nearly all Odell employees to Bingen appears to be a temporary event. As the Employer's witnesses explained, they anticipate many of those employees will return to Odell during the 2025 pear season provided that the volume of fruit the Employer is able to source returns to historically average levels. For the time being, however, Odell is primarily serving as a satellite receiving and storage facility for the packing operations at Bingen.

II. ANALYSIS

A. Collateral Estoppel

Generally, Board decisions and rulings in representation cases have preclusive effect in subsequent representation cases. *See Carry Companies of Illinois*, 310 NLRB 860 (1993). To "establish the prima facie applicability of preclusion, an identical issue must have been fully litigated and must have been an essential component of a valid final judgment between the same parties." *Wolf Creek Nuclear Operating Corp.*, 365 NLRB No. 55, slip op. at 2 (2017) (paraphrasing the elements of issue preclusion adopted from *NLRB v. Donna-Lee Sportswear Co.*, 836 F.2d 31, 34 (1st Cir. 1987)); *see also* Restatement (Second) of Judgments Section 27 (1982) ("When an issue of fact or law is actually litigated and determined by a valid and final judgment, and the determination is essential to the judgment, the determination is conclusive in a subsequent action between the parties, whether on the same or a different claim."). A party seeking relitigation

of an issue may overcome the presumption of preclusion when it presents “new factual circumstances that would vitiate the preclusive effect of the earlier ruling.” *Wolf Creek, Id.*

I do not find issue preclusion applicable to the petition in this case. In the 2023 case, the Petitioner sought a unit composed of the Employer’s Bingen and Dallesport employees. It is well established that when a petitioner seeks a multifacility unit, the single facility presumption does not apply. *Capital Coors Co.*, 309 NLRB 322, 322 fn. 1 (1992), citing *NLRB v. Carson Cable TV*, 795 F.2d 879, 886–887 (9th Cir. 1986). Here, however, the Petitioner is seeking a single facility unit of just those employees employed at Bingen. Employees working at a single location may constitute a presumptively appropriate unit. *Hilander Foods*, 348 NLRB 1200 (2006). Because the single facility presumption applies in this case, and it did not apply in the 2023 matter, the legal issue involved is not identical within the meaning of *Wolf Creek*. The Petitioner is thus not precluded by my 2023 decision from seeking a unit of just Bingen employees.

B. Unit Scope

The Board has long held that a petitioned-for single-facility unit is presumptively appropriate unless it has been so effectively merged or is so functionally integrated that it has lost its separate identity. The party opposing the single-facility unit has the heavy burden of rebutting its presumptive appropriateness. To determine whether the single-facility presumption has been rebutted, the Board examines (1) central control over daily operations and labor relations, including the extent of local autonomy; (2) similarity of employee skills, functions, and working conditions; (3) the degree of employee interchange; (4) the distance between locations; and (5) bargaining history, if any exists. See, e.g., *Trane*, 339 NLRB 866 (2003); *J&L Plate, Inc.*, 310 NLRB 429 (1993).

1. *Central Control Over Daily Operations and Labor Relations*

The Board has made clear that “the existence of even substantial centralized control over some labor relations policies and procedures is not inconsistent with a conclusion that sufficient local autonomy exists to support a single local presumption.” (citations omitted) *California Pacific Medical Center*, 357 NLRB 197, 198 (2001). Thus, “centralization, by itself, is not sufficient to rebut the single-facility presumption where there is significant local autonomy over labor relations. Instead, the Board puts emphasis on whether the employees perform their day-to-day work under the supervision of one who is involved in rating their performance and in affecting their job status and who is personally involved with the daily matters which make up their grievances and routine problems.” (citations omitted) *Hilander Foods*, 348 NLRB 1200, 1203. Therefore, the primary focus of this factor is the control that facility-level management exerts over employees’ day-to-day working lives.

As I noted in my 2023 decision, the Employer’s human resources and labor relations functions are all performed by the same individuals who primarily work out of the Bingen facility. As a result, decisions related to personnel policies, wages, benefits, hiring and discipline are centralized. Additionally, much of the front-line supervision is similarly centralized. One individual, for instance, is in charge of the facilities employees at all three sites. Similarly, the production manager has oversight responsibility for the three sites, as do the quality control teams.

