

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 10, SUBREGION 11**

<b>Duke University,</b>	)	
	)	
<b>Employer,</b>	)	
	)	
<b>and</b>	)	<b>Case No. 10-RC-276475</b>
	)	
<b>Washington-Baltimore News Guild, Local 32035</b>	)	
	)	
	)	
<b>Petitioner.</b>	)	
<hr style="border-top: 1px solid black;"/>	)	

**DUKE UNIVERSITY'S  
OBJECTIONS TO CONDUCT AFFECTING ELECTION**

Beginning on June 2, 2021, the National Labor Relations Board (“Board”), Region 10, Subregion 11, conducted a mixed manual-mail ballot representation election amongst employees of Duke University (“Employer”) to determine whether employees working in the Duke University Press wish to be represented for purposes of collective-bargaining by the Washington-Baltimore News Guild, Local 32035 (“Union” or “Petitioner”). The manual portion of the election occurred on June 2, 2021, the same date on which the Region mailed ballots. The parties stipulated to a mail ballot return deadline of June 21, 2021 and ballot count date of June 22, 2021. However, on June 11, 2021, the Region reset both dates for June 29, 2021 due to administrative failures in the mail ballot process. Following the June 29, 2021 ballot count via videoconference (resulting in determinative challenged ballots), and pursuant to Section 102.69(a)(8) of the Board’s Rules and Regulations, the Employer files these Objections to conduct affecting the results of the election:

OBJECTION #1: The Region failed to include return postage on its initially sent mail ballot return envelopes, thus undermining laboratory conditions and preventing the administration of a free and fair election.

OBJECTION #2: The Region impermissibly and unilaterally reset the mail ballot return deadline and ballot count date without agreement of the parties, absent Stipulated Election Agreement language permitting the Region to implement such unilateral changes.

OBJECTION #3: The Region's reset June 29, 2021 ballot receipt deadline provided insufficient additional time to remedy the absence of return postage on initial mail ballot return envelopes, thus undermining laboratory conditions and preventing the administration of a free and fair election.

OBJECTION #4: During the portion of the June 29, 2021 videoconference ballot count in which the parties reviewed duplicate mail ballots and in-person challenges, the Board agent conducting the count left the Zoom meeting due to technical issues for approximately seven (7) to ten (10) minutes, thus transferring control of the ballot count videoconference to a Union observer, and removing ballots and ballot envelopes in various stages of processing from the parties' view.

OBJECTION #5: During the portion of the June 29, 2021 videoconference ballot count in which the Board agent counted ballots, the Board agent conducting the count lost audio connection with the Zoom meeting due to technical issues for approximately five (5) to seven (7) minutes, resulting in the agent making no audible call of the preference expressed (or potential void/valid determination) of at least two (2) ballots.

For all of the above reasons, each of which independently require the Region to order a re-run election, and which also collectively demonstrate conduct undermining the fairness and

integrity of the election process, the Employer respectfully requests the Region to order a re-run election in this matter.

Dated: July 7, 2021

Respectfully submitted,

**OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.**

*Harrison C. Kuntz* \_\_\_\_\_

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**Counsel for Employer**

**Duke University**

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<b>32035</b>	)	
	)	
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**CERTIFICATE OF SERVICE**

I certify that on July 7, 2021, a copy of the foregoing Objections to Conduct Affecting Election and corresponding Offer of Proof, was Electronically Filed on the NLRB's website at <http://www.nlr.gov>.

Also, I do hereby certify that a true and correct copy of the Objections to Conduct Affecting Election has been served on the following individual by email this 7<sup>th</sup> day of July, 2021: Robert E. Paul, counsel for the Petitioner: [rpaul@robertepaul.com](mailto:rpaul@robertepaul.com) .

Harrison C. Kuntz  
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