

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 01**

In the Matter of

IKEA U.S. East, LLC

Employer<sup>1</sup>

and

UNITED FOOD AND COMMERCIAL  
WORKERS INTERNATIONAL UNION,  
AFL-CIO, CLC

Petitioner

Case 01-RC-176529

**DECISION AND DIRECTION OF ELECTION**<sup>2</sup>

The Employer, IKEA U.S. East, LLC (IKEA), operates retail stores that sell furniture and home goods. The Petitioner seeks to represent a bargaining unit of approximately 35 Goods Flow Co-workers I and II who work in the Goods Flow In (GFI) group at IKEA's Stoughton, Massachusetts store.<sup>3</sup> IKEA takes the position that the smallest appropriate unit must also

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<sup>1</sup> The name of the Employer appears as amended at the hearing.

<sup>2</sup> The petition in this case was filed under Section 9(c) of the Act. The parties were provided an opportunity to present evidence on the issues raised by the petition at a hearing held before a hearing officer of the National Labor Relations Board (the Board). I have the authority to hear and decide this matter on behalf of the Board under Section 3(b) of the Act. I find that the hearing officer's rulings are free from prejudicial error and are affirmed; that the Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction; that the Petitioner is a labor organization within the meaning of the Act; and that a question affecting commerce exists concerning the representation of certain employees of the Employer.

<sup>3</sup> The Petitioner is willing to proceed to an election in any unit found appropriate by the Regional Director.

include ten Goods Flow Co-workers I and II who work in the Goods Flow Out (GFO) group at the Stoughton store.<sup>4</sup>

I find that the petitioned-for unit limited to GFI co-workers is a fractured unit and that IKEA has carried its burden of proving that there is no rational basis for excluding the GFO co-workers from the unit. Therefore, I shall direct an election that includes all Goods Flow Co-workers I and II in the Goods Flow Department.

## **FACTS**

IKEA's store in Stoughton, Massachusetts sells furniture and home goods to retail customers. Customers are directed to walk through areas of the store called the Market Hall and Showroom, in which goods are displayed and customers can pick up small items. At the end of the customers' route through the store is the Self-Serve Warehouse, where customers may obtain for themselves certain larger items that they have seen displayed in the store, and the Full-Serve Warehouse, where IKEA co-workers pick certain larger items for customers.

### **Supervisory hierarchy**

The Stoughton store, headed by Store Manager Anton Van Dongen, has several departments. The Retail Logistics Department, headed by Logistics Manager Aldo Reitsma, consists of the Goods Flow Department and the Sales and Supply Support Department.

The Goods Flow Department, headed by Goods Flow Manager Doug Quigley, is responsible for the movement of goods throughout the store pursuant to the "Goods Flow process," which refers to the process of receiving the goods as they come in the back door and moving them through the store until they eventually go out to customers.<sup>5</sup> Both the GFI and GFO co-workers work in this department.

Two Goods Flow In Managers, Mark Lord and Labryant Sharps, report to Quigley. Three team leaders report to Lord and two team leaders report to Sharps. The 35 petitioned-for GFI co-workers report to one of those five team leaders.

One Goods Flow Out Manager, Jenny Sullivan, reports to Quigley, and one team leader reports to Sullivan. The ten GFO co-workers whom IKEA seeks to include in the unit report to that team leader.

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<sup>4</sup> IKEA generally refers to its employees as "co-workers." For ease of reference, I shall refer to the Goods Flow Co-workers I and II in the Goods Flow In group as the GFI co-workers and to the Goods Flow Co-workers I and II in the Goods Flow Out group as the GFO co-workers.

<sup>5</sup> At the hearing, the Petitioner disputed that IKEA refers to Goods Flow as a "department." Regardless of nomenclature, Goods Flow is a separate group on IKEA's organizational chart, with its own manager, and I shall refer to it as a department for ease of reference.

### Job descriptions and equipment used

As noted above, the GFI and GFO co-workers share the same job title, Goods Flow Coworker I and Goods Flow Coworker II. The duties for the two job titles are set forth in separate job descriptions. Each job description applies to all Goods Flow Coworker I's and to all Goods Flow Coworker II's, regardless of their status as GFI or GFO co-workers.

The only difference between the Goods Flow Coworker I and Goods Flow Coworker II job classifications is that Goods Flow Co-worker II's are able to use certain power equipment. Thus, Goods Flow Coworker II's, whether GFI or GFO coworkers, must be certified to use at least one type of powered mobile equipment, such as a counter balance, i.e., a type of fork lift used to unload the trucks, a reach truck used to put goods away on high level racks, a power pallet jack, an electric stacker, a scissor lift, or an order picker, on which a worker on a platform that rises can put goods away on high shelves.

All GFI and GFO co-workers use scanners and stationary computers on which they can access the Store Goods Flow (SGF) system used to monitor inventory, report damaged goods, and report discrepancies when the trucks are unloaded. Goods Flow Coworker I's, whether GFI or GFO co-workers, use manual equipment, such as hand pallet jacks.