Although I recognize that there is site specific management for some functions, the record does not contain evidence showing that they have significant control over the daily matters that most significantly impact the Employer's employees. Instead, given the functional integration of the Employer's operations, most of those decisions are made on a centralized basis. I therefore find that this factor weighs in favor of finding that the Employer has met its burden to show that a single-facility unit limited solely to Bingen is not appropriate.

2. *Similarity of Skills, Functions, and Working Conditions*

The similarity or dissimilarity of work, qualifications, working conditions, wages and benefits between employees at the facilities an employer contends should be in the unit has some bearing on determining the appropriateness of the single-facility unit. However, this factor is less important than whether individual facility management has autonomy and whether there is substantial interchange. See, for example, *Dattco, Inc.*, 338 NLRB 49, 51 (2002) ("This level of interdependence and interchange is significant and, with the centralization of operations and uniformity of skills, functions and working conditions is sufficient to rebut the presumptive appropriateness of the single-facility unit.").

The employees at both the Bingen and Odell facilities perform nearly identical functions regardless of their work location. Naturally, they therefore have the same skills. I note that while, at the time of the hearing, only three employees work at Odell, they fill roles that also exist at Bingen and Dallesport, including forklift drivers and refrigeration employees. Moreover, the record evidence from the 2024 hearing indicates that the current absence of packers, sorters and other related classifications in Odell is solely the result of the season's poor pear harvest and, assuming the harvest returns to historically average levels, the facility will be staffed with nearly all of the same classifications that exist in Bingen once the next season begins in the summer of 2025. Finally, when working at Dallesport the Employer's employees also employ the same skills and fill roughly the same functions they do when working at either Odell in Bingen. Indeed, Dallesport does not have any significant permanent workforce. Instead, the employees normally assigned to Bingen and Odell are expected to report to Dallesport for the brief cherry season. Their work packing cherries is an extension of their roles at their 'home' facilities. These shared skills, functions and working conditions support a finding that only a multi-facility unit is appropriate.

I also note that all of the employees, regardless of work location, have nearly identical terms and conditions of employment, including wage rates, fringe benefits, personnel policies and work schedules.

Evidence of functional integration is also relevant to the issue whether a single-facility unit is appropriate. Functional integration refers to when employees at two or more facilities are closely integrated with one another functionally notwithstanding their physical separation. *Budget Rent A Car Systems*, 337 NLRB 884 (2002). This functional integration involves employees at the various facilities participating equally and fully at various stages in the employer's operation, such that the employees constitute integral and indispensable parts of a single work process. *Id.* However, an important element of functional integration is that the employees from the various facilities have frequent contact with one another. *Id.* at 885.

I find that the functional integration of all three facilities also weighs in favor of finding a multi-facility unit appropriate. All employees at the three locations work in similar ways towards processing, packing, and shipping apples, pears, and cherries for the Employer. In addition to the interchange between facilities described below, the facilities also share equipment, share communication platforms, and utilize the same software for managing the Employer's products. Fruit is also transported between the sites on a daily basis, underlining the extent to which they constitute a single integrated operation.

3. *Degree of Employee Interchange*

Employee contact is considered interchange where a portion of the work force of one facility is involved in the work of the other facilities through temporary transfer or assignment of work. However, a significant portion of the work force must be involved and the work force must be actually supervised by the local branch to which they are not normally assigned in order to meet the burden of proof on the party opposing the single-facility unit. *New Britain Transportation Co.*, 330 NLRB 397, 398 (1999). For example, the Board found that interchange was established and significant where during a 1-year period there were approximately 400 to 425 temporary employee interchanges among three terminals in a workforce of 87 and the temporary employees were directly supervised by the terminal manager from the terminal where the work was being performed. *Dayton Transport Corp.* 270 NLRB 1114 (1984). On the other hand, where the amount of interchange is unclear both as to scope and frequency because it is unclear how the total amount of interchange compares to the total amount of work performed, the burden of proof is not met, including where a party fails to support a claim of interchange with either documentation or specific testimony providing context. *Cargill, Inc.*, 336 NLRB 1114 (2001); *Courier Dispatch Group*, 311 NLRB 728, 731 (1993). Also important in considering interchange is whether the temporary employee transfers are voluntary or required, the number of permanent employee transfers, and whether the permanent employee transfers are voluntary. *New Britain Transportation Co.*, supra.

