

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

MILLERCOORS, LLC
Employer

and

Case 5-RC-87985

**TEAMSTERS BREWERY & SOFT DRINK
WORKERS CONFERENCE A/W INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**
Petitioner

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STIPULATION

IT IS HEREBY STIPULATED AND AGREED by the undersigned parties to this proceeding that:

1. Pursuant to a Stipulated Election Agreement, an election was conducted in this matter on September 27 and 28, 2012, and upon its conclusion, a copy of the Tally of Ballots was furnished to each of the parties.

2. On October 5, 2012, Petitioner filed timely Objections to conduct affecting the results of the election. On September 18, 2012, the Petitioner filed the charge in Case 5-CA-89566, and on December 28, 2012, the Petitioner filed a first amended charge in that case. On November 7, 2012, the Petitioner filed the charge in Case 5-CA-92796, and on December 26, 2012, the Petitioner filed a first amended charge in that case. On December 28, 2012, an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing issued in those matters. On March 11, 2013, an Amended Order Consolidating Cases, Consolidated Complaint and Notice of Hearing issued in those matters. Certain of the Objections are substantially the same as

allegations contained in the Amended Order Consolidating Cases, Consolidated Complaint and Notice of Hearing.

3. Without either party conceding that the conduct in Petitioner's Objections affected the free choice of the employees in the above-noted election, the parties hereby agree that the September 27 and 28, 2012, election will be set aside and a second election will be conducted.

4. The parties agree that the second election should be conducted from 5:00 a.m. to 8:00 a.m. and from 5:00 p.m. to 8:00 p.m. in "The Training Room in the Production Area at the Employer's Elkton, Virginia facility." The election will be conducted on two consecutive days to be designated by the Regional Director of Region 5 of the National Labor Relations Board, which will be no earlier than October 15, 2013, in a notice of rerun election.

5. The payroll period for eligibility in the election will be the latest completed payroll period preceding the date of issuance of the notice of rerun election.

6. Eligible to vote are those in the unit who were employed during the payroll period shown above in paragraph 5, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible to vote are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are those employees who have quit or been discharged for cause since commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.

7. In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them.

Excelsior Underwear, Inc., 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is directed that an eligibility list containing the full names and addresses of all the eligible voters must be filed by the Employer with the Regional Director by close of business seven (7) days after issuance of the notice of rerun election. *North Macon Health Care Facility*, 315 NLRB 359 (1994).

8. The parties hereto waive their rights under the Board's Rules to a ruling and a decision on the Objections by an Administrative Law Judge or duly designated Hearing Officer, and to a decision by the Board concerning the election held on September 27 and 28, 2012. The parties waive the right to use any of the conduct or activities occurring on or before the date that this agreement is approved by the Regional Director, or any conduct alleged as objectionable conduct in the above-mentioned Objections; or any conduct alleged as being unlawful in the Complaint in Cases 5-CA-89566 and 5-CA-92796, as grounds for setting aside the rerun election provided for herein.

<p>MILLERCOORS, LLC</p> <p>BY: <u>/s/ John F. Wymer, III</u></p> <p>DATE: 29 April 2013</p>	<p>TEAMSTERS BREWERY & SOFT DRINK WORKERS CONFERENCE A/W INTERNATIONAL BROTHERHOOD OF TEAMSTERS</p> <p>BY: <u>[Signature]</u> counsel</p> <p>DATE: <u>4/29/13</u></p>
<p>RECOMMENDED BY:</p> <p><u>[Signature]</u></p>	<p>APPROVED BY:</p> <p><u>Wayne R Gold</u></p>

Shannon A. Rogers
Field Attorney

Regional Director
National Labor Relations Board, Region 5
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DATE: