

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

**PROFESSIONAL TRANSPORTATION, INC.
(PTI)**

Employer

and

**UNITED ELECTRICAL, RADIO AND MACHINE
WORKERS OF AMERICA (UE)**

Case 13-RC-388027

Petitioner

and

**UNITED PROFESSIONAL & SERVICE
EMPLOYEES UNION LOCAL 1222**

Intervenor

DECISION AND ORDER DISMISSING PETITION

On June 1, 2026, United Electrical, Radio and Machine Workers of America (UE) (the “Petitioner”) filed a petition seeking to represent a unit of all drivers, including road drivers, yard drivers, Multi-Purpose Vehicle drivers, and Lead Drivers at multiple locations of Professional Transportation, Inc. (the “Employer”) throughout the United States. The size of the unit estimated on the petition was 989. While the initial petition did not specifically state the locations being sought, the Petitioner indicated it was seeking a nationwide unit during the initial investigation. The June 1 petition was filed on the last day of the window period.

On June 8 and 9, 2026, the Intervenor and the Employer (respectively) filed Statements of Position. The Employer’s Statement of Position included a list of employees in the petitioned-for unit of over 1,700 employees. The Intervenor asserted that the petitioned-for unit was too vague to conduct an election and claimed that the Petitioner had an insufficient showing of interest. The Employer also claimed that the petitioned-for unit was vague and that the Petitioner was seeking to represent employees at an arbitrary subset of locations that is significantly fewer than the overall number of facilities in the existing nationwide bargaining unit.

On June 11, 2026, the Petitioner filed a First Amended Petition to clarify the unit descriptions and listed the locations being sought as part of the alleged nationwide unit. The locations identified are sometimes different and significantly fewer than those identified by the Employer in its Statement of Position.

On June 24, 2026, I issued an Order to Show Cause in this matter directing the parties to submit their positions as to whether the instant petition warrants further processing and responses to the following:

1. Are the employees at the locations identified in the amended petition being sought by the Petitioner covered by the nationwide agreement between the Employer and the Intervenor?
2. Explain the bargaining history, ratification, and contract administration of the collective bargaining agreement between the Intervenor and Employer.
3. Applying the Board's decision in *NBC Universal Media LLC*, 369 NLRB No. 134 (2020), state your position whether the instant petition should be dismissed because the petitioned-for employees are part of a nationwide unit.

Both the Employer and the Intervenor argue that the petitioned-for unit only covers a fraction of the historical, nationwide unit and is therefore inappropriate. The Petitioner argues that the scope of the nationwide unit is in dispute and a fact-finding hearing is necessary to determine the number of facilities that are included.

The Petitioner asserts that several locations listed by the Employer in its attachment to its Statement of Position were unlawfully added to the nationwide unit. It claims that it is prepared to present evidence of this at a hearing but makes no offer of proof as to what evidence it would introduce. Petitioner does not provide any details about the alleged locations unlawfully added, or whether this alleged unlawful recognition even occurred within the 10(b) period.¹ Even if Petitioner had made such an offer, evidence concerning an unfair labor practice is not admissible in a representation hearing. See Casehandling Manual Section 11228. Petitioner has not made a request to block based on any allegations of 8(a)(2).

After carefully reviewing the parties' positions, the relevant law, and the circumstances of this case, I have concluded that the Employer and the Intervenor have one national unit which includes employees sought by the Petitioner. The locations listed by the Petitioner in the amended petition cover some of the locations in the national unit but do not encompass them all. The petitioned-for unit which appears to arbitrarily select certain facilities of the Employer is not co-extensive with the historically established nationwide unit and is therefore inappropriate. Based on my finding that the existing nationwide unit as defined by the Employer and Intervenor is appropriate, the Petitioner's showing of interest is deficient.