Here, there is significant interchange between all of the facilities, which weighs in favor of finding that the Employer has met its burden. As an initial matter, at least 80% of the Employer's Bingen and Odell employees are temporarily transferred to the Dallesport facility for several months during cherry season. They then spend their entire workweek at that facility until the season draws to a close, apple and pear harvest begins, and they return to their regularly assigned facilities. The fact that nearly the Employer's entire workforce is mandatorily transferred to one of the facilities for months at a time every year provides strong evidence that the Employer has met its burden to show employee interchange. This type of temporary transfer, however, is not solely limited to employees working at Dallesport. Indeed, roughly half of the Employer's Odell facility also worked at least some portion of their working time in Bingen in 2022-2023. The percentage of time spent varied considerably by employee, with some working only a single shift, and others splitting their time equally between the two sites. Also supporting my conclusion that the Employer has shown the three facilities have lost any meaningful individual identity is the Employer's decision to temporarily transfer nearly all of the Odell employees to Bingen for the 2024 season in light of the poor pear harvest. I recognize one employee testified she was told during a group orientation meeting in August 2024 that "Odell was no more, and that we were going to be only one company." Petitioner relies on this testimony to conclude that the Employer will no longer be

performing packing operations at the facility, thereby distinguishing it from Bingen. I do not read this isolated statement allegedly made during a group orientation session so broadly. Rather, it appears to be consistent with the Employer's approach for the 2024 season of consolidating pear packing operations in Bingen in light of the poor harvest as described by its CEO.

Finally, I also note that the job descriptions for most positions indicate the employees may be assigned to either location. On balance, I find this factor weighs heavily in favor of finding only a multi-facility unit appropriate.

4. *Distance Between Locations*

While significant geographic distance between locations is normally a factor in favor of a single-facility unit, it is less of a factor when there is evidence of regular interchange between the locations, and when there is evidence of centralized control over daily operations and labor relations with little or no local autonomy, particularly when employees at the facilities otherwise share skills duties, and other terms and conditions of employment, as well as are in contact with one another. *Trane*, supra at 868.

Here, the Bingen facility is located 10 miles from Odell and roughly 20 miles from Dallesport. Dallesport is in turn, around 30 miles from Odell. I find that these distances are significant and generally weigh against finding that the Employer has met its burden to rebut the single facility presumption. See *Dixie Belle Mills, Inc.*, 139 NLRB 629 (1962).

5. *Conclusion*

In determining that the single-facility unit sought by Petitioner is not appropriate, I have carefully considered the record evidence and weighed the various factors that bear on the determination of whether a single-facility unit is appropriate. In particular, I rely on evidence of centralized control over labor relations and limited site autonomy, similar job skills, duties and working conditions, extensive functional integration and significant temporary employee interchange. Although the three facilities are located miles from one another, I do not find, this distance to be determinative. The Board considers all factors when evaluating claims related to the proper scope of a bargaining unit. In *Waste Management of Washington, Inc.*, 331 NLRB 309 (2000), for instance, the Board found that the employer met its burden despite considerable distance between the facilities at issue when there was evidence of centralized supervision, employee contact and interchange, and similar skills and job functions. I similarly conclude that in light of the countervailing evidence described above, the Employer has met its burden to show the single-facility unit sought by the Petitioner is inappropriate. Instead, I find that the only appropriate unit must include all three of the Employer's facilities.

III. CONCLUSION

Based upon the entire record in this matter and in accordance with the discussion above, I conclude and find as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.¹

3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time production, maintenance, quality control, warehouse, cleanup, and shipping and receiving employees employed by the Employer at its Bingen, Washington, Dallesport, Washington and Odell, Oregon facilities; but excluding seasonal employees, agricultural employees, office clerical employees, confidential employees, and guards and supervisors as defined in the Act.²

There are approximately 405 employees in the unit found appropriate.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by United Food and Commercial Workers Local 3000, chartered by the United Food and Commercial Workers.