### Hours and duties of GFI co-workers

The GFI group employs five Goods Flow Co-workers I's and 30 Goods Flow Co-worker II's. The GFI co-workers work the night shift, when the store is closed. Most GFI co-workers work from 2 a.m. to 10 a.m., sometimes starting at 1:30 a.m. One GFI co-worker works from 3 a.m. to 10:30 a.m., one from 3 a.m. to 11:30 a.m., and a third from 2 a.m. to 11:30 a.m. The GFI managers handle the scheduling of the GFI co-workers.

GFI co-workers are responsible for receiving merchandise and putting it away, referred to as "replenishing." About four to ten GFI co-workers start their shift by spending fifteen minutes to an hour taking a spot inventory of about 50 to 80 articles. Around 2:30 or 3 a.m., five or six GFI co-workers start to unload the five or six trucks that arrive each night. Three GFI co-workers perform "gatekeeping," a quality control process used in the unloading process. The GFI co-workers scan the goods as they come off the trucks, and the scanner, which is part of the SGF inventory system, tells them the destination of each article, whether the Market Hall, Showroom, Full-Serve Warehouse, Self-Serve Warehouse, or storage. The GFI co-workers doing the unloading move the goods into one of five different staging areas, where other GFI co-workers pick up the goods, take them to the appropriate place in a sales area or warehouse, remove plastic and straps, and put the items away on the shelves. At the end of the shift, GFI co-workers, operating a forklift, place bales of cardboard into a recycling truck.<sup>6</sup>

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<sup>6</sup> Cardboard is loaded into a massive hopper that compacts it into a large bale of cardboard, which is loaded onto a recycling truck.

### Hours and duties of GFO co-workers

The GFO group employs four Goods Flow Coworker I's and six Goods Flow Coworker II's.<sup>7</sup> The GFO co-workers provide coverage at the store from 7 a.m. to 10:30 p.m. There are six different start times for GFO co-workers during the day, e.g., 8 a.m. to 4:30 p.m. or 2 p.m. to 10 p.m. The GFO co-workers do not have a set schedule, and their shifts may change during the week. The GFO manager makes a schedule for the GFO co-workers three weeks in advance.

Logistics Manager Reitsma testified that, before 10 a.m., when the store opens, GFO workers do the same work every day as the GFI workers, i.e., they do inventory and continue the replenishing work that the GFI workers were not able to finish by the end of their shift. GFO co-workers start their shift by performing inventory in the Full-Serve Warehouse. Then they finish putting goods away to the degree that the GFI co-workers have not completed that task before they leave.<sup>8</sup> The GFO co-workers do this replenishing mostly in the Full-Serve warehouse, because the goal is to stay out of customer areas once the store is opened to the public in the morning, although they also stock sales locations that are empty. GFO co-workers also move the "backflow," i.e., goods that do not fit on the shelf in customer areas and must be moved into storage in the Self-Serve or Full-Serve Warehouse. When the "inflow" process is done around 9 a.m., the GFO co-workers collect the cardboard trash and load cardboard bales into the recycling trailer.

The GFO co-workers also pick orders for customers in the Full Serve Warehouse, a task that is not performed by GFI co-workers.<sup>9</sup> They put the picked items on a flat shopping cart and bring the cart to a customer service co-worker, who hands the order over to the customer. When customers return items to the store at the customer service area, GFO co-workers restock the items on the shelves.

GFO co-workers do not generally unload trucks. About once a week, however, a truck arrives after all of the GFI co-workers have left, and the GFO co-workers unload the truck. GFO co-workers also unload trucks in the afternoon during a five-week busy season from the first week of August through Labor Day, when there is too much volume for the GFI co-workers to handle.

GFO co-workers use the same scanners used by the GFI co-workers. Those GFO workers who are Goods Flow Coworkers II's use the same power equipment as that used by the GFI co-workers who are Goods Flow Co-worker II's, such as reach trucks.

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<sup>7</sup> IKEA tries to train every GFO worker to eventually become a Goods Flow Co-worker II.

<sup>8</sup> GFI co-worker Chris DeAngelo testified that he has seen replenishing work that the GFI co-workers left unfinished still there to be done when they returned the next day and that the only area that the GFO workers replenish is the Full-Serve Warehouse.

<sup>9</sup> Items stored in and retrieved from the Full-Serve warehouse for customers are generally large items, such as sofas and bookcases.

### Training and policies, and procedures

IKEA provides training to Goods Flow Co-workers on matters such as safety, the scanning system, and procedures for reporting damaged items. IKEA also provides the training on power equipment that is required to become a Goods Flow Coworker II. All Goods Flow Coworkers I and all Goods Flow Coworkers II receive the same training, whether they are GFI or GFO coworkers.

Goods Flow Coworkers I and II are subject to the same policies and procedures, regardless of their status as GFI or GFO workers. Thus, for example, they must follow the same procedures for inventory control, merchandising, and reporting damaged goods.