I. FACTS

Since 1999, the Intervenor has represented the drivers at all of the Employer's locations throughout the United States, with the exception of certain locations that are either unrepresented or represented by other labor organizations. The following recognition language was adopted in the 1999-2009 agreement:

¹ In *Sewell-Allen Big Star, Inc.*, 294 NLRB 312 (1989), the Board allowed a unit to stand after the Respondent Employer had granted unlawful voluntary recognition outside of the 10(b) period.

The Employer recognizes the Union as the exclusive Collective Bargaining Agent for all road drivers, yard drivers, dispatchers and location managers at all of its locations throughout the United States except Shelby, Kentucky; Russel, Kentucky; Baltimore, Maryland and Cumberland, Maryland. Excluding all office clerical employees, professional employees, guards and location managers and assistant location managers in Chicago, Illinois and Cincinnati, Ohio and location managers in Danville, IL, Terre Haute, IN, Corbin, KY, Louisville, KY, Detroit, MI, Grand Rapids, MI, Toledo, OH, Willard, OH, Nashville, TN. The parties agree to discuss any changes to the included and excluded positions and locations above as business necessitates.

The most recent collective bargaining agreement, effective from August 1, 2023 through July 31, 2026 contained the following recognition language:

The Company recognizes the Union as the exclusive Collective Bargaining Agent for all drivers (including but not limited to road drivers, yard drivers, Multi-Purpose Vehicle (MPV's), and Lead Drivers) and Branch Administrators but only in their capacity in performing their driving responsibilities at all of its locations throughout the United States except those Branches and Drivers represented by another Union.

The Employer and the Intervenor negotiated the various agreements to set the terms and conditions of employment for all drivers at all PTI locations throughout the United States, with limited exceptions. The Intervenor and the Employer also agreed to contractual language that if the Employer were to acquire a new facility, that facility could be added to the nationwide unit through a simple showing of majority support. These contracts have been administered on a nationwide basis. The most recent agreement was ratified by the nationwide unit. As of July 2026, the Intervenor and Employer were negotiating a new collective bargaining agreement.

The amended petition seeks to represent drivers in a nationwide unit and lists 74 locations of the Employer. The Employer, in its Statement of Position, agrees with a nationwide unit but identifies approximately 170 locations in that unit compared to the Petitioner's approximately 70 locations. The Intervenor and Employer currently have a collective bargaining agreement covering this nationwide unit. During the administrative investigation, the Petitioner confirmed that there is no overlap between the locations listed by the Employer in its Statement of Position and the locations currently represented by the Petitioner.

II. ANALYSIS

Unit Scope

The original petition filed on June 1, 2026, sought a unit of drivers at "multiple locations" which was estimated to include 989 employees. The Intervenor and Employer have a collective bargaining agreement which clearly and unambiguously states that all drivers at all of its locations throughout the United States will be a part of a single, nationwide unit, with limited exceptions. The Employer, prior to and upon filing its Statement of Position, provided a list of employees in this existing unit that appears to parallel the petitioned-for unit. The list of employees covers about

170 locations and includes over 1700 employees. After the filing of the Statements of Position by the Employer and Intervenor, the Petitioner filed an amended petition on June 11, 2026, unequivocally seeking a nationwide unit of drivers yet limiting the number of locations to 72 locations which would apparently more accurately match its approximation of 989 employees in the unit, and thus make their showing of interest sufficient.

The amended petition makes clear that the Petitioner is seeking a nationwide unit of drivers, however, it argues that the unit should only cover 72 of the Employer's 170 locations. The Petitioner claims "upon information and belief, multiple locations...were not lawfully recognized." It states that it is prepared to present evidence that the Intervenor did not have majority support at "several yards in Illinois and Indiana" or "across multiple southern states." It provides nothing further. It does not identify how many employees, how many locations or which specific locations are encompassed by these allegations.

