UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22

WHITE CAP, L.P.

Employer

and

Case 22-RC-394785

INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 863

Petitioner

DECISION AND DIRECTION OF ELECTION

International Brotherhood of Teamsters Local 863 (Petitioner) seeks to represent a unit of all full-time and regular part-time drivers employed by White Cap, L.P. (Employer) at its six New Jersey branches.[1] The Employer maintains that the petitioned-for unit is inappropriate because it arbitrarily excludes employees at eight additional facilities[2] in the Employer's New York City District.

A hearing officer of the Board held a hearing on September 25 and 28, 2026. The parties presented oral arguments before the hearing closed. The Employer later filed a post-hearing brief.[3] As explained below, I find that the drivers at the six New Jersey branches, including Sayreville, share a community of interest distinct from that of drivers at the excluded branches.

I. THE EMPLOYER'S OPERATION

The Employer is a distributor selling construction products, including concrete rebar, job site consumables, safety equipment, tools, waterproofing products, and wire mesh. The CEO oversees regional leadership teams in the eastern, central, and western parts of the United States. The eastern team oversees the New York City District leadership team, as well as nine other districts.

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[1] The Petitioner seeks to represent drivers at the following branches: (1) 1511 Tonnelle Avenue, North Bergen, NJ 07047; (2) 203 Mill Road, Edison, NJ 08837; (3) 799 Edwards Road, Parsippany, NJ 07054; (4) 287 Cheesequake Road, Parlin, NJ 08859; (5) 301 Hartle Street, Sayreville, NJ 08872; and (6) 103 Somogyi Court, South Plainfield, NJ 07080.

[2] The Employer argues that the minimum appropriate unit should also include employees from the following branches: (1) 425 Saw Mill River Road, Ardsley, NY 10502; (2) 382 Hamilton Avenue, Brooklyn, NY 11232; (3) 60 Austin Boulevard, Commack, NY 11725; (4) 102 Wheeler Street, New Haven, CT 06512; (5) 91 Holmes Road, Newington, CT 06111; (6) 165 Stone Castle Road, Rock Tavern, NY 12575; (7) 226 Selleck Street, Stamford, CT 06902; and (8) 3030 60th Street, Woodside, NY 11377.

[3] Regarding post-hearing briefs, the Regional Director ruled that the Employer may file a post-hearing brief for the sole purpose of explaining the mileage driving analysis related to Employer Exhibit 19.

The New York City District encompasses the 14 facilities listed in footnotes 1 and 2 within Connecticut, New York, and New Jersey. A branch located in Long Island City, New York, whose drivers are represented by a separate Teamsters local, is also included in the district.

General Manager Raphael McNevin oversees the New York City District. Operations Managers Janette Kolano and Frank Folise oversee the branch operations within the district, with the exception of Sayreville, New Jersey, which retained its separate management structure after the acquisition.

The operations managers principally support the branches by responding to any inquiries the branch managers have. The operations managers also perform safety inspections and address safety issues as they arise, including holding safety meetings at branches. The operations managers regularly travel from branch to branch, and also fill in when a branch manager is unavailable.

Each of the 14 branches has a branch manager who is generally the direct supervisor of the branch. But some of the larger branches have additional supervisors, such as assistant branch managers, who directly supervise the drivers and report to the local branch manager.

The branches employ three different categories of drivers: tractor-trailer drivers, CDL drivers (commercial driver's license), and non-CDL drivers. All the drivers unload and load vehicles as necessary and otherwise perform pickups at branches and vendor sites and make deliveries to customer sites.

1) Central Dispatch

Central dispatch generates and assigns routes to drivers throughout the New York City District, except at Sayreville. The three central dispatch employees work out of North Bergen, Edison, and Long Island City, respectively. They work virtually and share responsibility for route assignments. The Edison dispatcher handles driver communications for the centrally dispatched New Jersey branches. A separate dispatcher handles driver communications for New York.

In assigning routes, central dispatch employees utilize software that creates sample routes for each branch to complete. The software primarily considers geographic proximity and inventory. The dispatch employees review the output manually, considering whether the generated recommendations would be appropriate when considering factors including whether the requested load would fit on the selected vehicle size, whether the vehicle has the appropriate equipment, like a Moffett, and whether the schedule meets delivery time commitments. This manual review process is called scrubbing. Usually, 20 percent or more of the automatically generated output is scrubbed or otherwise altered. Once routes are scrubbed, they are sent to the branches as manifests.