### Contact and interchange

There is some overlap in the shifts of the GFI and GFO co-workers, as the shift for most GFI co-workers generally ends at around 10 a.m., some GFI co-workers work until 11:30 a.m., and some GFO co-workers arrive at 7 or 7:30 a.m. GFI co-worker Shawn Morrison, who works in the Self-Serve Warehouse, testified that he does not have regular work-related contact with the GFO co-workers. When the GFO co-workers arrive in the morning, he sees them signing out their reach truck or other equipment, doing inventory, or picking products in the warehouse, but he does not work with them. GFI co-worker Chris DeAngelo, who generally works on the dock, testified that he never works with the GFO co-workers and rarely sees them, although he does see them get their reach trucks and drive off into the warehouse.

At 9:45 a.m. each day, GFI manager Mark Lord and/or one of the GFI team leaders generally holds a meeting on the receiving dock for those GFI co-workers just completing their shift. Lord also holds GFI meetings, which he refers to as department meetings, about once a month in a meeting room, at which he reviews the plan for the year, projects, schedules, and updates for the GFI group as a whole. GFO co-workers do not attend these daily morning meetings or the monthly meetings. IKEA also holds voluntary store-wide business meetings for all co-workers twice a year, at which plans for the following year are discussed.

With respect to temporary interchange, DeAngelo and Morrison testified that GFO co-workers never fill in for GFI co-workers. DeAngelo testified that he has never worked a GFO shift, and there is no record evidence that any other GFI co-workers have ever filled in as GFO co-workers.

As for permanent interchange, GFO co-worker Kyrell Wooten transferred to a GFI co-worker position last year.<sup>10</sup> Bill Miller, who once worked as a GFO coworker, became an inventory specialist in Sales and Supply Support before transferring again to become a GFI coworker.

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<sup>10</sup> GFI team leader John Monroe recently transferred to a GFO co-worker position.

### Wages

IKEA has established “pay bands” that set forth the minimum and maximum pay for employees in various classifications. Goods Flow Co-workers I fall within the same pay band, regardless of their status as GFI or GFO co-workers, and Goods Flow Co-workers II fall within the same pay band, regardless of their status as GFI or GFO co-workers.

IKEA pays a shift differential of \$1 per hour for co-workers who work two full hours between 11 p.m. and 4 a.m. Thus, many if not most of the GFI co-workers receive the shift differential.<sup>11</sup> GFO workers are generally not eligible for this differential due to their daytime hours, although Reitsma testified that GFO workers stay late until 2 a.m. or 3 a.m. to pick orders during the busy summer season, and that they would be eligible for the shift differential for that work.

### ANALYSIS AND CONCLUSION

In *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB 934 (2011), the Board reiterated its traditional principles of unit determination. The Board examines the petitioned-for unit first. If that unit is an appropriate unit, the Board proceeds no further. Employees may seek to organize a unit that is appropriate – not necessarily *the* single most appropriate unit. In making the determination of whether the proposed unit is an appropriate unit, the Board focuses on whether the employees share a community of interest. In determining whether employees in a proposed unit share a community of interest, the Board examines:

[W]hether the employees are organized into a separate department; have distinct skills and training; have distinct job functions and perform distinct work, including inquiry into the amount and type of job overlap between classifications; are functionally integrated with the Employer’s other employees; have frequent contact with other employees; interchange with other employees; have distinct terms and conditions of employment; and are separately supervised.

Id. at 942, citing *United Operations, Inc.*, 338 NLRB 123, 123 (2002).

In *Specialty Healthcare & Rehabilitation*, the Board further set forth the standard to be applied when an employer contends that the smallest appropriate unit contains employees who are not in the petitioned-for unit. When a petitioned-for unit consists of employees who are readily identifiable as a group (based on job classifications, departments, functions, work locations, skills or similar factors), and the Board finds that the employees in the group share a community of interest after considering the traditional criteria, the Board will find the petitioned-for unit to be an appropriate unit, despite a contention that employees in the group could be

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<sup>11</sup> Reitsma testified that one GFI co-worker, Anthony MacNeil, who starts his shift at 5:30 a.m., is not eligible for the differential and that there are other GFI coworkers who start after 4 a.m.

placed in a larger unit which would also be appropriate or even more appropriate, unless the party so contending demonstrates that employees in the larger unit share an overwhelming community of interest with those in the petitioned-for unit. *Id.* at 945-946. The Board noted that the D.C. Circuit has held that the proponent of the larger unit must demonstrate “an overwhelming community of interest” such that there “is no legitimate basis upon which to exclude certain employees” from the unit because the traditional community-of-interest factors “overlap almost completely.” *Id.* at 944, citing *Blue Man Vegas, LLC v. NLRB*, 529 F.3d 417, 421-422 (D.C. Cir. 2008).

Employees inside and outside a proposed unit share an overwhelming community of interest when the proposed unit is a “fractured” unit. *Specialty Healthcare*, *supra* at 946. A fractured unit occurs when a petitioned-for unit arbitrarily excludes certain classifications, lacks a distinctive community of interest from the excluded employees, or is too narrow in scope. *Seaboard Marine, Ltd.*, 327 NLRB 556, 556 (1999).

