



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 18  
Federal Office Building  
212 Third Avenue South, Suite 200  
Minneapolis, MN 55401-2657

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
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April 8, 2022

jeremy.quinn@aggregate-us.com  
Jeremy Quinn, General Manager  
Aggregate Industries, Inc.  
2610 Marshall Street NE  
Minneapolis, MN 55418

pslattery@teamsterslocal120.org  
Paul Slattery, Organizer  
International Brotherhood of Teamsters, Local 120  
9422 Ulysses Street NE, Suite 120  
Blaine, MN 55434-3573

Re: Aggregate Industries - MWR, Inc.  
Case 18-RC-292231

Dear Mr. Quinn and Mr. Slattery:

Enclosed are the Notice of Election and a copy of the election agreement that I have approved in this case. This letter will provide you with information about the voter list, posting and distribution of the election notices, and the agreed-upon election arrangements.

### **Voter List**

The Employer must provide the regional director and parties an alphabetized 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, **accompanied by a certificate of service** on all parties.

To be timely filed and served, the list must be *received* by the regional director and the parties by Monday, April 11, 2022. **The region will no longer serve the voter list.** The Employer's failure to file or serve the list within the specified time or in the proper format is 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 in the specified time or in the proper format if it is responsible for the failure.

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) and is searchable electronically. 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/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx).

Pursuant to Section 102.5 of the Board's Rules and Regulations, the list must be filed electronically by submitting (E-Filing) it through the Agency's website ([www.nlr.gov](http://www.nlr.gov)), unless the Employer provides a written statement explaining why electronic submission is not possible or feasible. The Employer must also electronically serve the list on the other parties. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. The burden of establishing the timely filing and receipt of the list is on the sending party.

### **Posting and Distribution of Election Notices**

The Employer must post copies of the attached Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted at least 3 full working days prior to 12:01 am on the day of the election and must also distribute the Notice of Election electronically to any employees in the unit with whom it customarily communicates electronically. The Notice of Election must be posted so all pages are simultaneously visible. In this case, the notices must be posted and distributed **before 12:01 a.m. on Friday, April 15, 2022**. The Employer's failure to timely post or distribute the election notices is grounds for setting aside the election if proper and timely objections are filed. However, a party is estopped from objecting to the nonposting or nondistribution of notices if it is responsible for the nonposting or nondistribution.

To make it administratively possible to have election notices and ballots in a language other than English, please notify the Board agent immediately if that is necessary for this election. Also, as noted in paragraph 10 of the stipulated election agreement, if special accommodations are required for any voters, potential voters, or election participants to vote or reach the voting area, please tell the Board agent as soon as possible.

### **Election Arrangements**

The arrangements for the election in this matter are as follows:

**Date of Election:** April 20, 2022

**Time:** 7:00 a.m. to 10:00 a.m.

**Place:** Conference Room at the Employer's facility located at  
2610 Marshall Street NE, Minneapolis, MN 55418

**Election Observers:** Each party may have one observer for each polling session. The observers may be present at the polling place during the balloting and to assist the Board agent in counting the ballots after the polls have been closed. **Please complete the**

**enclosed Designation of Observer form and return it to this office as soon as possible.**

**Pre-election Conference:** A pre-election conference for all parties will be held on April 20, 2022 at 6:30 a.m. at the place of the election. The parties are requested to have their election observers present at this conference so that the observers may receive instruction from the Board Agent about their duties.

**Election Equipment:** The Board agent conducting the election will furnish the ballot box, ballots, and voting booths. The Employer is requested to provide, at the polling place, a table and a sufficient number of chairs for use by the Board agent and observers during the election.

Enclosed is a Description of Election and Post-Election Procedures in Representation Cases, Form NLRB-5547, which describes the election and the method for handling challenges as well as post-election proceedings to deal with determinative challenges and any objections that are filed.

If you have any questions, please feel free to contact Field Examiner MARTHA C. FREEBERG at telephone number (952)703-2879 or by email at [martha.freeberg@nlrb.gov](mailto:martha.freeberg@nlrb.gov). The cooperation of all parties is sincerely appreciated.