A. Election Details

The election will be held on Friday, January 31, 2025,³ from 6:00 a.m. to 7:30 a.m., 10:30 a.m. to 12:30 p.m. and 3:00 p.m. to 5:00 p.m., at the Employer's Bingen facility located at 6550 Highway 14, Bingen, Washington.

¹ The parties stipulated to the following commerce facts: The Employer, a State of Washington limited liability corporation, with an office and place of business in Bingen, Washington, is engaged in the business of growing, processing and packaging fruit. Within the past twelve months, a representative period, the Employer received gross revenue in excess of \$500,000 and purchased and received at its Bingen, Washington, facility goods valued in excess of \$50,000 directly from points located outside the State of Washington.

² The parties stipulated to the composition of the bargaining unit.

³ The Petitioner waived all 10 of its days with the list prior to the election. The parties also stipulated that the Employer's operations were cyclical, rather than seasonal, and agreed to exclude any seasonal cherry employees. As a result, an immediate election is appropriate. *Baugh Chemical Co.*, 150 NLRB 1034 (1965).

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **January 17, 2025**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the 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 an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees 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 since the designated payroll period, and, in a mail ballot election, before they mail in their ballots to the Board's designated office; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

As required by Section 102.67(1) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a 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.

To be timely filed and served, the list must be *received* by the regional director and the parties by **Friday, January 24, 2025**. The list must be accompanied by a certificate of service showing service on all parties. **The region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, 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. 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/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the

website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be 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 within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution. Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 10 business days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review must be E-Filed through the Agency's website and may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001, and must be accompanied by a statement explaining the circumstances concerning not having access to the Agency's E-Filing system or why filing electronically would impose an undue burden. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review. Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.



Dated: January 22, 2025

RONALD K. HOOKS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

- 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).



Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCION



19-RC-356795

OBJETIVO DE LA ELECCION: Esta elección es para determinar quién es el representante deseado por los empleados, si hubiese alguno, con el propósito de negociar colectivamente con su empleador. La mayoría de los votos válidos emitidos determinarán los resultados de la elección. En un período de 12 meses, solamente se podrá celebrar una elección válida de representación.

VOTO SECRETO: La elección será por papeleta de votación **SECRETA** bajo la supervisión del Director Regional de la Junta Nacional de Relaciones del Trabajo (JNRT). Una muestra de la papeleta oficial de votación se exhibe en la siguiente página de este Aviso. Los votantes podrán votar sin interferencia, impedimento o amenaza. No se permitirán campañas electorales en el centro de votación o sus alrededores. Las violaciones de estas reglas deberán ser reportadas inmediatamente a un agente de la JNRT. Se requiere su atención a la Sección 12 de la Ley Nacional de Relaciones del Trabajo que indica: **CUALQUIER PERSONA QUE DELIBERADAMENTE SE OPONGA, PREVenga, IMPIDA O INTERFIERA CON CUALQUIER MIEMBRO DE LA JUNTA O CUALESQUIERA DE SUS AGENTES O AGENCIAS EN EL DESEMPEÑO DE SUS FUNCIONES CONFORME A ESTA LEY, SERA CASTIGADA CON UNA MULTA QUE NO EXCEDA \$5,000 DOLARES AMERICANOS, O ENCARCELAMIENTO QUE NO EXCEDA UN AÑO, O AMBOS.**

REGLAS DE ELEGIBILIDAD: Los empleados elegibles para votar son aquellos que son descritos conforme a la **UNIDAD DE VOTACION** en la página siguiente, que incluye empleados que no trabajaron durante el periodo de la nomina de sueldos designada, porque ellos estaban enfermos o en vacaciones, o temporalmente descansados, y también se incluye a empleados en el servicio militar de los Estados Unidos que se presenten al lugar de la votación. **NO son elegibles para votar, los empleados que renunciaron o fueron despedidos con causa, desde el período de la nómina de sueldos designada, y que no han sido recontractados o reintegrados antes de la fecha de esta elección.**

ASISTENCIA ESPECIAL: Cualquier empleado u otro participante en esta elección que tenga una discapacidad, y que para participar requiera una asistencia especial, por ejemplo de un intérprete de lenguaje de señas, deberá comunicarse lo antes posible con una Oficina de la JNRT para solicitar la asistencia necesaria.