I find that the petitioned-for GFI co-workers constitute a readily identifiable group. In this regard, the GFI co-workers share with one another common duties and skills, and they work in the same location. They work the same hours on the night shift and enjoy the same wages and shift differential. They all work within the Goods Flow In group and share common third level supervision by Goods Flow Manager Quigley.

I find, however, that the unit sought is a fractured unit, in that it arbitrarily excludes the GFO co-workers, with whom the GFI co-workers share an overwhelming community of interest. Thus, the unit does not track any lines drawn by the Employer, such as classification. It includes some, but not all, of the co-workers who share the same job title and job description, Goods Flow Co-worker I and Goods Flow Co-worker II. As the Board noted in *Specialty Healthcare*, *supra*, 357 NLRB at 946, “If the proposed unit here consisted of only selected CNAs, it would likely be a fractured unit: the selected employees would share a community of interest but there would be ‘no rational basis’ for including them but excluding other CNAs.” See also, *Future Environmental Incorporated*, 2015 WL 1291898 (not reported in Board volumes), (unit that includes only three of the employer’s 29 laborers wholly ignores how the employer classifies its workers and is fractured).

The proposed unit is not drawn along supervisory lines. Thus, both the GFI and GFO co-workers share common third level supervision by Goods Flow Manager Quigley. Although the GFO co-workers do not share common first-level or second-level supervision with the GFI co-workers, the GFI co-workers do not share common first- or second-level supervision among themselves, as the GFI co-workers report to five separate team leaders who report to two separate GFI managers, who report, in turn, to Goods Flow Manager Quigley. In these circumstances, the significance of the petitioned-for employees’ separate immediate and second-level supervision is diminished. *Pratt & Whitney*, 327 NLRB 1213, 1216 (1999) (although there is no common immediate supervision shared by the included and excluded employees, there is no common organizational or overall supervision of all the employees in the petitioned-for unit that does not also include excluded employees).

The proposed unit is not drawn along departmental lines, as it consists of some but not all co-workers in the Goods Flow Department. To the degree that the Petitioner argues that the Goods Flow In group is itself a department, I find that this grouping at this Employer does not constitute a traditional department based on job duties or on function. Rather, the fractured nature of the petitioned-for unit is underscored by the fact that the included and excluded co-workers perform virtually the same duties, albeit on different shifts. Thus, all of the GFI and GFO employees take inventory, scan the product, report damaged goods, replenish the shelves, move goods from place to place around the store, and handle the recycling process. While unloading trucks is done primarily by GFI co-workers, GFO co-workers also unload trucks, especially those that arrive after the GFI employees' shifts end, and even more so during the busy season. Both the included and excluded employees use the same equipment and undergo the same training. Those in the Goods Flow Co-worker II classification must receive the same certification to operate powered equipment, whether they are GFI or GFO co-workers.

Although the work of the GFI co-workers focuses on the inflow of goods from trucks at the receiving dock, and the work of the GFO co-workers focuses on the end of the process, the outflow of goods to customers, the work is all part of the same functionally integrated process of moving goods around the store referred to as the "Goods Flow" process. There is routine overlap of function between about 7 a.m. and 10 a.m. when the GFO employees complete the unfinished replenishing work left over by the GFI employees and when the GFO employees perform backflow work.

As for contact between the two groups, I note that the GFI and GFO employees all work in the warehouse and that their hours overlap to some degree each morning. Finally, as the GFI and GFO employees share the same job classification, their basic wage rates are the same.

In concluding that the excluded GFO co-workers share an overwhelming community of interest with the petitioned-for GFI co-workers, I acknowledge that there is a lack of temporary interchange or permanent transfers between the two groups, that the two groups work different hours, that they do not have work-related contact, and that there is a difference in wages between them, in that the GFI co-workers are entitled to a shift differential for which the GFO co-workers are generally not eligible. I find, however, that those differences are outweighed by the factors described above.

In sum, although the petitioned-for GFI co-workers are readily identifiable as a group and share a community of interest with one another, IKEA has carried its burden of proving that the GFO co-workers share an overwhelming community of interest with them. See, *Odwalla, Inc.*, 357 NLRB 1608, 1611-1613 (2011) (proposed unit is a fractured unit, where it does not track any lines drawn by the employer, such as classification, department, function, or lines of supervision).

*Macy's Inc.*, 361 NLRB No. 4 (2014), relied on by the Petitioner, is distinguishable. In *Macy's*, the Board, applying *Specialty Healthcare*, approved a proposed unit of all cosmetics and fragrances employees at a department store, notwithstanding the employer's contention that all other selling employees shared an overwhelming community of interest with the cosmetics and



fragrances employees. In approving that unit, however, the Board relied on factors not present in this case. Thus, the petitioned-for cosmetics and fragrances employees worked in a separate department from all other selling employees and worked in their own distinct selling areas.

