UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AV DECKING INC. D/B/A AV METAL DECKING
Employer

and Case 20-RC-373769

INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, ORNAMENTAL AND REINFORCING IRON WORKERS
Petitioner

ORDER

The Employer's Request for Review of the Acting Regional Director's Decision on Objections and Certification of Representative is denied as it raises no substantial issues warranting review.

In denying review, we read the Employer's argument as seeking review of the Acting Regional Director's Decision on Objections and Certification of Representative and the Acting Regional Director's November 21 letter ordering the election to be conducted by mail ballot, which the Employer refers to as a "Decision and Direction of Election." Section 102.62(b) of the Board's Rules and Regulations, which governs stipulated election agreements, clearly limits the right to seek review to post-election disputes. Hence, although the November 21 letter was a non-reviewable decision under Section 102.67 of the Board's Rules and Regulations, the Employer did permissibly request post-election review of the Acting Regional Director's decision overruling the Employer's objection regarding the mail-ballot election decision. As stated above, we deny that request.

Regarding objection 3, we do not rely on the Acting Regional Director's citation to *Pea Ridge Iron Ore Co.*, 335 NLRB 161 (2001), which applies when a Board agent opens the polls later than the scheduled time, which did not occur here. The Employer's objection, however, has not shown that the Acting Regional Director erred in ordering a mail-in ballot election.

In denying the Employer's request for review of the Acting Regional Director's overruling of its objection 6, we do not rely on his citation to *Midland National Life Insurance Co.*, 263 NLRB 127, 133 (1982), to the extent he suggested that it applies to alleged union promises of benefits to employees that are within the union's power to deliver in exchange for those employees' support in an election.[1] However, the absence of any details in the allegations

[1] We agree with the Acting Regional Director's apparent finding that statements to the effect that employees would not have to return to their worksites or listen to their supervisors if the Petitioner prevailed in the election are unobjectionable under *Midland*.

that unspecified agents of the Petitioner made such promises to unspecified employees at unspecified times and through unspecified means resulted in an objection that was little more than speculation and certainly did not warrant an investigative hearing, much less any other action from the Regional Director. See *Transportation Unlimited, Inc.*, 312 NLRB 1162, 1162 (1993) ("The Board has held in numerous cases that it requires more than mere speculative harm to overturn an election.").

Finally, we note that in the Decision on Objections and Certification of Representative, the Acting Regional Director inadvertently stated that there were seven votes opposing representation. There was, however, only one vote opposing representation.

DAVID M. PROUTY, MEMBER

SCOTT A. MAYER MEMBER

JAMES R. MACY MEMBER

Dated, Washington, D.C., October 30, 2026.