About 10 to 20 percent of the overall routes for a day involve crossing state lines. Dispatch will attempt to consolidate routes crossing state lines to the extent possible. For example, if the Queens, New York office has been assigned to take a delivery to New Jersey, the driver assigned to that route would likely take any other delivery going to New Jersey from Queens that day. But different branches cross state lines with different frequencies. The North Bergen, New Jersey branch is located outside of the Lincoln Tunnel, and routes go from there into New York City every day.

Sayreville branch manager Larry Kuzma assigns routes for that branch's drivers and reports to Jerry Brockie. Sayreville became part of White Cap through the Harmac acquisition. The branch retained its management and routing arrangements and fabricates rebar under different safety standards.

2) Branch Interaction

Most branches sell and store standard White Cap products: safety tools, construction supplies, concrete repair, rebar, and wire mesh. Some smaller branches do not offer all the standard White Cap products, and some branches offer specialty services that are not offered at general branches. The South Plainfield, New Jersey branch operates a rental yard, instead of selling standard White Cap products and services. South Plainfield and New Haven, Connecticut rent concrete forms, which are molds that hold concrete in shape during the initial pour. The Parlin, New Jersey, facility in addition to offering standard services, offers colored concrete for stamped concrete services. The Parsippany, New Jersey and Ardsley, New York branches specialize in waterproofing products.

Drivers make deliveries in New Jersey, New York, and Connecticut, and less often in Pennsylvania and Delaware. Drivers are more likely to deliver to customers near their home branches. The frequency of out-of-state deliveries varies by branch.

Inventory is transferred between branches based on demand and availability. This happens with varying frequency based on the location. The Edison branch has a driver dedicated to transferring inventory between branches, and he travels to New York almost daily. Likewise, the Ardsley branch commonly transfers inventory to some of the Connecticut branches.

Many orders draw on inventory from several branches. Accordingly, dispatch will attempt to make inventory deliveries from various branches to the branch that will make the ultimate delivery to minimize the number of trucks arriving at the customer site. Branches all use the same inventory management system—Oracle. The branches send materials to each other because the smaller branches don't have the ability to stock as much of certain products or the order involves a specialty product.

Central Dispatch Manager Bryant Escobar estimated that about 20 percent of deliveries are missed on a given day. When drivers cannot finish a route, they may leave undelivered orders at a branch near the destination. Escobar estimated that many of those drop-offs occur outside the driver's home state. Drivers picking up goods at another branch check in with warehouse personnel or local management.

For longer routes that cross state lines, central dispatch will have drivers shuttle a route. The first driver delivers the goods to a midway point and then the end driver picks up the goods and delivers them to the ultimate destination. The Employer involuntarily transferred two CDL drivers out of Parsippany because there was insufficient work to justify them remaining there, but this is not something that regularly occurs. Drivers always report to their home location to clock in and out. If a branch is understaffed, central dispatch reallocates work to other branches in the district. For example, if the Brooklyn, New York branch is short-staffed, central dispatch may reassign those deliveries to Connecticut.

Employer Exhibit 19 contains about 26,000 stop records from June 29 through September 23, 2026, including the P and S route records associated with Sayreville. For the five centrally dispatched branches in New Jersey, reviewing records that had a recorded arrival time at another White Cap branch showed the following. This comparison excludes customer stops, home-branch stops, and Sayreville's own routes. Edison-origin routes had 246 recorded stops at other New Jersey branches and 27 at New York or Connecticut branches. The corresponding counts were 198 and 47 for North Bergen, 32 and 0 for Fairfield/South Plainfield, 38 and 1 for Parlin, and 43 and 4 for Parsippany.

During the hearing, the Employer's counsel identified 12,664 stop records for the selected New Jersey routes and reported that 3,613 of those records were for stops outside New Jersey. The results included customer and branch stops.

3) Centralization

Branch managers discipline, hire, and recommend discharge of drivers at their branches. Branch managers, or assistant branch managers, complete the drivers' performance evaluations. They also handle miscellaneous day-to-day issues like time off requests. All drivers are required to do an initial ride along with a supervisor when they are hired, safety training, and online compliance training. For promotions, branch managers are involved in those determinations. Regarding verification of DOT and CDL requirements, that is handled by the district or at a higher level. Background checks are handled centrally.

