



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
Telephone: (612)348-1757
Fax: (612)348-1785

May 18, 2022

matt.kadlec@usfoods.com
Matt Kadlec, Area President
US Food Service
9605 54th Ave N
Plymouth, MN 55442

lroberts@teamsterslocal120.org
Ladell Roberts, Organizer
International Brotherhood of Teamsters Local 120
9422 Ulysses St NE, Suite 120
Blaine, MN 55434-3573

Re: US Food Service
Case 18-RC-294882

Gentlemen:

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 Thursday, May 19, 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), 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, 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 Tuesday, May 24, 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.

Restriction of Captive Audience Meetings

The attached Form NLRB-4175, along with other necessary material, will be sent at 4:30 p.m. on May 27, 2022 to the employees eligible to vote in above-named election. Ballots must be returned to the Minneapolis Regional Office no later than 4:30 p.m. on June 13, 2022.

Pursuant to Guardsmark, LLC, 363 NLRB No. 103, please be aware that in mail ballot elections, employers and unions alike are prohibited from making speeches on company time to massed assemblies of employees from the period 24 hours before the time and date the ballots are mailed out from the Regional Office until the deadline date and time for ballots to be returned to the Regional Office. In other words, speeches of this nature should not take place during the time period described in the preceding paragraph.

Election Arrangements

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

Date and Time Mail Ballots to be Sent to Voters: May 27, 2022 at 4:30 p.m. CT

Date Voters Are Requested to Notify Regional Office if Mail Ballot Not Received or Replacement Ballot Is Needed: June 3, 2022

Date Mail Ballots From Voters Must Be Received by Regional Office: No later than the close of business at 4:30 p.m. CT on June 13, 2022.

Date, Time and Place of Ballot Count: The ballot count will be held on June 14, 2022 at 3:30 p.m. CT at the Minneapolis Regional Office.

One representative from each party is invited to attend and observe the ballot count at which time they must voice any challenges to any of the ballots.

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. 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. Form 4175, Instructions to Eligible Employees Voting by U.S. Mail
5. Description of Procedures in Election and Post-Election Representation Case Procedures (Form 5547)

cc: jtoner@seyfarth.com
John J. Toner, Attorney
Seyfarth Shaw LLP
975 F. Street, NW
Washington, DC 20004

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

US Food Service

Case 18-RC-294882

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, US Food Service, a Delaware corporation with an office and place of business located at 9605 54th Avenue N., Plymouth, Minnesota 55442, is engaged in the business of food distribution. During the past calendar year, a representative period, the Employer provided services 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. The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit from the office of the National Labor Relations Board, Region 18, on **May 27, 2022** at 4:30 p.m. Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 18 office by close of business on **June 13, 2022**. The mail ballots will be counted at the Region 18 office located at Federal Office Building, 212 Third Avenue South, Suite 200, Minneapolis, MN 55401-2657 at 3:30 p.m. on **June 14, 2022**, or, at the Regional Director's discretion, by videoconference at a date and time to be determined by the Regional Director in consultation with the parties.

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 void.

If any eligible voter does not receive a mail ballot by **June 3, 2022**, or otherwise requires a duplicate mail ballot kit, he or she should immediately contact the Regional Office at (612)348-1757 in order to arrange for another mail ballot kit to be sent to that employee.

If the election and/or count is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

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 Transportation Clerks, Customer Service/Will-Call Clerks, and Truck Builders working at the Employer's facility located at 9605 54th Avenue N., Plymouth, Minnesota 55442; excluding office sales employees, merchandisers, managers, and guards and supervisors, as defined by the Act, as amended.

Initials: _____

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending May 7, 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 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".

If a majority of valid ballots are cast for INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 120 (the Petitioner), they will be taken to have indicated the employees' desire to be included in the existing bargaining unit currently represented by the Petitioner. If a majority of valid ballots are not cast for representation, they will be taken to have indicated the employees' desire to remain unrepresented.

