

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 6**

**STALLION INFRASTRUCTURE SERVICES,
LTD. F/K/A STALLION OILFIELD SERVICES,
LTD.**

Employer

and

Case 06-RC-358414

**TEAMSTERS LOCAL UNION 585 A/W
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS**

Petitioner

REGIONAL DIRECTOR'S DECISION ON OBJECTIONS

Based on a petition filed on January 15, 2025, and pursuant to the Amended Stipulated Election Agreement approved on February 3, 2025, an election was conducted on February 28, 2025, to determine whether a unit of employees of Stallion Infrastructure Services, Ltd. f/k/a Stallion Oilfield Services, Ltd. (Employer) wish to be represented for purposes of collective bargaining by Teamsters Local Union 585 a/w International Brotherhood of Teamsters (Petitioner). That voting unit consists of:

Included: All regular full-time and part-time drivers and technicians employed at the Employer's facility located at 2699 Jefferson Ave, Washington, PA 15301. Excluded: All office clerical employees, managers, guards, and professional employees and supervisors as defined in the Act.

The tally of ballots prepared at the conclusion of the election shows that of the approximately 7 eligible voters, 1 vote was cast for, and 2 votes were cast against the Petitioner, with 2 challenged ballots, a number that was sufficient to affect the results of the election.

THE OBJECTIONS¹

On March 7, 2025, the Employer filed timely "Conditional Objections to Results of Election in the Event Votes Are Counted."² In its objections and offer of proof the Employer contends that in the event the Regional Director determines that the ballots to the two challenged voters should be opened and counted and doing so results in the Petitioner prevailing in the

¹ I determined that it was not necessary to conduct a hearing on the Employer's objections because, the objections and offer of proof, if substantiated at a hearing, would not constitute grounds for setting aside the election.

² Both challenged voters are also alleged discriminatees in unfair labor practice charges that were filed in Cases 06-CA-358738 and 06-CA-360236. Accordingly, if the Region makes a merit determination in any of these charges and a settlement is not obtained and a complaint issues, the complaint would be consolidated with the challenge(s) involving the alleged discriminatee(s) and referred to an Administrative Law Judge for a determination and ultimately the Board.

election that under the circumstances presented in this case, “the inclusion of their votes would interfere or have the tendency to interfere with a fair election... as the outcome of the election would be determined” by two employees whom the Employer discharged for just cause and both employees have secured employment elsewhere. The Employer refers to the language of the Amended Stipulated Election Agreement regarding the eligibility of employees who quit or are discharged before the election. That language states, “Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility...” This is standard language in any stipulated election agreement.

The Employer also references Board decisions wherein the Board found that employees need be employed on the payroll period eligibility date and the election date in order to be eligible to vote, specifically, *Computed Time Corporation*, 228 NLRB 1243 (1977); *Hamilton Plastic Products, Inc.*, 309 NLRB 678 (1992); and *Community Action Commission of Fayette County, Inc.*, 338 NLRB 664 (2003). In both *Computed Time Corp.* and *Hamilton Plastic Products* the Board upheld the decisions of the Administrative Law Judges that the challenged ballots of employees who had been unlawfully terminated should be opened and counted. *Community Action Commission of Fayette County* did not involve challenged voters who were alleged to have been unlawfully terminated in unfair labor practice charges.

Longstanding Board law is clear, that employees who are the subject of pending unfair labor practice proceedings alleging their unlawful discharge are permitted to vote subject to challenge. *Grand Lodge Int’l Association of Machinists*, 159 NLRB 137, 143 (1966); *Tetrad Co.*, 122 NLRB 203 (1959). In the instant matter the Employer exercised its right to challenge the ballots of the two discharged employees who are also alleged discriminatees and the Board agent properly accepted the challenges and secured the determinative challenged ballots. The Acting Regional Director then advised the parties that, pursuant to Section 11407 of the *National Labor Relations Board Casehandling Manual, Part Two, Representation Proceedings*, processing of the determinative challenged ballots would await the results of the related unfair labor practices charges.

The Board has consistently found that challenges to ballots of employees terminated in violation of the Act should be overruled and their ballots counted. See, e.g., *David Saxe Productions, LLC*, 370 NLRB No. 103, slip op. at 5 (2021). Consequently, the opening and counting of ballots pursuant to the findings and adjudication of the unfair labor practices case(s), if that were to be the result in this case, would not constitute objectionable conduct, but would be consistent with Board precedent and enfranchise voters who had been disenfranchised by unlawful termination(s).

CONCLUSION AND ORDER

I have concluded that the evidence that is described in the Employer’s objections and accompanying offer of proof, if presented at a hearing, would not be grounds for overturning the election. Accordingly, **IT IS ORDERED** that the Employer’s objections are overruled in their entirety.

REQUEST FOR REVIEW

Pursuant to Section 102.69(c)(2) of the Board's Rules and Regulations, any party may file with the Board in Washington, DC, a request for review of this decision. The request for review must conform to the requirements of Sections 102.67(e) and (i)(1) of the Board's Rules and may be filed at any time following this decision until ten business days after a final disposition of the proceeding by the Regional Director. If no request for review is filed, the decision is final and shall have the same effect as if issued by the Board.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlrb.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. 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.

Dated: May 19, 2025

/s/ Nancy Wilson

NANCY WILSON
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 06
1000 Liberty Ave Rm 904
Pittsburgh, PA 15222-4111