Very truly yours,



JENNIFER A. HADSALL  
Regional Director

Enclosures

1. Approved Election Agreement
2. Notice of Election
3. Certificate of Service of Voter List
4. Designation of Observer Form
5. Description of Procedures in Election and Post-Election Representation Case Procedures (Form 5547)

cc: [bmumaugh@hollandhart.com](mailto:bmumaugh@hollandhart.com)  
Brian M Mumaugh, Attorney  
Holland & Hart, LLP  
PO Box 8749  
Denver, CO 80201--8749

[mtcecil@hollandhart.com](mailto:mtcecil@hollandhart.com)  
Matthew T. Cecil, Attorney  
Holland & Hart, LLP  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, NV 89134--0532

[jesse.smith1@lafargeholcim.com](mailto:jesse.smith1@lafargeholcim.com)  
Jesse Smith, Marshall Operations Manager  
Aggregate Industries - MWR, Inc.  
2610 Marshall Street NE  
Minneapolis, MN 55418

[Rebecca.rozovics@lafargeholcim.com](mailto:Rebecca.rozovics@lafargeholcim.com)  
Rebecca Rozovics, Human Resources  
Aggregate Industries – MWR, Inc.  
2610 Marshall Street NE  
Minneapolis, MN 55418

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**STIPULATED ELECTION AGREEMENT**

**Aggregate Industries – MWR, Inc.**

**Case 18-RC-292231**

The parties **AGREE AS FOLLOWS:**

**1. PROCEDURAL MATTERS.** The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

**2. COMMERCE.** The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Aggregate Industries – MWR, Inc., is a Minnesota corporation engaged in the production and delivery of ready-mix concrete and concrete block from its facilities located at 781 Hubbard Avenue, St. Paul, Minnesota 55104; 2610 Marshall Street NE, Minneapolis, Minnesota 55418; and 14141 Unity Street NW, Ramsey, Minnesota 55303. During the past calendar year, a representative period, the Employer sold goods valued in excess of \$50,000 directly to customers located outside the State of Minnesota.

**3. LABOR ORGANIZATION.** The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

**4. ELECTION.** A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

**DATE:** April 20, 2022

**HOURS:** 7:00 a.m. to 10:00 a.m.

**PLACE:** Conference Room at the Employer's facility located at  
2610 Marshall Street NE, Minneapolis, MN 55418

The Regional Director has and retains full and complete discretion to determine whether it is unsafe, for any reason, to conduct a manual election on the stipulated date. Further, if the Regional Director determines a manual election is unsafe, or if the election is postponed or cancelled for any other reason, the Regional Director has and retains sole and complete discretion to reschedule the date, time, location, and/or manner of the election, including converting the election to a mail ballot election, as she deems appropriate.

**5. UNIT AND ELIGIBLE VOTERS.** The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time ready-mix drivers, block truck drivers, loader operators, forklift operators, plant maintenance workers, and fleet mechanics domiciled at the following locations: 781 Hubbard Avenue, St. Paul, Minnesota 55104; 2610 Marshall Street NE, Minneapolis, Minnesota 55418; and 14141 Unity Street NW, Ramsey, Minnesota 55303; excluding all professional employees, technical employees,

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managerial employees, confidential employees, temporary employees, and guards and supervisors, as defined in the National Labor Relations Act, as amended.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending April 3, 2022**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the above 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 any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, and, in a mail ballot election, before they mail in their ballots to the Board's designated office, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

**6. VOTER LIST.** Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, 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. 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. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

**7. THE BALLOT.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by International Brotherhood of Teamsters, Local 120?" The choices on the ballot will be "Yes" or "No".

**8. NOTICE OF ELECTION.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day the ballots are mailed to employees. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit

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electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

**9. NOTICE OF ELECTION ONSITE REPRESENTATIVE.** The following individuals will serve as the Employer's designated Notice of Election onsite representative:

Jesse Smith, Marshall Operations Manager  
2610 Marshall St NE, Minneapolis MN 55418  
Ph. (651)502-0384 | [jesse.smith1@lafargeholcim.com](mailto:jesse.smith1@lafargeholcim.com)

Rebecca Rozovics, Human Resources  
2610 Marshall St NE, Minneapolis MN 55418  
Ph. (612)468-4921 | [rebeccarozovics@lafargeholcim.com](mailto:rebeccarozovics@lafargeholcim.com)

**10. ACCOMMODATIONS REQUIRED.** All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

**11. OBSERVERS, PRE-ELECTION CONFERENCE PARTICIPANTS AND COUNT PARTICIPANTS.** Each party may station one (1) authorized, nonsupervisory-employee observer at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally. Each party may designate one (1) observer to participate in the count, including challenging the eligibility of voters. Each party may also designate one (1) representative to be present at the count and pre-election conference. Beyond the one observer and one representative per party at the count, the Board Agent may limit attendance at the counting of the ballots.