The Petitioner does not refute the number of Employer facilities or that there is an expired collective bargaining agreement, for which successor contract negotiations were occurring as of July 2026, between the Employer and Intervenor covering the nationwide unit. It relies solely on its unsubstantiated claims of unlawful recognition of the Intervenor at certain facilities to shrink the size of the unit. The Petitioner seeks a hearing to prove that the Intervenor at an indeterminate number of facilities was unlawfully recognized. That is not an issue that can be litigated in a representation case proceeding.

Based on the language in the collective bargaining agreement and the evidence submitted, I find the petitioned-for, nationwide unit to include employees at the approximate 170 locations specifically identified by the Employer.

Merger of Units Issue

A Notice to Show Cause issued in this matter which included a request to address the unit merger issue as articulated in *NBC Universal Media LLC*, 369 NLRB No. 134 (2020). I agree with the Petitioner that *NBC Universal* is not the applicable analysis in this matter. The recognition language in the collective bargaining agreement unambiguously identifies a single nationwide unit of drivers as the current bargaining unit and a merger of units is not at issue.² There is no claim that there are two separate units merged to form one overarching unit, but rather the issue is which of the Employer's locations are included in the petitioned-for, nationwide unit.

² As explained above, there is a lengthy bargaining history between the Employer and Intervenor. This history includes recognition of a nationwide bargaining unit that has continuously recognized the Intervenor as the exclusive bargaining representative of employees not represented by another Union. The Employer and Intervenor have negotiated successive collective bargaining agreements with the most recent being ratified by the nationwide unit in 2023.

Insufficient Showing of Interest

A showing of 30 percent of the employees in the appropriate unit is normally required of a petitioner. *Pearl Packing Co.*, 116 NLRB 1489, 1490 (1957); see also *S. H. Kress & Co.*, 137 NLRB 1244, 1249 (1962).

The Petitioner's initial petition and subsequently amended petition seek a nationwide unit wherein it claims a few facilities the Employer and Intervenor claim are unlawfully included. As addressed above, I find no merit to this claim. The Petitioner was incorrect in its calculation of the size of the nationwide unit as it is much larger. Based on the actual size of the nationwide unit, the Petitioner's showing of interest is significantly under the requisite 30% showing that is needed.³

It is hereby ordered that the petition in this matter is dismissed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.71(a) of the Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A copy of the request for review must be served on each of the other parties as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations. The request for review must contain a complete statement of the facts and reasons on which it is based.

Procedures for Filing Request for Review: Pursuant to Section 102.5 of the Board's Rules and Regulations, a request for review must be filed by electronically submitting (E-Filing) it through the Agency's web site (www.nlr.gov), unless the party filing the request for review does not have access to the means for filing electronically or filing electronically would impose an undue burden. A request for review filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Section 102.5(e) of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations. The request for review must comply with the formatting requirements set forth in Section 102.67(i)(1) of the Board's Rules and Regulations. Detailed instructions for using the NLRB's E-Filing system can be found in the [E-Filing System User Guide](#).

A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5 p.m. Eastern Time**) on **October 28, 2026**, electronically. If filed electronically, it will be considered timely if the transmission of the entire document

³ The Casehandling Manual Section 11030.1 gives the Regional Director discretion for a deficiency to be cured. However, due to the showing's substantial deficiency and the specific facts of this case, time to cure the deficiency is not warranted.

through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time on October 28, 2026.**

Filing a request for review electronically may be accomplished 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. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which must also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Any party may, within 5 business days after the last day on which the request for review must be filed, file with the Board a statement in opposition to the request for review. An opposition must be filed with the Board in Washington, DC, and a copy filed with the Regional Director and copies served on all the other parties. The opposition must comply with the formatting requirements set forth in §102.67(i)(1). Requests for an extension of time within which to file the opposition shall be filed pursuant to §102.2(c) with the Board in Washington, DC, and a certificate of service shall accompany the requests. The Board may grant or deny the request for review without awaiting a statement in opposition. No reply to the opposition may be filed except upon special leave of the Board.

Dated: October 14, 2026

/s/ Angie Cowan Hamada

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