Drivers obtain their Class A commercial driver's licenses on their own. Before moving into a Class A vehicle at White Cap, a driver must spend time working with a current Class A driver as part of the Employer's approval process. The current Class A driver can come from the same branch or another branch.

Central dispatch handles work assignments for the branches it routes. If a centrally dispatched driver misses or skips a stop, anticipates they will not be available for work, or encounters any obstacle preventing on-time dispatch, the driver must reach out to central dispatch. If the driver anticipates not being available for work, knows a route will not be completed, or has a safety concern with their vehicle or a delivery, the driver must reach out to branch management.

The district uses three driver classifications. The mix varies by branch. Sayreville, for example, employs only tractor-trailer drivers. The compensation profiles in Employer Exhibit 24 list wage ranges. Most tractor-trailer entries show a range of $26.80–$40.70 per hour. The listed CDL range at the New Jersey branches with that classification is $23.50–$32.80 per hour. At Newington, New Haven, and Rock Tavern, the listed CDL range is $22.80–$31.90 per hour. Most non-CDL entries show a range of $20.00–$26.50 per hour. Rock Tavern's listed non-CDL range is $19.40–$25.80 per hour. The Employer stores the compensation profiles in Workday.

The record establishes listed wage ranges. Actual rates paid to individual drivers remain undetermined. Drivers generally receive the same benefits across the district. Kolano described staggered start times from 5:30 a.m. to 7:00 a.m. and end times from 1:00 p.m. to 6:00 p.m., depending on the route. Geotab records driving metrics, including speed, seat belt use, harsh cornering, and braking. Power BI displays those metrics. The Employer uses Workday for timekeeping.

4) Drivers' Skills and Duties

All drivers clock in electronically, do a pre-trip inspection of their vehicle for safety issues, and perform a post-trip inspection of their vehicle. At centrally dispatched branches, drivers use a mobile device to receive their assignments. Tractor-trailer drivers make long-haul deliveries to customer job sites and perform loading and unloading duties. The position requires a class A commercial driver's license. There are 15 tractor-trailer drivers in the New York City District. About six to eight of the tractor-trailer drivers operate a Moffett—a truck-mounted forklift. North Bergen, New Jersey, New Haven, Connecticut, Commack, New York, Sayreville, New Jersey, Edison, New Jersey, and South Plainfield, New Jersey all employ tractor-trailer drivers.

The CDL drivers load and unload inventory from their truck at customer sites. CDL drivers are required to have a current class A or B CDL. About 60% of CDL drivers also have a Moffett assigned to their vehicle and are trained on how to operate that device. Non-CDL delivery drivers load inventory on sprinter vans or flatbed trucks and unload them at customer sites. Branches with non-CDL drivers include Woodside (Queens) and Rock Tavern in New York, and Edison, North Bergen, and Parlin in New Jersey.

II. ANALYSIS

As stated above, I find that the drivers at the six New Jersey facilities have a community of interest distinct from that of drivers at other branches in the New York City District. Below, I first analyze the community of interest factors regarding the New Jersey branches, excluding Sayreville. I then specifically analyze Sayreville's connection to the five other New Jersey branches due to the unique nature of the Sayreville branch.

For a unit to be appropriate, the petitioned-for group of employees "must be readily identifiable as a group and share a 'community of interest.'" *American Steel Construction, Inc.*, 372 NLRB No. 23 (2022). A petitioned-for "subdivision" of employee classifications is appropriate if they: (1) share an internal community of interest; (2) are readily identifiable as a group based on job classifications, departments, functions, work locations, skills, or similar factors; and (3) are sufficiently distinct. *Id*. If a party contends that the petitioned-for unit is not sufficiently distinct, or that the smallest appropriate unit should have additional employees, the Board will examine whether the petitioned-for group shares an "overwhelming community of interest" with the excluded employees, such that there is no rational basis for the exclusion based on the traditional community of interest factors. *Id*. The standard varies where the Union petitions for a multifacility unit, and the Employer contends the smallest appropriate unit should contain additional facilities, as explored below.