Accordingly, I find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time Goods Flow Co-workers I and Goods Flow Co-workers II employed by the Employer in the Goods Flow Department at its Stoughton, Massachusetts store, but excluding all other employees, managers, guards and supervisors as defined in the Act.

### **DIRECTION OF ELECTION<sup>12</sup>**

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 UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION.

#### **A. Election Details**

The election will be held on **June 27, 2016 from 9:30 a.m. to 11 a.m. and 4:30 p.m. to 6 p.m. in the AALTO Training Room at the Employer's premises in Stoughton, Massachusetts.**

#### **B. Voting Eligibility**

Eligible to vote are those in the unit who were employed during the payroll period ending **June 4, 2016**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

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. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (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.

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<sup>12</sup> The showing of interest previously submitted by the Petitioner is adequate to support the expanded unit.

### 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, 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 **June 20, 2016**. 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.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015](http://www.nlr.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.nlr.gov](http://www.nlr.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.

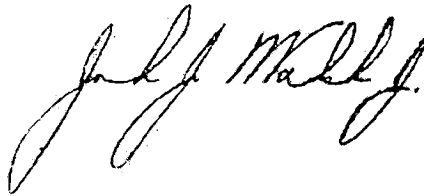
### **RIGHT TO REQUEST REVIEW**

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 14 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 may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to [www.nlr.gov](http://www.nlr.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. 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: June 16, 2016



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JOHN J. WALSH, JR.  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 01  
10 CAUSEWAY ST FL 6  
BOSTON, MA 02222-1001

## **VOTING UNIT**

### **EMPLOYEES ELIGIBLE TO VOTE:**

All full-time and regular part-time Goods Flow Co-workers I and Goods Flow Co-workers II employed by the Employer in the Goods Flow Department at its Stoughton, Massachusetts store during the payroll period ending June 4, 2016

### **EMPLOYEES NOT ELIGIBLE TO VOTE:**

All other employees, managers, guards and supervisors as defined in the Act.

## **DATE, TIME AND PLACE OF ELECTION**

Monday, June 27, 2016	9:30AM-11:00AM And 4:30PM-6:00PM	AALTO Training Room Employer's Premises 1 Ikea Dr. Stoughton, MA
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**EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN.**



UNITED STATES OF AMERICA  
ÉTATS-UNIS D'AMÉRIQUE  
ESTADOS UNIDOS DA AMÉRICA  
National Labor Relations Board  
Conselho Nacional De Relações Trarabalhistas  
01-RC-176529



OFFICIAL SECRET BALLOT  
PAPELETA A SECRETA OFICIAL  
VOTO SECRETO OFICIAL  
For certain employees of  
Pour certains employes de  
Para determinados funcionários de  
IKEA U.S. EAST, LLC

Do you wish to be represented for purposes of collective bargaining by  
Voulez-vous être représenté(e) aux fins de négociation collective par  
Deseja ser representado para fins de negociações coletivas por  
**UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL  
UNION, AFL-CIO, CLC?**

MARK AN "X" IN THE SQUARE OF YOUR CHOICE  
INSCRIRE UN "X" DANS LA CASE DE VOTRE CHOIX  
MARQUE COM UM "X" O QUADRADO QUE CORRESPONDE À SUA OPÇÃO

YES  
OUI  
SIM

☐

NO  
NON  
NÃO

☐

DO NOT SIGN THIS BALLOT. Fold and drop in the ballot box.  
NÃO ASSINE ESTE VOTO. Dobre-o e coloque-o na urna.

NE SIGNEZ PAS CE BULLETIN DE VOTE. Pliez le bulletin de vote et glissez-le dans l'urne.  
Caso danifique o voto, devolva-o ao Agente do Conselho e solicite um novo a.

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.

Le National Labor Relations Board ne cautionne aucun choix dans cette élection. Toute inscription que vous pouvez voir sur tout échantillon de bulletin de vote n'y a pas été placée par le National Labor Relations Board.

O Conselho Nacional de Relações Trabalhistas não apoia nenhum candidato nesta eleição. O Conselho Nacional de Relações Trabalhistas não é responsável por nenhuma marca presente em qualquer voto de amostra.



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**



**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 (617)565-6700 or visit the NLRB website [www.nlr.gov](http://www.nlr.gov) for assistance.

**OBJETIVO DA ELEIÇÃO:** Esta eleição tem como objetivo eleger o representante, se houver, pretendido pelos empregados elegíveis para efeitos de negociação coletiva junto da sua Entidade patronal. A maioria dos votos válidos expressos irá determinar os resultados da eleição. Apenas uma eleição de representação válida poderá ser realizada num período de 12 meses.