EL PROCESO DE LA VOTACION: Al llegar al lugar de la votación, los votantes deberán dirigirse al agente de la Junta e identificarse dando su nombre. El agente de la Junta entregará una papeleta de votación a cada uno de los votantes que sean elegibles. Los votantes entrarán a la caseta de votación y marcarán sus papeletas de votación en secreto. **NO FIRME SU PAPELETA DE VOTACION.** Doble la papeleta de votación antes de salir de la caseta de votación, luego personalmente deposítela en la urna electoral bajo la supervisión del agente de la Junta, y retírese del área de votación.

IMPUGNACION DE VOTANTES: Si se impugna su elegibilidad para votar, se le va a permitir votar con una papeleta impugnada. Aunque usted crea que sea elegible para votar, el área de la votación no es el lugar para resolver este asunto. Proporcione al agente de la Junta su nombre y cualquier otra información que se le pida. Después que usted reciba una papeleta de votación, vaya a la caseta de votación, marque su papeleta de votación y dóblela para poder mantener en secreto lo que marco. **NO FIRME SU PAPELETA DE VOTACION.** Regrese adonde está el agente de la Junta quien le pedirá que coloque su papeleta de votación en un sobre impugnado; selle el sobre; colóquelo dentro de la urna electoral y retírese del área de votación. El asunto sobre su elegibilidad se resolverá más tarde, si fuese necesario.

OBSERVADORES AUTORIZADOS: Cada una de las partes podrá designar un número igual de observadores; este número será determinado por la JNRT. Estos observadores (a) actúan como controladores en el lugar de la votación y durante el conteo de las papeletas de votación; (b) ayudan a identificar a votantes; (c) impugnan votantes y papeletas y (d) ayudan de otras maneras a la JNRT.

ADVERTENCIA: Este es el único aviso oficial de esta elección y no deberá ser mutilado por ninguna persona. Cualquier marca que usted vea en cualquier papeleta de muestra o en cualquier parte de este aviso, ha sido hecha por personas ajenas a la Junta Nacional de Relaciones del Trabajo, y no han sido puestas ahí por la Junta Nacional de Relaciones del Trabajo. La Junta Nacional de Relaciones del Trabajo es una agencia del Gobierno de los Estados Unidos, y no respalda a ninguna de las opciones en esta elección.



**Estados Unidos de América
Junta Nacional de Relaciones del Trabajo**



AVISO DE ELECCION

UNIDAD DE VOTACION

EMPLEADOS ELEGIBLES PARA VOTAR:

Los que son elegibles para votar son: Todos los empleados de producción, mantenimiento, control de calidad, almacén, limpieza, y envío and recepción de tiempo completo y los regulares de tiempo parcial empleados por el Empleado en sus instalaciones localizadas en Bingen, Washington, Dallesport, Washington, y Odell, Oregon, durante el período de nómina de sueldos que termina el 17 de enero de 2025.

EMPLEADOS NO ELEGIBLES PARA VOTAR:

Los que no son elegibles para votar son: Todos los empleados de temporada, empleados agrícolas, empleados oficinistas, empleados confidenciales, y guardias y supervisores como se definen en la Ley.

FECHA, HORA Y LUGAR DE VOTACION

Viernes, 31 de enero de 2025	6:00 AM a 7:30 AM Y 10:30 AM a 12:30 PM Y 3:00 PM a 5:00 PM	La instalación del Empleador "Bingen" localizada en 6550 Highway 14 Bingen, WA
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LOS EMPLEADOS SON LIBRES DE VOTAR EN CUALQUIER MOMENTO EN QUE LOS CENTROS DE VOTACION SEAN ABIERTOS.

TODAS LAS PAPELETAS SE MEZCLARÁN Y CONTARÁN INMEDIATAMENTE DESPUÉS DE LA CONCLUSIÓN DE LA ÚLTIMA SESIÓN DE VOTACIÓN.

