

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 16**

**VIA 313 PIZZA RESTAURANT, LLC**

**Employer**

**and**

**Case 16-RC-300859**

**RESTAURANT WORKERS UNITED**

**Petitioner**

**STIPULATION RESOLVING DETERMINATIVE CHALLENGED BALLOTS**

Based on a petition filed on August 5, 2022, and pursuant to a Decision and Direction of Election, an election was conducted by mail to determine whether a unit of employees of Via 313 Pizza Restaurant, LLC (the Employer) wish to be represented for purposes of collective bargaining by Restaurant Workers United (the Petitioner). That voting unit consists of the following employees of the Employer at its Oak Hill facility:

All full-time and regular part-time Cashiers, Hosts, Hostesses, Servers, Server Assistants, Bartenders, Cooks, Doughs, and Dishwashers excluding all General Managers, Assistant General Managers, Assistant Managers, Kitchen Managers, MIT Managers in Training, Training Managers, BOH Trainees, FOH Trainees, BOH Trainers, FOH Trainers, Corporate Trainers, Guards, and Supervisors as defined by the Act.

The Decision and Direction of Election also provided:

**OTHERS PERMITTED TO VOTE:** At this time, no decision has been made regarding whether employees classified as BOH Shift Managers and FOH Shift Managers are included in, or excluded from, the bargaining unit. Individuals in this classification may vote in the election but their ballots shall be challenged since their eligibility has not been determined. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

On September 29, 2022, through October 27, 2022, an election by mail ballot was conducted. The tally of ballots prepared at the conclusion of the election shows that of the approximately 25 eligible voters, five (5) votes were cast for and twelve (12) votes were cast against the Petitioner, with eight (8) challenged ballots, a number that is sufficient to affect the results of the election. The Petitioner challenged the ballots of Jasmin Blaylock and Iris Hernandez because they transferred out of the bargaining unit and began working at a facility in San Antonio, Texas. Six (6) Shift Managers' ballots were challenged by the National Labor Relations Board pursuant to the Decision and Direction of Election.

The parties herewith agree and stipulate as follows for the purposes of resolving the challenged ballots:

1. The Employer and the Petitioner, subject to the approval of the Regional Director of Region 16 of the National Labor Relations Board, agree that the challenges to the ballots of Jasmin Blaylock and Iris Hernandez be sustained as if these voters were ineligible to vote in the above-referenced election only.
2. The terms of this Stipulation Resolving Determinative Challenged Ballots do not create precedent, are only applicable to this case and therefore neither the Employer nor the Petitioner will attempt to reference or use this Stipulation Resolving Determinative Challenged Ballots in any other proceeding other than in Case 16-RC-300859. The stipulations set forth herein are intended to resolve the issues in this proceeding without prejudice to any position or argument either party may take in any subsequent proceeding.
3. After the parties have executed this stipulation, the Regional Director will issue a decision sustaining the challenges to the ballots of Jasmin Blaylock and Iris Hernandez.
4. The parties hereby waive their rights under the Board's Rules and Regulations to a Regional Director's report or decision regarding ballot challenges in this proceeding, to file exceptions to a Regional Director's report or decision regarding ballot challenges in this proceeding, to file a request for review of an Regional Director's report or decision regarding ballot challenges in this proceeding, to a hearing regarding ballot challenges in this proceeding, or to a Board decision in this proceeding relative to challenges to the ballots of Jasmin Blaylock and Iris Hernandez.
5. The parties further agree that that upon approval of this stipulation, the Regional Director will issue a revised tally.

**VIA 313 Pizza Restaurant, LLC**

(Employer)

**By:**



(Signature)

10/28/2022

(Date)

**Print Name:**

Benjamin A. Nucci

**Restaurant Workers United**

(Petitioner)

**By:**

(Signature)

(Date)

**Print Name:**