**VOTO SECRETO:** A eleição será realizada por voto SECRETO, sob a supervisão do Diretor Regional do National Labor Relations Board (NLRB). Na página seguinte deste aviso é apresentada uma cópia do boletim oficial de voto. Os eleitores poderão votar sem interferências, restrições ou coerção. Não será permitida a realização de campanha eleitoral perto ou no local da votação. Violações a estas regras deverão ser comunicadas imediatamente ao agente do NLRB. Chama-se a sua atenção para a secção 12 do National Labor Relations Act (Lei nacional das Relações de Trabalho) que refere: QUALQUER PESSOA QUE DELIBERADAMENTE RESISTIR, PERTURBAR, IMPEDIR, OU INTERFERIR COM ALGUM MEMBRO DO CONSELHO OU ALGUM DOS SEUS AGENTES OU AGÊNCIAS NO DESEMPENHO DE FUNÇÕES NOS TERMOS DESTA LEI, SERÁ PUNIDA COM UMA COIMA NÃO INFERIOR A 5.000 DÓLARES AMERICANOS OU COM PRISÃO POR UM PERÍODO NÃO INFERIOR A UM ANO, OU AMBOS.

**REGRAS DE ELEGIBILIDADE:** Os funcionários elegíveis para votar são os descritos na UNIDADE DE VOTO, localizada na página seguinte, e inclui os funcionários que não trabalharam durante o período processado na folha de pagamentos designada porque se encontravam doentes ou de férias ou temporariamente dispensados e também inclui os funcionários em serviço militar para os Estados Unidos que comparecerem pessoalmente nas urnas. Os funcionários que se demitiram ou foram despedidos por justa causa desde o período processado na folha de pagamentos designada e que não foram recontratados ou reintegrados antes da data da eleição, *não* são elegíveis para votar.

**ASSISTÊNCIA ESPECIAL:** Qualquer funcionário ou outro participante nesta eleição que seja portador de uma deficiência ou necessitar de assistência especial, como por exemplo um intérprete de linguagem gestual para participar nesta eleição deve notificar o escritório do NLRB, assim que possível, e solicitar a assistência necessária.

**PROCESSO DE VOTAÇÃO:** Após a chegada ao local de votação, os eleitores devem dirigir-se ao agente do Conselho e identificar-se declarando o seu nome. O agente do Conselho irá entregar um boletim de voto a cada eleitor elegível. Os eleitores entrarão na cabine de voto e marcarão a sua escolha no boletim de voto em segredo. **NÃO ASSINE O SEU BOLETIM DE VOTO.** Dobre o boletim de voto antes de sair da cabine de voto e, em seguida, insira-o numa urna, sob a supervisão do agente do Conselho e saia da área de votação.

**CONTESTAÇÃO DA ELEGIBILIDADE DE ELEITORES:** Se a sua elegibilidade para votar for contestada, poderá votar num boletim de voto contestado. Embora possa pensar que é elegível para votar, a área de votação não é o local adequado para resolver a questão. Diga o seu nome ao agente do Conselho e forneça qualquer outra informação que lhe seja solicitada. Depois de receber um boletim de voto vá para a cabine de votação, marque a sua escolha no boletim de voto e dobre-o de modo a manter o voto secreto. **NÃO ASSINE O SEU BOLETIM DE VOTO.** Dirija-se novamente ao agente do Conselho, que lhe pedirá para colocar o seu voto num envelope contestado, selar o envelope, colocá-lo nas urnas e sair da área de votação. A sua elegibilidade será determinada posteriormente, se necessário.

**OBSERVADORES AUTORIZADOS:** Cada parte pode designar um número igual de observadores. Este número será determinado pelo NLRB. Estes observadores (a) atuam como verificadores no local de votação e na contagem dos votos; (b) ajudam a identificar os eleitores; (c) contestam eleitores e votos; e (d) caso contrário ajudam o NLRB.

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**AVISO:** Este é o único aviso oficial desta eleição e não deve ser alterado por ninguém. Quaisquer marcações que possa ver em qualquer boletim de voto de amostra ou em qualquer ponto deste aviso foram efetuadas por pessoas que não pertencem ao National Labor Relations Board e não foram inseridas pelo National Labor Relations Board. O National Labor Relations Board é uma agência governamental dos Estados Unidos e não endossa qualquer escolha na eleição.



## **DIREITOS DOS FUNCIONÁRIOS – A LEI FEDERAL DÁ-LHE O DIREITO A:**

- Constituir, aderir ou ajudar um sindicato
- Escolher representantes para negociar junto da sua Entidade patronal em seu nome
- Agir em conjunto com outros funcionários para seu benefício e proteção
- Optar por não participar em nenhuma destas atividades protegidas
- Num Estado onde estes acordos sejam permitidos, o Sindicato e a Entidade patronal podem entrar num acordo de garantias sindicais, exigindo que os funcionários paguem taxas periódicas e taxas de iniciação. Os não membros que informarem o Sindicato que se opõem à utilização dos seus pagamentos para fins que não sejam de representação, podem ter que pagar apenas a sua parte relativa aos custos das atividades de representação do Sindicato (tais como negociação coletiva, administração de contratos e investigação de queixas).