**12. TALLY OF BALLOTS.** Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

**13. POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**14. REQUIRED COVID-RELATED CERTIFICATIONS.**

**Pre-Election Certification--Employer.** By entering into this stipulation for a manual election, the Employer certifies that there have been no individuals present in its facility for the previous 14 days that have tested positive for COVID-19 or are awaiting test results, exhibiting characteristic symptoms, or have had contact with anyone who has tested positive in the previous 14 days. Following approval of this stipulation, the Employer agrees that it must notify the Region immediately if there are any changes to the facility's COVID-19 status, as described above.

**Certification Form A--Employer.** The Employer will complete and submit GC 20-10 COVID-19 Certification Form A to the Region within the time frame set forth on the form. Form A will be considered by the Regional Director in determining whether conducting the election manually will jeopardize public health. Failure to provide accurate or timely forms may result in the election being cancelled, rescheduled, or converted to a mail ballot election.

**Certification Form B--for each Party, Party Representative, and Observer.** Each party, party representative, and observer participating at the pre-election conference, serving as an election observer, or participating in the ballot count, must complete and submit GC 20-10 COVID-19 Certification Attachment B. Individuals for which Form B was not submitted will not

Initials: \_\_\_\_\_

be permitted to be physically present at the pre-election conference, to serve as an observer during the election or at the ballot count.

**Post-Election Certifications—Petitioner, Union, and Employer.** All parties must notify the Regional Director in writing, within 14 days after the day of the election, if any individuals who were present in the facility on the day of the election: (a) have tested positive for COVID-19 (or has been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested) within the prior 14 days; (b) are awaiting results of a COVID-19 test; (c) are exhibiting symptoms of COVID-19, including a fever of 100.4 or higher; cough, shortness of breath; or (d) have had direct contact with anyone in the previous 14 days who has tested positive for COVID-19 (or who are awaiting test results for COVID-19 or have been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested).

**15. COVID SAFETY PROTOCOLS.** Given the COVID-19 pandemic, in order to protect the voters, observers, Board agent(s), and others during the pre-election conference, election and ballot count, the following protocols will be applicable to this election. The Employer agrees to abide by the protocols outlined below. If these protocols cannot be followed (or attested to as required by Memorandum GC 20-10), the Regional Director reserves the right to cancel or reschedule the manual election, or convert the election to a mail-ballot election with ballots being mailed out on or as soon as practicable after the scheduled manual election date.

**Voter Lists.** A total of three (3) voter lists will be provided by the Board Agent in order to allow for social distancing between observers and Board Agent. Each party's observer will verbally notify the Board Agent whether they are checking or challenging a voter and the Board Agent will reflect the same on the voting list used by the Board Agent. Copies of the Board Agent's list will be provided to the parties following the election.

**Masks Required.** The Employer will provide CDC-conforming masks to voters and all other participants in the election. All voters, observers, party representatives, and other participants must wear CDC-conforming masks in all phases of the election, including the pre-election conference, in the polling area or while observing the count. The Employer will post signs immediately adjacent to the Notice of Election to notify voters, observers, party representatives, and other participants of the mask requirement. In accordance with the "Voting Place Notice", Form NLRB-5017, the Board Agent has the discretion to advise a voter who is not properly masked in full conformance with CDC guidelines to leave the voting area and return when properly masked. Likewise, the Board agent has the discretion to advise a pre-election conference or count attendee who is not properly masked to leave the conference/count and return when properly masked.

**Polling Area Supplies to be Provided by the Employer.** The Employer will provide the following for use in the polling area, at the pre-election conference and during the count:

- **Plexiglass barriers.** Plexiglass barriers should be sufficient in size and number to protect the observers and Board Agent from one another and protect the Board Agent and observers from other participants in the election (i.e., voters and representatives).
- **Hand sanitizer**
- **Gloves and disinfecting wipes** (for use by Board Agent and observers)
- **Glue stick or tape** (for sealing challenge ballot envelopes)

Initials: \_\_\_\_\_



- **Disposable pencils without erasers** (sufficient in number so that each voter may mark their ballot using a pencil)
- **CDC-Conforming face masks for all participants** (see section above entitled "Masks Required")
- **Doorstops.** The Employer will provide doorstops or similar items to allow the doors to be propped open during the pre-election meeting, election, and the ballot count, to facilitate air flow in the polling area.

**Sanitize Polling Area.** The Employer will sanitize the polling area the day of the election, prior to the start of the pre-election conference.