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

Initials: _____

Case Name: US FOOD SERVICE

Case No.: 18-RC-294882

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

United States of America
National Labor Relations Board

**Instructions to Eligible Employees Voting
By United States Mail**



INSTRUCTIONS

1. MARK YOUR BALLOT IN SECRET BY PLACING AN X IN THE APPROPRIATE BOX. DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY.
2. IF YOU SUBMIT A BALLOT WITH MARKINGS INSIDE, OR ANYWHERE AROUND, MORE THAN ONE SQUARE, YOUR BALLOT WILL NOT BE COUNTED. YOU MAY REQUEST A NEW BALLOT BY CALLING THE REGIONAL OFFICE AT THE NUMBER BELOW.
3. IT IS IMPORTANT TO MAINTAIN THE SECRECY OF YOUR BALLOT. DO NOT SHOW YOUR BALLOT TO ANYONE AFTER YOU HAVE MARKED IT.
4. PUT YOUR BALLOT IN THE BLUE ENVELOPE AND SEAL THE ENVELOPE.
5. PUT THE BLUE ENVELOPE CONTAINING THE BALLOT INTO THE YELLOW ADDRESSED RETURN ENVELOPE.
6. SIGN THE BACK OF THE YELLOW RETURN ENVELOPE IN THE SPACE PROVIDED. TO BE COUNTED, THE YELLOW RETURN ENVELOPE MUST BE SIGNED.
7. DO NOT PERMIT ANY PARTY – THE EMPLOYER, THE UNION(S), OR THEIR REPRESENTATIVES, OR AN EMPLOYEE-PETITIONER – TO HANDLE, COLLECT, OR MAIL YOUR BALLOT.
8. MAIL THE BALLOT IMMEDIATELY. NO POSTAGE IS NECESSARY. For further information, call the Regional Office at:

NATIONAL LABOR RELATIONS BOARD - REGION 18
212 3RD AVENUE SOUTH, SUITE 200
MINNEAPOLIS, MN 55401-2657
TELEPHONE (612) 348-1757 or TOLL FREE 1-844-762-6572

TO BE COUNTED, YOUR BALLOT MUST REACH THE REGIONAL OFFICE

BY 4:30 p.m., CT, June 13, 2022

RIGHTS OF EMPLOYEES

Under the National Labor Relations Act, employees have the right:

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of their own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, 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 non representational 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. Where 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 the 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
- 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. The National Labor Relations Board as an agency of the United States Government does not endorse any choice in the election.



NATIONAL LABOR RELATIONS BOARD
an agency of the
UNITED STATES GOVERNMENT

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), 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. (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 from the office of the National Labor Relations Board, Region 18, on May 27, 2022 at 4:30 p.m. CT. Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 18 office by close of business at 4:30 p.m. CT on June 13, 2022. 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 June 3, 2022, or otherwise requires a duplicate mail ballot kit, should communicate immediately with the National Labor Relations Board by either calling the Region 18 Office at (612) 348-1757 or our national toll-free line at 1-844-762-NLRB (1-844-762-6572).

All ballots will be commingled and counted at the Region 18 Office located at 212 Third Avenue South, Suite 200, Minneapolis, Minnesota 55401 on June 14, 2022 at 3:30 p.m. CT. In order to be valid and counted, the returned ballots must be received in the Region 18 Office prior to the counting of the ballots.

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
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 Transportation Clerks, Customer Service/Will-Call Clerks, and Truck Builders working at the Employer's facility located at 9605 54th Avenue N., Plymouth, Minnesota 55442 who were employed by the Employer during the payroll period ending May 7, 2022.

EMPLOYEES NOT ELIGIBLE TO VOTE:

Those not eligible to vote are: Office sales employees, merchandisers, managers, and guards and supervisors, as defined by the Act, as amended.

If a majority of valid ballots are cast for INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 120 (the Petitioner), they will be taken to have indicated the employees' desire to be included in the existing bargaining unit currently represented by the Petitioner. If a majority of valid ballots are not cast for representation, they will be taken to have indicated the employees' desire to remain unrepresented.



United States of America
National Labor Relations Board
NOTICE OF ELECTION



	<p>UNITED STATES OF AMERICA National Labor Relations Board 18-RC-294882 OFFICIAL SECRET BALLOT For certain employees of US FOOD SERVICE</p>	
<p>Do you wish to be represented for purposes of collective bargaining by INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 120?</p>		
<p>MARK AN "X" IN THE SQUARE OF YOUR CHOICE</p>		
<p>YES</p> <input data-bbox="430 1176 560 1270" type="checkbox"/>		<p>NO</p> <input data-bbox="1063 1176 1193 1270" type="checkbox"/>
<p>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.</p> <p>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.</p>		



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 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 (612)348-1757 or visit the NLRB website www.nlr.gov for assistance.