### **É da responsabilidade do National Labor Relations Board proteger os funcionários no exercício destes direitos.**

O Conselho pretende que todos os eleitores elegíveis estejam totalmente informados sobre os seus direitos nos termos da lei Federal e pretende que tanto os Funcionários como os Sindicatos saibam o que é esperado deles quando é realizada uma eleição.

Se os agentes dos Sindicatos ou dos Funcionários interferirem com o seu direito de uma eleição livre, justa e honesta, a eleição pode ser anulada pelo Conselho. Quando apropriado, o Conselho oferece outras soluções, tais como recolocação de funcionários despedidos por exercerem os seus direitos, incluindo o pagamento retroativo pela parte responsável pelo seu despedimento.

### **A seguir, são apresentados alguns exemplos de conduta que interfere com os direitos dos funcionários e que podem anular a eleição:**

- Ameaça de perda do posto de trabalho ou de benefícios efetuada por uma Entidade patronal ou Sindicato
- Promessa ou atribuição de promoções, aumentos salariais ou outros benefícios, para influenciar o voto de um funcionário por uma parte capaz de realizar essas promessas
- Despedimento de funcionários por uma Entidade patronal para desincentivar ou incentivar a atividade sindical, ou um Sindicato fazer com que sejam despedidos para incentivar a atividade sindical
- Fazer discursos de campanha para grupos de funcionários em tempo da empresa, durante o qual a presença é obrigatória, no período de 24 horas anteriores à entrega dos boletins de voto
- Incitamento, tanto por parte de uma Entidade patronal como de um Sindicato, de preconceitos raciais ou religiosos por apelos provocatórios
- Ameaça dos funcionários, com recurso a força física ou violência, por um Sindicato ou uma Entidade patronal para influenciar os seus votos

### **O National Labor Relations Board protege os seu direito de livre escolha.**

Não será permitida uma conduta imprópria. Todas as partes deverão cooperar totalmente com esta Agência na manutenção dos princípios básicos de uma eleição justa, conforme exigido por lei.

Qualquer pessoa que tenha questões sobre a eleição pode entrar em contato com o escritório do NLRB através do número (617)565-6700 ou visitar o site do NLRB em [www.nlr.gov](http://www.nlr.gov) para obter assistência.

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## National Labor Relations Board des États-Unis d'Amérique **AVIS D'ÉLECTIONS**



**OBJECTIFS DES ÉLECTIONS.** Cette élection vise à déterminer le représentant, s'il existe, choisi par les employés éligibles dans les négociations collectives avec leur employeur. Une majorité de bulletins de vote valides déterminera les résultats des élections. Une seule élection de représentation valide peut se tenir sur une période de 12 mois.

**BULLETIN SECRET.** L'élection s'effectuera par bulletin SECRET sous la supervision du Directeur régional du National Labor Relations Board (NLRB). Un échantillon de bulletin officiel est présenté sur la page suivante de cet avis. Les votants auront la possibilité de voter sans ingérence, retenue ni contrainte. Aucune propagande électorale n'est autorisée sur le site du scrutin ou à proximité. Toute violation de cette règle doit être immédiatement rapportée à un agent du NLRB. Votre attention est attirée sur la Section 12 de la loi National Labor Relations Act qui établit que **TOUTE PERSONNE QUI, DE MANIÈRE DÉLIBÉRÉE, RÉSISTE, EMPÊCHE, GÈNE OU CONTRAIRE L'ACTION D'UN MEMBRE QUELCONQUE DU NLRB OU UN QUELCONQUE DE SES AGENTS OU DE SES AGENCES POUR REMPLIR LES DEVOIRS RELATIFS À CETTE ACTION SERA CONDAMNÉE À UNE AMENDE DE 5 000 USD AU MAXIMUM ET À UNE PEINE D'EMPRISONNEMENT D'UN AN AU MAXIMUM, OU LES DEUX.**

**RÈGLES D'ÉLIGIBILITÉ.** Les employés éligibles à voter sont ceux décrits à la page suivante au paragraphe UNITÉ VOTANTE et comprennent les employés qui n'ont pas travaillé pendant les périodes salariées spécifiées en raison de maladie, de congés ou de renvoi temporaire. Ils comprennent aussi les employés en service militaire aux États-Unis se présentant en personne au scrutin. Les employés qui ont démissionné ou ont été renvoyés pour faute depuis la période salariée spécifiée et qui n'ont pas été ré-engagés ni réhabilités avant la date de cette élection *ne sont pas* éligibles au vote.

**ASSISTANCE SPÉCIALE.** Tout employé ou tout participant à cette élection atteint d'un handicap ou ayant besoin d'assistance spéciale pour prendre part à cette élection, comme par exemple un interprète en langue des signes, doit en avertir le bureau NLRB au plus tôt et requérir l'assistance nécessaire.

**PROCESSUS DE VOTE.** À leur arrivée sur le lieu de vote, les votants doivent se diriger vers l'agent du NLRB et s'identifier en déclarant leur nom. L'agent remettra un bulletin à chaque votant éligible. Les votants pénétreront dans l'isoloir et inscriront leur bulletin en secret. **NE SIGNEZ PAS VOTRE BULLETIN.** Pliez le bulletin avant de quitter l'isoloir, puis déposez-le personnellement dans l'urne de scrutin sous la supervision de l'agent du NLRB, puis quittez le site du scrutin.