**Election Area Layout and Social Distancing Requirements.** Polling area must include a separate entrance and exit for voters, with markings to depict safe traffic flow throughout the polling area.

The Employer must provide four separate tables spaced six feet apart for: (1) Board Agent; (2) Employer observer; (3) Petitioner observer; and (4) voting booth and ballot box. Additionally, six-foot of distance must be marked on the floor to insure separation of observers, Board Agent, voters and other participants (such as during count or during pre-election conference). The Employer will provide markings on the floor to remind and enforce social distancing requirements.

During the election, only one voter will be permitted to approach the observers' tables and election booth at a time to ensure social distancing. After clearance by the observers, the Board Agent will place an individual ballot on table for the voter and then step back to maintain social distance.

**Pre-Election Inspection.** An inspection of the polling area will be conducted by video conference at least 24 hours prior to the election so that the Board Agent and parties can view the polling area. The Board Agent assigned to conduct this election will make arrangements with the parties for this conference.

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**Aggregate Industries – MWR, Inc.**

(Employer)

**International Brotherhood of Teamsters,  
Local 120**

(Petitioner)

**By:** /s/ Matthew T. Cecil 4/5/2022  
(Signature) (Date)

**By:** /s/ Paul Slattery 4/5/22  
(Signature) (Date)

**Print Name:** Matthew T. Cecil

**Print Name:** Paul Slattery

**Recommended:** /s/ Martha Freeberg 4/7/2022  
MARTHA C. FREEBERG, Field Examiner (Date)

**Date approved:** 4/7/2022

/s/ Jennifer A. Hadsall (EB)

**Regional Director, Region 18  
National Labor Relations Board**

Initials: \_\_\_\_\_

**Case Name:** AGGREGATE INDUSTRIES - MWR, INC.      **Case No.:** 18-RC-292231

**CERTIFICATE OF SERVICE OF VOTER LIST**

**Service on Petitioner (RC, RD Cases)**

I hereby certify that on \_\_\_\_\_(date), an electronic copy of the voter list in the above case was served on the Petitioner by e-mail at this email address: \_\_\_\_\_.

I hereby certify that on \_\_\_\_\_(date), a copy of the voter list in the above case was served on the Petitioner by facsimile at this number: \_\_\_\_\_.

I hereby certify that on \_\_\_\_\_(date), a copy of the voter list in the above case was served on the Petitioner by overnight mail at this address: \_\_\_\_\_.

**Service on Union (RD and RM Cases)**

I hereby certify that on \_\_\_\_\_(date), an electronic copy of the voter list was served on the Union by e-mail at this email address: \_\_\_\_\_.

I hereby certify that on \_\_\_\_\_(date), a copy of the voter list in the above case was served on the Union by facsimile at this number \_\_\_\_\_.

I hereby certify that on \_\_\_\_\_(date), a copy of the voter list in the above case was served on the Union by overnight mail at this address: \_\_\_\_\_.

**Service on Intervenor (*if applicable*)**

I hereby certify that on \_\_\_\_\_(date), an electronic copy of the voter list was served on the Intervenor by e-mail at this email address: \_\_\_\_\_.

I hereby certify that on \_\_\_\_\_(date), a copy of the voter list in the above case was served on the Intervenor by facsimile at this number \_\_\_\_\_.

I hereby certify that on \_\_\_\_\_(date), a copy of the voter list in the above case was served on the Intervenor by overnight mail at this address: \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date

**DESIGNATION OF OBSERVER(S)**

Re: Aggregate Industries - MWR, Inc.  
Case 18-RC-292231

**Aggregate Industries - MWR, Inc.** hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

Aggregate Industries - MWR, Inc.

\_\_\_\_\_  
(Name of Party)

**By:**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Representative Name: Print or Type)

\_\_\_\_\_  
(Representative Title)

\_\_\_\_\_  
(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the Employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

**DESIGNATION OF OBSERVER(S)**

Re: Aggregate Industries - MWR, Inc.  
Case 18-RC-292231

**PETITIONER International Brotherhood of Teamsters, Local 120** hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

International Brotherhood of Teamsters, Local 120

\_\_\_\_\_  
(Name of Party)

**By:**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Representative Name: Print or Type)

\_\_\_\_\_  
(Representative Title)

\_\_\_\_\_  
(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the Employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**DESCRIPTION OF ELECTION AND POST-ELECTION  
REPRESENTATION CASE PROCEDURES**