To be an appropriate multifacility unit, the unit must have a distinct community of interest from the excluded facilities. *Cazanove Opici Wine Grp.*, 371 NLRB No. 30 (2021) (finding that metropolitan New York sales representatives have a distinct community of interest from the excluded upstate New York sales representatives). Where the petitioner seeks a multifacility unit, the Board does not presume that a single facility unit is appropriate. *Capitol Coors Co.*, 309 NLRB 322, 322 n. 1 (1992). "In determining whether a petitioned-for multifacility unit is appropriate, the Board evaluates the following community-of-interest factors among employees working at the different locations: similarity in employees' skills, duties, and working conditions; centralized control of management and supervision; functional integration of business operations, including

employee interchange; geographic proximity; bargaining history; and extent of union organization and employee choice." *Exemplar, Inc.*, 363 NLRB 1500, 1501 (2016). The Petitioner's extent of organization may be considered, but it cannot be given controlling weight. *Id*. at 1504.

In *Laboratory Corporation of America Holdings*, 341 NLRB 1079 (2004) the Board found that employees from the seven petitioned-for patient service centers (PSC) did not share a community of interest distinct from that of employees at the other PSCs in the Southern New Jersey Region. 341 NLRB at 1082. The Board emphasized (1) the seven PSCs did not comport with any administrative grouping; (2) the supervisory structure was in flux; (3) employees interchanged between the southern New Jersey PSCs; (4) the seven PSCs were not a coherent geographic grouping; and (5) the employees in the petitioned-for unit had the same terms and conditions as excluded employees. *Id*.

A. The Drivers Employed by the New Jersey Branches have a Distinct Community of Interest

1) Skills and Duties

This factor examines whether disputed employees can be distinguished from one another on the basis of job functions, duties, or skills. Evidence that disputed employees have similar requirements to obtain employment; that they have similar job descriptions or licensure requirements; that they participate in the same Employer training programs; and/or that they use similar equipment supports a finding of similarity of skills. *Casino Aztar*, 349 NLRB 603 (2007); *J. C. Penney Co*., 328 NLRB 766 (1999); *Brand Precision Services*, 313 NLRB 657 (1994); *Phoenician*, 308 NLRB 826 (1992). Where there is also evidence of similar terms and conditions of employment and some functional integration, evidence of similar skills and functions can lead to a conclusion that disputed employees must be in the same unit, despite lack of common supervision or evidence of interchange. *Phoenician*, 308 NLRB at 826.

The record shows that the New Jersey drivers and the drivers elsewhere in the district perform similar work. Both groups include tractor-trailer, CDL, and non-CDL drivers. Union counsel acknowledged during closing that the New Jersey and New York drivers have similar skills and duties.

Thus, I find that the skills and duties factor does not support a finding that the New Jersey branch drivers have a distinct community of interest from the excluded branches.

2) Terms and Conditions

Relevant terms and conditions of employment include wage ranges, methods of pay, benefits, work rules, and disciplinary policies. However, the fact that employees share common wage ranges and benefits or are subject to common work rules does not warrant a conclusion that a community of interest exists where employees are separately supervised, do not interchange and/or work in a physically separate area. *Bradley Steel, Inc*., 342 NLRB 215 (2004); *Overnite Transportation Company*, 322 NLRB 347 (1996). Similarly, sharing a common personnel system for hiring, background checks and training, as well as the same package of benefits, does not warrant a conclusion that a community of interest exists where two classifications of employees have little else in common. *American Security Corporation, 321* NLRB 1145 (1996).

The record shows broadly similar terms and conditions for drivers at the five centrally dispatched New Jersey branches and elsewhere in the district. Drivers at those branches receive assignments from the same dispatch team. The Employer generally provides the same benefits, monitors the same driving metrics, and uses Workday for timekeeping. Listed wage ranges are generally similar by classification, with the differences by location described above. Union counsel argued that New York City drivers earn more than New Jersey drivers. The record establishes listed ranges, and the actual rates paid to individual drivers remain undetermined.

3) Degree of Functional Integration and Interchange

Generally, evidence that employees work together on the same matters, have frequent contact with one another, and perform similar functions is relevant when examining whether functional integration exists. *Transerv Systems*, 311 NLRB 766 (1993). "The Board has found that the factors of employee interchange and functional integration weigh in favor of a petitioned-for multifacility unit where the petitioned-for employees have substantially more contact and interchange with each other than they do with excluded employees." *Audio Visual Servs. Grp., LLC*, 370 NLRB No. 39 (2020). "In contrast, the Board has generally been disinclined to find a multifacility unit appropriate when the petitioned-for facilities have no more functional interchange with each other than they do with the excluded facilities." *Id*. Temporary assignments, cross-branch coverage, and employee transfers can show interchange.