ADVERTENCIA: Este es el único aviso oficial de esta elección y no deberá ser mutilado por ninguna persona. Cualquier marca que usted vea en cualquier papeleta de muestra o en cualquier parte de este aviso, ha sido hecha por personas ajenas a la Junta Nacional de Relaciones del Trabajo, y no han sido puestas ahí por la Junta Nacional de Relaciones del Trabajo. La Junta Nacional de Relaciones del Trabajo es una agencia del Gobierno de los Estados Unidos, y no respalda a ninguna de las opciones en esta elección.



**Estados Unidos de América
Junta Nacional de Relaciones del Trabajo
AVISO DE ELECCION**



	<p>UNITED STATES OF AMERICA ESTADOS UNIDOS DE AMERICA National Labor Relations Board Junta Nacional De Relaciones Del Trabajo</p> <p>19-RC-356795</p> <p>OFFICIAL SECRET BALLOT PAPELETA SECRETA OFICIAL For certain employees of Para Ciertos Empleados De</p> <p>UNDERWOOD FRUIT AND WAREHOUSE COMPANY, LLC D/B/A MOUNT ADAMS FRUIT</p>	
<p>Do you wish to be represented for purposes of collective bargaining by ¿Desea usted estar representado para los fines de negociar colectivamente por</p> <p>UNITED FOOD AND COMMERCIAL WORKERS LOCAL 3000, CHARTERED BY THE UNITED FOOD AND COMMERCIAL WORKERS</p>		
<p>MARK AN "X" IN THE SQUARE OF YOUR CHOICE MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCION</p>		
<p>YES SI</p> <div style="border: 1px solid black; width: 60px; height: 60px; margin: 0 auto;"></div>	<p>NO NO</p> <div style="border: 1px solid black; width: 60px; height: 60px; margin: 0 auto;"></div>	
<p>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.</p> <p>NO FIRME O ESCRIBA SU NOMBRE O INCLUYA OTRAS MARCAS QUE REVELARIAN SU IDENTIDAD. MARQUE UNA "X" EN EL CUADRADO DE SU ELECCION SOLAMENTE. Si hace marcas dentro, o en cualquier lugar alrededor, en más de un cuadrado, devuelva su boleta al agente de la Junta y solicite una nueva boleta. Si presenta una papeleta con marcas en el interior, o en cualquier lugar alrededor, en más de un cuadrado, su papeleta no será contada.</p> <p>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.</p> <p>La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección. Cualquier marca que se pueda ver en cualquier muestra de la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo.</p>		

ADVERTENCIA: Este es el único aviso oficial de esta elección y no deberá ser mutilado por ninguna persona. Cualquier marca que usted vea en cualquier papeleta de muestra o en cualquier parte de este aviso, ha sido hecha por personas ajenas a la Junta Nacional de Relaciones del Trabajo, y no han sido puestas ahí por la Junta Nacional de Relaciones del Trabajo. La Junta Nacional de Relaciones del Trabajo es una agencia del Gobierno de los Estados Unidos, y no respalda a ninguna de las opciones en esta elección.



Estados Unidos de América Junta Nacional de Relaciones del Trabajo AVISO DE ELECCION



DERECHOS PARA EMPLEADOS – LA LEY FEDERAL LES DA EL DERECHO DE:

- Formarse, unirse o apoyar a una unión
- Escoger a representantes para que negocien de su parte con su empleador
- Actuar junto con otros empleados por beneficio y protección mutua
- Elegir no participar en ninguna de estas actividades protegidas
- En un Estado donde tales acuerdos son permitidos, la Unión y el Empleador podrán celebrar un acuerdo legal de protección sindical que requiera que los empleados paguen cuotas periódicas y cuotas de iniciación. Los no-miembros que informen a la unión de su objeción a que sus pagos sean usados con propósitos no representativos, podrán ser requeridos de pagar solo la porción de los costos de la unión por actividades representativas (tales como negociación colectiva, administración de contratos y resolución de quejas).

La Junta Nacional de Relaciones del Trabajo es responsable de proteger a los empleados en el ejercicio de estos derechos.

La Junta quiere que todos los votantes elegibles estén totalmente informados de sus derechos conforme a la ley Federal y cuando se celebren elecciones, quiere que ambos, los Empleadores y las Uniones, sepan que se espera de ellos.