**Election** -- A secret ballot election will be conducted by an agent of the National Labor Relations Board on the date and at the time(s) and location(s) specified in the Notice of Election. Unless the election is conducted by mail ballot, each party is usually represented by an equal number of observers at the polls during the election. When the election is conducted manually, each party may be represented by an observer of its own selection; whenever possible, a party shall select a current member of the voting unit as its observer, and when no such individual is available, a party should select a current nonsupervisory employee as its observer. When a voter appears at the poll to vote, the voter is asked to state his or her name and is given a ballot to take to a voting booth and mark in secret. The voter folds the marked ballot and then drops it into a ballot box without showing the marking to anyone. Parties or the Board agent may challenge for good cause the eligibility of a voter to participate in the election. A challenged voter will place his or her ballot in a special envelope before placing it in the ballot box. After the time for voting has concluded but before counting the ballots, the Board agent will see if the parties can agree to resolve some or all of the challenges. Where a request for review of a direction of election has been timely filed or upon specific direction by the Board, the ballot(s) that might be affected by the Board's decision on review will be segregated and all ballots will be impounded and remain unopened pending the Board's ruling or decision. Otherwise, the Board agent will count the ballots and prepare a Tally of Ballots and make that Tally available to the parties. If the unresolved challenged ballots will not determine the outcome of the election, the challenged ballots are never opened and no determination is made on the voters' eligibility. If the remaining challenged ballot or ballots are determinative of the results of the election, those challenged ballots will be sealed in a special envelope in front of the parties and stored in a safe in an NLRB office.

**Challenged Ballots** -- If the challenged ballot or ballots are determinative, the Regional Director will send a letter to the parties after the election, listing the challenged voters and asking the parties to submit a statement of position with respect to each of the determinative challenged ballots detailing why each of the challenged individuals is or is not eligible to vote. The Regional Director will then determine whether it is necessary to conduct an investigation or schedule a hearing to resolve the determinative challenges.

**Objections** -- Within 5 business days after the Tally of Ballots has been prepared, any party may file objections to the conduct of the election or to conduct affecting the results of the election. The objections must be submitted within this time frame, regardless of whether challenged ballots, if any, are sufficient in number to affect the results of the election. The objections must contain a short statement of the reasons for the objections and be accompanied by a written offer of proof identifying each witness the party would call to testify concerning the issue and summarizing the witness's testimony. Upon request of a party and showing of good cause, the Regional Director may extend the time for filing the offer of proof. The party filing the objections will serve a copy of the objections, but not the written offer of proof, on each of the other parties to the case, and include a certificate of service with the objections. The objections must be faxed or E-Filed through the Agency's E-Filing system ([www.nlrb.gov](http://www.nlrb.gov)), absent a written statement explaining why electronic submission is not possible or feasible.

**Certification in the Absence of Objections, Determinative Challenges, and Runoff Elections** -- If no timely objections are filed, no runoff election is required to be held, and the challenged ballots are insufficient in number to affect the results of the election, the Regional Director will issue a certification of the results of the election, including certification of representative where appropriate. However, the Regional Director will not issue a certification if a request for review of the decision and direction of election is pending.

**Regional Office Investigation and Decisions without a Hearing** -- A Board agent may be assigned to conduct an administrative investigation of determinative challenges and/or objections. If the Regional Director determines that

the evidence described in the offer of proof in support of objections would not constitute grounds for setting aside the election if introduced at a hearing, and/or the Regional Director determines that any determinative challenges do not raise substantial and material factual issues, the Regional Director will issue a decision disposing of the objections and/or determinative challenges.

**Notices of Hearing on Challenges and/or Objections** -- The Regional Director will schedule the hearing on challenges and/or objections 15 business days after the preparation of the tally of ballots or as soon as practicable thereafter, unless the parties agree to an earlier date. In some cases, the Regional Director may consolidate the hearing concerning objections and challenges with an unfair labor practice proceeding before an Administrative Law Judge. In any proceeding involving a consent election where the representation case has been consolidated with an unfair labor practice proceeding for hearing, the Administrative Law Judge will, after issuing a decision, sever the representation case and transfer it to the Regional Director for further processing. If there was no consent election, the Administrative Law Judge's recommendations on objections and/or challenges that have been consolidated with an unfair labor practice proceeding will be ruled upon by the Board if exceptions are filed or adopted in the absence of exceptions.

**Voluntary Resolution** -- An objecting party may wish to withdraw its objections. The withdrawal may be oral or written. When objections are withdrawn, the Regional Director may issue the appropriate certification. If the parties agree to set aside the election and conduct a new one, the Board agent will prepare a written agreement for their signature and approval by the Regional Director. Agreement of the objecting party is not required.