Central dispatch integrates operations at the branches it routes. It reallocates deliveries among those branches based on labor availability, proximity, and inventory. Escobar described looking to available New Jersey branches to cover a New Jersey driver's absence. For example, the Fairfield-area branch or North Bergen could cover a Parsippany route, depending on availability. A New York driver covers a New Jersey absence only "very rarely".

The broader Exhibit 19 figures show work across state lines, including deliveries to customers. One route may include several stop records. A stop outside New Jersey does not establish that the driver covered work for another employee at an out-of-state branch.

The five-branch comparison shows 557 recorded arrivals at other New Jersey branches and 79 at New York or Connecticut branches. The records document more visits to other New Jersey facilities. Together with Escobar's testimony about cross-branch coverage, they support finding that the five New Jersey branches have stronger working ties to one another. The evidence on functional integration and interchange therefore favors finding a distinct community of interest among those drivers.

4) Central Control of Labor Relations and Common Supervision

Uniform personnel and labor relations policies set at an employer's principal office support a multifacility unit. *Budget Rent A Car Systems*, 337 NLRB 884, 885 (2002). In *Twenty-First Century Restaurant*, 192 NLRB 881, 882 (1971), the Board commented:

> In our opinion it is significant that all of the franchised food outlets of the Employer conduct business under standardized policies and procedures subject to close centralized controls. It is clear that the location manager is vested only with minimal discretion with respect to labor relations matters and the method of

> operation, and the exercise of his discretion is carefully monitored by the field supervisor who visits each location daily and the general manager who also makes frequent visitations. In sum, any meaningful decision governing labor relations matters emanates from established corporatewide policy, as implemented by the general managers and field supervisors.

The Board found highly centralized management and common supervision where (1) the employer's senior manager determined labor policy, vacation, pay, and other terms and conditions; (2) the petitioned-for unit corresponds with the Employer's administrative grouping; and (3) all disciplinary and personnel decisions were made by senior managers. *Exemplar*, *supra* at 1503.

The record shows both central and local control. For the branches it routes, central dispatch makes assignments that affect how long drivers work each day. The branches are part of the same district. The Employer maintains centralized wage profiles and benefits, and handles driver's license verification and background checks centrally. The district operations managers support branch operations at the centrally dispatched sites. Sayreville has a separate reporting structure and assigns its own routes.

Conversely, branch managers, and other local management, discipline, hire, fill out performance evaluations, approve time off requests and deal with other day-to-day issues. It appears local management and district management work together regarding decisions for promotions and terminations. These local employment relationships remain meaningful despite central dispatch. While the central dispatch facts suggest that a district unit would be an appropriate unit, local authority suggests that it would not be the only appropriate unit.

5) Geographic Proximity

The Board considers whether the geographic distance between facilities affects employee interchange, functional integration, and employee participation in union activities. *Exemplar*, *supra* at 1504 (2.1-mile distance between facilities in a densely populated, high-traffic urban environment is not significant). The Board has approved multifacility units of varying geographic distances. See *Stormont-Vail Healthcare, Inc.*, 340 NLRB 1205, 1208 (2003) (distances of 10 to 70 miles from main facility did not warrant excluding outlying facilities from unit); *Capitol Coors*, 309 NLRB at 325 (distance of 90 miles between facilities did not preclude finding a community of interest). The Board has found appropriate a bargaining unit of sales representatives in metro New York divided into six teams in New York City (two teams), Brooklyn/Queens/Staten Island, Long Island/Suffolk, Long Island/Nassau, and Westchester/Bronx, rejecting the Employer's argument to include all the New York State branches as, among other things, the closest excluded branch was in Albany some 150 miles away. *Cazanove*, *supra*.

Employer Exhibit 22 illustrates the proximity of the New Jersey branches. Their proximity makes it practical for nearby branches to cover work, as the testimony about the Parsippany route shows. This factor favors finding that the New Jersey branches have a distinct community of interest.

6) Extent of Organizing and Bargaining History

There was no evidence presented regarding the extent of organizing.

B. Sayreville Drivers Share a Community of Interest with Drivers at the Other New Jersey Branches

Sayreville's six tractor-trailer drivers perform the same core driving, loading, and unloading duties as comparable drivers at other branches. They generally receive the same benefits and use the same human resources and driver monitoring systems. Employer Exhibit 24 lists the same compensation-grade profile for Sayreville's tractor-trailer drivers as for comparable drivers elsewhere. Sayreville's separate route assignments and management structure weigh against including Sayreville in the petitioned-for unit under the central control and common supervision factors.