Si los agentes, ya sean de las Uniones o de los Empleadores, interfieren con su derecho de tener una elección libre, justa y honesta, ésta podría ser desestimada por la Junta. Cuando es apropiado, la Junta proporciona otros recursos, tales como la reincorporación de los empleados que fueron despedidos por ejercer sus derechos, incluyendo el pago retroactivo de la parte que fue responsable de sus despidos.

Los siguientes son ejemplos de conductas que interfieren con los derechos de los empleados y que pudieran resultar en una desestimación de la elección:

- Un empleador o la unión que amenace con la pérdida de trabajos o beneficios.
- Una de las partes capaces que promete u otorga promociones, aumento de sueldos, u otros beneficios para influenciar el voto del empleado.
- Un empleador que despide a empleados para desalentar o alentar la actividad de unión, o una unión que cause sus despidos para alentar la actividad de la unión.
- Dar discursos de campaña para congrega grupos de empleados en horas de trabajo, donde la asistencia es obligatoria, dentro del periodo de las 24 horas antes de que los centros de votación abran por primera vez, o que las papeletas de votación por correo sean despachadas.
- Un empleador o la unión que instigue prejuicios raciales o religiosos por medio de apelaciones inflamatorias.
- Una unión o un empleador que amenace a los empleados con fuerza física o violencia para influenciar sus votos.

La Junta Nacional de Relaciones del Trabajo protege su derecho a una libre selección.

No se permitirán conductas inapropiadas. Se espera que todas las partes cooperen totalmente con esta Agencia para mantener los principios básicos de elecciones justas como es requerido por la ley.

Cualquier persona con preguntas sobre una elección puede contactar a la Oficina de la JNRT al (206)220-6300 o visitar la página web de la JNRT www.nlr.gov para ser asistido.

ADVERTENCIA: Este es el único aviso oficial de esta elección y no deberá ser mutilado por ninguna persona. Cualquier marca que usted vea en cualquier papeleta de muestra o en cualquier parte de este aviso, ha sido hecha por personas ajenas a la Junta Nacional de Relaciones del Trabajo, y no han sido puestas ahí por la Junta Nacional de Relaciones del Trabajo. La Junta Nacional de Relaciones del Trabajo es una agencia del Gobierno de los Estados Unidos, y no respalda a ninguna de las opciones en esta elección.

INSTRUCCIONES A OBSERVADORES DE ELECCIÓN

El papel de los observadores en una elección de la JNRT (NLRB) es uno de importancia. Usted está aquí para ver que la elección sea celebrada en una manera justa e imparcial, para que cada votante elegible tenga una oportunidad justa y equitativa para que él o ella se exprese libremente y en secreto. Como representantes oficiales de las partes en esta elección, usted debe asumir su papel con una mente abierta e imparcial. Compórtese de tal manera que nadie pueda encontrar falta alguna con sus acciones durante la elección. La JNRT (NLRB) agradece su asistencia en este proceso democrático.

FUNCIONES PRINCIPALES

- Observar el proceso de elección.
- Ayudar a identificar a los votantes.
- Recusar votantes y papeletas de votar.
- Asistir al Agente de la Junta en la celebración de la elección.

OBLIGACIONES/DEBERES

- **SEA PUNTUAL:** Observadores deben reportarse media hora antes de que abra el centro de votación.
- Identifique votantes.
- Verifique y hágale una marca al nombre de la persona buscando votar. Una marca antes del nombre es hecha por el observador de una parte. El observador de la otra parte hace una marca después del nombre del votante.
- Fíjese de que solamente un votante a la vez ocupe la caseta electoral.
- Fíjese que cada votante deposite la papeleta de votar en la urna.
- Fíjese que cada votante salga del área de votación inmediatamente después de depositar su papeleta de votar.
- Reporte al agente de la Junta en su mesa cualquier conflicto que se refiera al derecho de un individuo para votar antes de que el individuo vote.
- **Recusar a Votantes:** Un observador tiene el derecho de disputar la elegibilidad de un votante por causa. Un Agente de la Junta también puede disputar la elegibilidad de un votante. Cada objeción tiene que ser hecha antes de que la papeleta de votar del votante haya sido depositada en la urna.
- Reporte cualquier actividad fuera de lo normal al Agente de la Junta tan pronto que usted lo note.
- Mantenga puesto su chapa de observador en todo momento durante la elección.
- Manténgase en el sitio de votación hasta que todas las papeletas de votar sean contadas para verificar la imparcialidad del conteo. Si las papeletas de votar no son contadas inmediatamente después del cierre del centro de votaciones, usted será informado dónde y cuándo se contarán las papeletas.