**Hearing on Challenges and/or Objections** -- The hearing will continue from day to day until completed unless the Regional Director concludes that extraordinary circumstances warrant otherwise. Any party will have the right to appear at the hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the objections and/or determinative challenges that are the subject of the hearing. Post-hearing briefs may be filed within five business days after the close of the hearing, unless additional time is granted by the Hearing Officer prior to the close of hearing and upon showing of good cause.

**Hearing Officer's Report and Exceptions** -- After the hearing, the Hearing Officer will prepare and serve on the parties a report resolving questions of credibility and containing findings of fact and recommendations as to the disposition of the post-election issues. Within 10 business days from the issuance of that report, any party may file with the Regional Director exceptions to that report and a supporting brief if desired. A copy of the exceptions and any supporting brief must immediately be served on the other parties and a statement of service filed with the Regional Director. Within 5 business days from the last date on which exceptions and any supporting brief may be filed, or such further time as the Regional Director may allow, a party opposing the exceptions may file an answering brief. A copy of the answering brief must immediately be served on the other parties and a statement of service filed with the Regional Director. Thereafter, the Regional Director will decide the matter or make other disposition of the case. If no exceptions to the Hearing Officer's report are filed, the Regional Director may decide the matter upon the record or make other disposition of the case. The decision of the Regional Director will be final unless a request for review is granted by the Board.

Briefs in support of exceptions and answering briefs may not exceed 50 pages, excluding the subject index and table of cases and authorities, unless permission is obtained from the Regional Director by motion, setting forth the reasons for exceeding the limit, pursuant to the procedures set forth in *§ 102.2(c) of the Board's Rules and Regulations*. If a brief exceeds 20 pages, it must contain a subject index with page references and an alphabetical table of cases and authorities. All documents, including electronic documents, filed with the Regional Director must be formatted as double-spaced and in an 8 ½ by 11-inch format.

**Request For Review by the Board** – In stipulated and directed election cases, any party may request Board review of the Regional Director’s post-election decision. The request for review must be filed with the Board within 10 business days of the Regional Director’s post-election decision and must be served on the Regional Director and the other parties. This request for review of a Regional Director’s post-election decision may be combined with a request for review of the Regional Director’s pre-election decision and direction of election if the party has not previously filed a request for review of the decision and direction of election. A party may not, however, file more than one request for review of a particular action or decision by the Regional Director; repetitive requests will not be considered. A statement of service must also be filed with the Board. Any party opposing the request for review may file a statement in opposition within 5 business days after the last day for which the request for review must be filed. If the Board grants the request for review, the parties have 10 business days from the order granting review to file briefs with the Board. A party seeking review must identify a significant, prejudicial error or some other compelling reason for Board review.





United States of America  
National Labor Relations Board  
**NOTICE OF ELECTION**



**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 ready-mix drivers, block truck drivers, loader operators, forklift operators, plant maintenance workers, and fleet mechanics domiciled at the following locations: 781 Hubbard Avenue, St. Paul, Minnesota 55104; 2610 Marshall Street NE, Minneapolis, Minnesota 55418; and 14141 Unity Street NW, Ramsey, Minnesota 55303 who were employed by the Employer during the payroll period ending April 3, 2022.

**EMPLOYEES NOT ELIGIBLE TO VOTE:**

Those not eligible to vote are: All professional employees, technical employees, managerial employees, confidential employees, temporary employees, and guards and supervisors, as defined in the National Labor Relations Act, as amended.

**DATE, TIME AND PLACE OF ELECTION**

<b>April 20, 2022</b>	<b>7:00 a.m. to 10:00 a.m.</b>	<b>Conference Room at the Employer's facility located at 2610 Marshall Street NE, Minneapolis, MN 55418</b>
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**EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN.**



United States of America  
National Labor Relations Board  
**NOTICE OF ELECTION**



**UNITED STATES OF AMERICA**  
National Labor Relations Board

18-RC-292231

**OFFICIAL SECRET BALLOT**

For certain employees of  
**AGGREGATE INDUSTRIES - MWR, INC.**



Do you wish to be represented for purposes of collective bargaining by  
**INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 120?**

**MARK AN "X" IN THE SQUARE OF YOUR CHOICE**

**YES**

**NO**

**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.**

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.



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 (612)348-1757 or visit the NLRB website [www.nlr.gov](http://www.nlr.gov) for assistance.