Sayreville drivers visit other district branches, including branches outside New Jersey. Kolano also described how a Sayreville Class A driver could assist in driver development at another branch. Employer Exhibit 22 shows Sayreville's proximity to Parlin. The branch contacts and geographic proximity, together with the shared duties and working conditions, support including Sayreville with the other New Jersey branches.

III. CONCLUSION

Based on the foregoing, I find that the petitioned-for unit does have a distinct community of interest from the excluded branches based on the interchange, functional integration, and geographical proximity factors. Although there may be other appropriate units, that does not disturb the conclusion that the drivers of the New Jersey branches constitute an appropriate unit. I note that the drivers at the Sayreville branch share a community of interest with the rest of the petitioned-for unit. Although the Sayreville branch does not share common supervision and is not subject to central dispatch, their drivers perform the same duties and receive the same benefits as other branches. Moreover, the branch has geographical proximity to the other New Jersey branches

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.[4]

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] White Cap, L.P., is a Delaware limited partnership with its principal office in Doraville, Georgia. It sells and distributes construction supplies, tools, and safety products at facilities throughout North America, including in New York, New Jersey, and Connecticut. In the preceding 12 months, the Employer derived gross revenues exceeding $500,000 and purchased and received goods valued at more than $50,000 directly from points outside those three states.

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. Approximately 35 employees are in the unit. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

   INCLUDED: All full-time and regular part-time drivers employed by the Employer in the following six New Jersey branches:
   (1) 1511 Tonnelle Avenue, North Bergen, NJ; (2) 203 Mill Road, Edison, NJ; (3) 799 Edwards Road, Parsippany, NJ; (4) 287 Cheesequake Road, Parlin, NJ; (5) 301 Hartle Street, Sayreville, NJ; and (6) 103 Somogyi Court, South Plainfield, NJ.

   EXCLUDED: All office clerical employees, confidential employees, drivers employed by the Employer at branches other than the six listed above, managerial employees, guards, professional employees and supervisors as defined in the Act, and all other employees.

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 International Brotherhood of Teamsters Local 863.

A. Election Details

After careful consideration, I have determined that a mail ballot election will be held. The eligible drivers are drivers are geographically "scattered", reporting to six New Jersey branches, including Sayreville. Their routes take them away from their reporting locations during the workday, and their start and finish times vary by route. The noon-to-4 p.m. polling window discussed at the hearing would overlap with some drivers' time on the road. A two-site election at Edison and North Bergen would require drivers based at the other branches to travel to one of those locations, and the proposed 6:00 a.m. closing time would fall before some drivers normally report to work. Given these circumstances and the parties' positions, I find that a mail-ballot election will give eligible drivers at all six branches a better opportunity to vote. See *San Diego Gas & Electric*, 325 NLRB 1143, 1145 & n.7 (1998). The parties agreed that additional languages other than English and/or translation of election materials are not required. Accordingly, a mail ballot election is appropriate. See NLRB Casehandling Manual (CHM) (Part Two), Representation Proceedings, *Manual or Mail Ballot Election*, Sec. 11301.2.

The ballots will be mailed to employees employed in the appropriate collective-bargaining unit. At 5:00 pm on **Tuesday, December 1, 2026**, ballots will be mailed to voters from the National Labor Relations Board, Region 22, 20 Washington Place, 5th Floor, Newark, New Jersey 07102. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by **Tuesday, December 8, 2026**, should communicate immediately with the National Labor Relations Board by either calling the Region 22 Office at 862-229-7041 or our national toll-free line at 1-844-762-6572.

All ballots will be commingled and counted at the Region 22 office on **Wednesday, December 23, 2026**, at 10:00 am. In order to be valid and counted, the returned ballots must be received at the Region 22 office, prior to the counting of the ballots.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **Sunday, November 8, 2026**, 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.

