

**From:** Greg Goodrich <greg@afshhi.com>  
**To:** Veldran, KatherineKatherineVeldran@gov.sc.gov  
**Date:** 2/15/2012 5:38:30 PM  
**Subject:** Fwd: 11-RC-6757; Automatic Fire Systems

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FYI, you can see my fight is uphill

Sent from my iPhone

Begin forwarded message:

**From:** "Allan Holmes" <aholmes@gibbs-holmes.com>  
**Date:** February 14, 2012 2:55:45 PM EST  
**To:** Greg Goodrich <greg@afshhi.com>, William Adams <wadams@anh.com>, Dixie Morson <dixie@afshhi.com>  
**Cc:** Timothy Lewis <timolewis@gibbs-holmes.com>  
**Subject:** FW: 11-RC-6757; Automatic Fire Systems

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**From:** Allan Holmes  
**Sent:** Tuesday, February 14, 2012 2:55 PM  
**To:** 'Bencini, Sarah S.'  
**Subject:** RE: 11-RC-6757; Automatic Fire Systems

Sarah.

First, as I understand it, the Union will get an *Excelsior* list when the Union is entitled pursuant to the election notice. The union is not entitled to the list prior to that date, and we have no intention of providing it to the Union before then. If you are aware of any authority that allows you to provide the list to the Union before it is due under the terms of the election notice, please provide it to me. Otherwise, we would expect you to agree not to provide the list until it is due under the terms of the notice.

Second, I cannot correctly identify Steiny-Daniel voters until an election date has been provided. As you know, Steiny-Daniel voters are those who meet eligibility requirements which are tied to the amount of time they worked within defined periods prior to the election. As time goes by, Steiny-Daniel voters slide out of eligibility. This has already occurred with regard to some of the Steiny-Daniel voters who would have been eligible to vote in the last election.

Third, I do not view the role of the NLRB's Regional Office to be purely that of assisting a Union with organizing an employer. People from the office of South Carolina's governor have expressed an unsolicited interest in this matter, and the governor has previously shown a considerable concern for the way South Carolina employers have been treated by the Board's counsel. It is my practice to avoid controversy and publicity in legal matters. However, it is remarkable to me that no one from your office has seen fit to communicate with me about the ULP since last Tuesday. I gather there have been extensive communications with the Union during that period. It is fast becoming my impression that the Region has no interest other than assisting the Union.

Finally, I am available by telephone at your convenience. When you find the time, I would request that you call

me and allow for a discussion of these matters.

Best regards. Allan

**Allan R. Holmes**  
**Certified Specialist in Employment and Labor Law**  
**Partner**  
**Suite 110, 171 Church Street**  
**Charleston, South Carolina 29401**  
**Phone: 843-722-0033**



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**From:** Bencini, Sarah S. [mailto:Sarah.Bencini@nrlrb.gov]  
**Sent:** Tuesday, February 14, 2012 2:39 PM  
**To:** Allan Holmes  
**Subject:** RE: 11-RC-6757; Automatic Fire Systems

Mr. Holmes:

The Region requests that the Employer submit its current payroll list(s) containing all employees eligible to vote in the second election, as laid out in the Board's Decision and Direction of Second Election. This includes all *Steiny/Daniel* eligible voters, as well as all other eligible voters. We ask that you provide this information no later than by close of business on **Thursday, February 16, 2012**.

In regard to your request for assurances that the information provided by the Employer will not be shared with the Union, we cannot make such representations. The Region must schedule and conduct a second election in this case, and in that process, we cannot assure you that in no way would any of the above requested information be shared with the Union.

In regard to the ULP charge, I have been informed that the charge has been withdrawn, and you should receive a letter informing you of the withdrawal shortly.

Please feel free to contact me should you have any questions regarding this matter.