NO HACER LO SIGUIENTE

- Mantener cualquier lista de personas que han o no han votado.
- Platicar con cualquier votante mientras espera en fila para votar, excepto como sea dirigido por el Agente de la Junta. (Si puede saludar a los votantes cuando se acercan a votar.)
- Dar alguna ayuda a cualquier votante. Solamente un Agente de la Junta puede asistir al votante.
- Hacer campaña en cualquier lugar durante las horas de la elección.
- Discutir o argumentar en lo que concierne a la elección.
- Abandonar el área de la elección sin el permiso del Agente de la Junta.
- Usar cualquier aparato electrónico, incluyendo teléfonos celulares, computadoras portátiles, asistentes digitales personales ("PDAs"), aparatos móviles de correo electrónico, receptores para transmitir datos y aparatos de grabación, etc. (Por favor apague o inutilice estos aparatos antes de pasar a el área de votación.)



United States of America
National Labor Relations Board
NOTICE OF ELECTION



19-RC-356795

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:

Those eligible to vote are: All full-time and regular part-time production, maintenance, quality control, warehouse, cleanup, and shipping and receiving employees employed by the Employer at its Bingen, Washington, Dallesport, Washington and Odell, Oregon facilities who were employed by the Employer during the payroll period ending January 17, 2025.

EMPLOYEES NOT ELIGIBLE TO VOTE:

Those not eligible to vote are: seasonal employees, agricultural employees, office clerical employees, confidential employees, and guards and supervisors as defined in the Act.

DATE, TIME AND PLACE OF ELECTION

Friday, January 31, 2025	6:00 AM to 7:30 AM AND 10:30 AM to 12:30 PM AND 3:00 PM to 5:00 PM	6550 Highway 14, Bingen, WA
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EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN.

ALL BALLOTS WILL BE COMINGLED AND COUNTED IMMEDIATELY AFTER THE CONCLUSION OF THE LAST VOTING SESSION.



United States of America National Labor Relations Board NOTICE OF ELECTION



	<p>UNITED STATES OF AMERICA ESTADOS UNIDOS DE AMERICA National Labor Relations Board Junta Nacional De Relaciones Del Trabajo</p>	
<p>19-RC-356795 OFFICIAL SECRET BALLOT PAPELETA SECRETA OFICIAL For certain employees of Para Ciertos Empleados De</p>		
<p>UNDERWOOD FRUIT AND WAREHOUSE COMPANY, LLC D/B/A MOUNT ADAMS FRUIT</p>		
<p>Do you wish to be represented for purposes of collective bargaining by ¿Desea usted estar representado para los fines de negociar colectivamente por UNITED FOOD AND COMMERCIAL WORKERS' LOCAL 3000, CHARTERED BY THE UNITED FOOD AND COMMERCIAL WORKERS</p>		
<p>MARK AN "X" IN THE SQUARE OF YOUR CHOICE MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCION</p>		
<p>YES SI <input type="checkbox"/></p>	<p>NO NO <input type="checkbox"/></p>	
<p>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.</p>		
<p>NO FIRME O ESCRIBA SU NOMBRE O INCLUYA OTRAS MARCAS QUE REVELARIAN SU IDENTIDAD. MARQUE UNA "X" EN EL CUADRADO DE SU ELECCION SOLAMENTE. Si hace marcas dentro, o en cualquier lugar alrededor, en más de un cuadrado, devuelva su boleta al agente de la Junta y solicite una nueva boleta. Si presenta una papeleta con marcas en el interior, o en cualquier lugar alrededor, en más de un cuadrado, su papeleta no será contada.</p>		
<p>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.</p>		
<p>La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección. Cualquier marca que se pueda ver en cualquier muestra de la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo.</p>		

WARNING: This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board, and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government, and does not endorse any choice in the election.



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 (206)220-6300 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).