**CONTESTATION DE VOTANTS.** Si votre éligibilité au vote est contestée, vous serez autorisé à voter avec un bulletin contesté. Même si vous pensez être éligible au vote, la zone de scrutin n'est pas l'endroit pour résoudre cette question. Donnez à l'agent du NLRB votre nom et toute autre information que l'on vous demande de fournir. Une fois que vous recevrez un bulletin, rendez-vous dans l'isoloir, inscrivez votre bulletin et pliez-le pour tenir votre vote secret. **NE SIGNEZ PAS VOTRE BULLETIN.** Revenez vers l'agent du NLRB qui vous demandera de placer votre bulletin dans une enveloppe de contestation, scellez l'enveloppe, mettez-la dans l'urne de vote et quittez le site de scrutin. Votre éligibilité sera résolue ultérieurement, au besoin.

**OBSERVATEURS AUTORISÉS.** Chaque partie peut désigner un nombre égal d'observateurs, ce nombre est à déterminer par le NLRB. Ces observateurs peuvent (a) agir comme vérificateurs au comptage des bulletins ; (b) aider à identifier les votants ; (c) contester les votants et les bulletins et (d) aider le NLRB de façon quelconque.

**AVERTISSEMENT** Ceci constitue le seul avis officiel de ces élections et ne doit pas être dégradé par qui que ce soit. Toute annotation que vous constatez sur un bulletin de vote ou où que ce soit sur cet avis a été faite par une personne étrangère au National Labor Relations Board et n'a pas été inscrite par le National Labor Relations Board. Le NLRB est une agence du gouvernement des États-Unis qui ne soutient aucun choix dans une élection.



## National Labor Relations Board des États-Unis d'Amérique **AVIS D'ÉLECTIONS**



### **DROIT DES EMPLOYÉS – LES LOIS FÉDÉRALES VOUS DONNENT LE DROIT DE :**

- Constituer, rejoindre ou aider un syndicat
- Choisir des représentants pour négocier avec votre employeur en votre nom
- Agir conjointement avec d'autres employés pour votre bénéfice et protection
- Choisir de ne participer à aucune de ces activités protégées
- Dans un État où de tels accords sont autorisés, le syndicat et l'employeur peuvent établir un accord légal de protection syndicale requérant que les employés paient des échéances périodiques et des frais initiaux. Les personnes qui ne sont pas membres informant le syndicat qu'elles s'opposent à l'utilisation de leurs contributions financières à des fins autres que leur représentation peuvent devoir payer seulement leur part des frais du syndicat liés aux activités de représentation (par ex. les négociations collectives, la gestion des contrats et le règlement des conflits).

### **Le National Labor Relations Board a la responsabilité de protéger les employés dans l'exercice de ces droits.**

Le NLRB souhaite que tous les votants éligibles soient totalement informés de leurs droits dans le cadre des lois fédérales et veut que les employeurs et les syndicats sachent ce qu'on attend d'eux lors de la tenue d'une élection.

Si des agents des syndicats ou des employeurs contrarient votre droit à une élection libre, juste et honnête, cette élection peut être bloquée par le NLRB. Le cas échéant, le NLRB fournit d'autres recours, tels que la réhabilitation des employés renvoyés pour avoir exercé leurs droits, y compris le rappel de salaire de la partie responsable de leur renvoi.

### **La liste suivante donne des exemples d'actions contrariant les droits des employés et pouvant entraîner le blocage des élections :**

- Menace de perte d'emploi ou des avantages par un employeur ou un syndicat
- Promesse ou attribution de promotions, d'augmentations de salaire ou autres avantages pour influencer le vote d'un employé par une partie capable d'appliquer de telles promesses
- Un employeur renvoyant des employés pour les dissuader ou les encourager à une action syndicale ou un syndicat provoquant leur renvoi pour encourager l'action syndicale
- Tenue de discours de campagne à des groupes d'employés pendant les horaires de travail, quand la présence est obligatoire, dans les 24 heures précédant la première ouverture du scrutin ou l'envoi des bulletins par courrier
- Incitation par un employeur ou un syndicat à une ségrégation raciale ou religieuse par des appels d'incitation
- Menace de violence physique ou de brutalité aux employés par un syndicat ou un employeur pour influencer leurs votes

### **Le National Labor Relations Board protège votre droit au libre arbitre.**

Aucun comportement inadéquat ne sera toléré. Toutes les parties sont tenues de coopérer pleinement avec cette Agence pour assurer les principes de base d'une élection juste, telle que la loi l'impose.

**Quiconque ayant une question sur cette élection peut contacter par téléphone le bureau du NLRB au (617) 565-6700 ou consulter le site web du NLRB [www.nlr.gov](http://www.nlr.gov) pour obtenir assistance.**

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