Sarah Bencini

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**From:** Allan Holmes [mailto:aholmes@gibbs-holmes.com]  
**Sent:** Tuesday, February 14, 2012 1:05 PM  
**To:** Bencini, Sarah S.  
**Subject:** RE: 11-RC-6757; Automatic Fire Systems

Sarah. Please tell me which payroll lists you want. To the best of our knowledge, no one has ever worked for the company who lives in North Dakota. I will need your assurances that any information we provide you will not be shared with the Union. Please so confirm. Would you like to go to the employer's offices and view any information you want to view there? Also, am I not to hear again from your co-worker regarding the ULP charge? Thanks. Allan

**Allan R. Holmes**  
**Certified Specialist in Employment and Labor Law**  
**Partner**



Suite 110, 171 Church Street  
Charleston, South Carolina 29401  
Phone: 843-722-0033

# GIBBS & HOLMES

## ATTORNEYS AT LAW

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**From:** Bencini, Sarah S. [mailto:Sarah.Bencini@nlrb.gov]  
**Sent:** Tuesday, February 14, 2012 11:37 AM  
**To:** Allan Holmes  
**Subject:** 11-RC-6757; Automatic Fire Systems

Mr. Holmes:

The Region is proceeding with its efforts to schedule a second election in this matter. In that regard, this email will renew the Region's previous request for information, as outlined in my January 27, 2012 (See below). We request that you provide this information no later than close of business on **Thursday, February 16, 2012**.

Please feel free to contact me should you have any questions regarding this matter.

Sincerely,

Sarah Bencini  
NLRB-Region 11

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**From:** Bencini, Sarah S.  
**Sent:** Friday, January 27, 2012 2:43 PM  
**To:** 'Allan Holmes'  
**Subject:** RE: 11-RC-6757; Automatic Fire Systems

Mr. Holmes,

In order to help us get a better grasp on voter eligibility in this case, please provide the Region with the Employer's payroll lists. Further, the Union is alleging that there are several employees who were/are eligible to vote, but live in geographically scattered areas (Nevada and North Dakota). In that regard, please state whether there are any employees who formerly worked at the Hardeeville, SC plant and who now work at different locations, and if so, please provide the names and addresses of those employees.

If you have any questions regarding this matter, please feel free to call me.

Sincerely,

Sarah Bencini  
NLRB-Region 11

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**From:** Allan Holmes [mailto:aholmes@gibbs-holmes.com]  
**Sent:** Friday, January 27, 2012 10:24 AM  
**To:** Bencini, Sarah S.  
**Subject:** RE: 11-RC-6757; Automatic Fire Systems

We are opposed to mail ballots as they are no more justified than before. The election should take place under the same parameters as previously stipulated and applied, and we do not see the reason for the delay past February 16th. Thanks. Allan

**Allan R. Holmes**  
**Certified Specialist in Employment and Labor Law**

**Partner**  
**Suite 110, 171 Church Street**  
**Charleston, South Carolina 29401**  
**Phone: 843-722-0033**

# GIBBS & HOLMES

## ATTORNEYS AT LAW

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**From:** Bencini, Sarah S. [mailto:Sarah.Bencini@nrlrb.gov]  
**Sent:** Friday, January 27, 2012 10:19 AM  
**To:** Allan Holmes  
**Subject:** 11-RC-6757; Automatic Fire Systems

Mr. Holmes:

It appears that some of the current Automatic employees live out of state, and therefore, we are suggesting either a mail ballot election or a mixed mail ballot/manual ballot election. Please let me know what the Employer's position is regarding this issue, and state whether or not the Employer would be amenable to scheduling the second election on either the 27<sup>th</sup>, 28<sup>th</sup>, or 29<sup>th</sup> of February 2012.

Sincerely,

Sarah S. Bencini, Attorney  
National Labor Relations Board, Region 11  
4035 University Parkway, Suite 200  
P.O. Box 11467  
Winston-Salem, NC 27116-1467  
Office: (336) 631-5291 Fax: (336) 631-5210

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No virus found in this message.

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Version: 2012.0.1901 / Virus Database: 2109/4770 - Release Date: 01/27/12

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Version: 2012.0.1913 / Virus Database: 2112/4808 - Release Date: 02/13/12

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Version: 2012.0.1913 / Virus Database: 2112/4808 - Release Date: 02/13/12