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(l) 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 (that employees use at work), 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, November 20, 2026**. 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.nlrb.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.nlrb.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

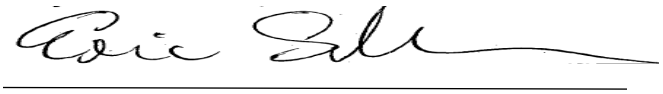
Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of 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.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 20570-0001, 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: November 18, 2026



Eric R. Schechter, Regional Director
National Labor Relations Board
Region 22
Veterans Administration Building
20 Washington Place, 5th Floor
Newark, New Jersey 07102-3127

Attachment
Notice of Election

Form NLRB-4910
(4-2015)

United States of America
National Labor Relations Board

NOTICE OF ELECTION

INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL

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. (See VOTING UNIT in this Notice of Election for description of eligible employees.) 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 carried out through the U.S. mail 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. Employees eligible to vote will receive in the mail *Instructions to Employees Voting by United States Mail*, a ballot, a blue envelope, and a yellow self-addressed envelope needing no postage.

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. In a mail ballot election, employees are eligible if they are in the VOTING UNIT during both the designated payroll period and on the date they mail in their ballots. 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, or, in a mail ballot election, before the date they mail in their ballots, are not eligible to vote.

CHALLENGE OF VOTERS: An agent of the Board or an authorized observer may question the eligibility of a voter. Such challenge must be made at the time the ballots are counted.

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 counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB

METHOD AND DATE OF ELECTION

The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit. At 5:00 p.m. on Tuesday, December 01, 2026, ballots will be mailed to voters from the National Labor Relations Board, Region 22, 20 Washington Place, FL 5, NEWARK, NJ 07102-3127. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by Tuesday, December 08, 2026, should communicate immediately with the National Labor Relations Board by either calling the Region 22 Office at (973)645-2100 or our national toll-free line at 1-844-762-NLRB (1-844-762-6572).

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.

Form NLRB-4910
(4-2015)

United States of America
National Labor Relations Board

NOTICE OF ELECTION

INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL

All ballots will be commingled and counted at the Region 22 Office on Wednesday, December 23, 2026, at 10:00 a.m. In order to be valid and counted, the returned ballots must be received in the Region 22 Office prior to the counting of the ballots.

VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:
Those eligible to vote are: All full-time and regular part-time drivers employed by the Employer in the following six New Jersey branches:
(1) 1511 Tonnelle Avenue, North Bergen, NJ; (2) 203 Mill Road, Edison, NJ; (3) 799 Edwards Road, Parsippany, NJ; (4) 287 Cheesequake Road, Parlin, NJ; (5) 301 Hartle Street, Sayreville, NJ; and (6) 103 Somogyi Court, South Plainfield, NJ, who were employed by the Employer during the payroll period ending Sunday, November 08, 2026.

EMPLOYEES NOT ELIGIBLE TO VOTE:
Those not eligible to vote are: All office clerical employees, confidential employees, drivers employed by the Employer at branches other than the six listed above, managerial employees, guards, professional employees and supervisors as defined in the Act, and all other employees.

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.

Form NLRB-4910
(4-2015)

United States of America
National Labor Relations Board

NOTICE OF ELECTION

INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL

UNITED STATES OF AMERICA

National Labor Relations Board

22-RC-394785

OFFICIAL SECRET BALLOT

For certain employees of

WHITE CAP, L.P.

Do you wish to be represented for purposes of collective bargaining by

INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 863?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES	NO
☐	☐

Sample

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, you may request a new ballot by referring to the enclosed instructions. If you submit a ballot with markings inside, or anywhere around, more than one square, your ballot will not be counted.

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.

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.

Form NLRB-4910
(4-2015)

United States of America
National Labor Relations Board

NOTICE OF ELECTION

INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL

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 mail ballots are dispatched
- 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 (973)645-2100 or visit the NLRB website www.nlrb.gov for assistance.

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
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WHITE CAP, L.P.

Employer

and

Case 22-RC-394785

INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 863

Petitioner

AFFIDAVIT OF SERVICE OF: Decision and Direction of Election, dated November 18, 2026.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 18, 2026, I served the above-entitled document(s) by electronic mail, as noted below, upon the following persons, addressed to them at the following addresses:

Alyson D. Dieckman, Esq.
Seyfarth Shaw LLP
999 Third Avenue, Suite 4700
Seattle, WA 98104-4041
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570 Broad Street, Suite 1402
Newark, NJ 07102
clynch@zazzali-law.com

Michelle Bailey
White Cap, L.P.
2491 Industry Avenue
Doraville, GA 30360
michelle.bailey@whitecap.com

November 18, 2026
Date

Raquel Wilkinson,
Designated Agent of NLRB
Name

/s/ Raquel Wilkinson
Signature