

# FORM LM-20 AGREEMENT AND ACTIVITIES REPORT



This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440. Required of persons, including Labor Relations Consultants and Other Individuals and Organizations, Under Section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959, as amended. (LMRDA)

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT.

653615

1. File Number: C- 00322

## Person Filing

### 2. Name and mailing address (include ZIP Code):

Name Peter A List

Title Founder & CEO

Organization Kulture Consulting, LLC

P.O. Box, Bldg., Room No., if any P.O. Box 2877

Street

City Pawleys Island

State South Carolina

ZIP Code + 4 29585

### 3. Any other address where records necessary to verify this report are kept:

Name

Title

Organization

P.O. Box, Bldg., Room No., if any

Street

City

State

ZIP Code + 4

### 4. Date fiscal year ends:

Dec / 17

### 5. Type of person:

a. ☐ Individual b. ☐ Partnership c. ☐ Corporation d. ☒ Other (Specify): LLC

## Nature of Agreement or Arrangement

### 6. Full name and address of employer with whom made (include ZIP Code):

Name

Organization Flowers Baking Company of Oxford, LLC

Trade Name, if any

P.O. Box, Bldg., Room No., if any

Street 700 Lincoln Street

City Oxford

State Pennsylvania

ZIP Code + 4 19363

### 7. Date entered into:

7 / 13 / 2017

### 8. Name of person(s) through whom made:

Name Shane Hodges

Name

Name

Name

Name

## Signatures

Each of the undersigned declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete. (See Section VII on penalties in the instructions.)

13. Signed

President  
(If other title, see  
instructions)

Title Other (Specify)

Founder & CEO

14. Signed

Treasurer  
(If other title, see  
instructions)

Title Other (Specify)

Manager of Administration

On 7/31/2017

Date

843-314-0383

Telephone Number

On 7/31/2017

Date

843-314-0383

Telephone Number

Filer: Peter List      Kulture Consulting, LLC	File Number C- 00322
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9. Check the appropriate box to indicate whether an object of the activities undertaken, is directly or indirectly:

a. ☒ To persuade employees to exercise or not to exercise, or persuade employees as to the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing.

b. ☐ To supply an employer with information concerning the activities of employees or a labor organization in connection with a labor dispute involving such employer, except information for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding.

10. Terms and conditions (Explain in detail; see instructions. Written agreements must be attached.):

Company was employed on a per hour basis with no formal written agreement relative to duration or amount of hours to be performed. Fee schedule based on a per hour rate.

<b>Specific Activities to be Performed</b>	
<p>11. For each activity, separately list in detail the information required (See instructions):</p> <p>a. Nature of activity:</p> <p>Presented informational meetings to company employees relative to the process of unionization, the role of the NLRB, and collective bargaining.</p>	
<p>11.b. Period during which performed:</p> <p>July-August 2017</p>	<p>11.c. Extent performed:</p> <p>Completed</p>
<p>11.d. Name and address through whom performed:</p> <p>Name      Kirk                      Cummings</p> <p>Organization      Kulture Consulting, LLC</p> <p>P.O. Box, Bldg., Room No., if any      P.O. Box 2877</p> <p>Street</p> <p>City      Pawleys Island</p> <p>State      South Carolina                      ZIP Code + 4      29585</p>	<p>Additional Name and address through whom performed, if any:</p> <p>Name</p> <p>Organization</p> <p>P.O. Box, Bldg., Room No., if any</p> <p>Street</p> <p>City</p> <p>State                                              ZIP Code + 4</p>
<p>12.a. Identify subject groups of employees:</p> <p>All full-time and regular part-time Maintenance Engineer I, Maintenance Engineer II, Maintenance Engineer III and Maintenance Engineer IV, Leadpersons and Parts Room Clerk employees employed by the employer in the Engineering Department at its Oxford, PA facility.</p>	<p>12.b. Identify subject labor organizations:</p> <p>Bakery, Confectionary &amp; Tobacco Workers-Local 492</p> <p>International Brotherhood of Electrical Workers-Local 654</p>

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**STIPULATED ELECTION AGREEMENT**

**Flowers Baking Company of Oxford, Inc.**

**Case 04-RC-202254**

The parties **AGREE AS FOLLOWS:**

**1. PROCEDURAL MATTERS.** The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

**2. COMMERCE.** The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

Flowers Baking Company of Oxford, Inc., a Pennsylvania corporation, is engaged in the production of baked goods at its 700 Lincoln Street, Oxford, PA facility. During the past 12-month period, the Employer sold and shipped goods valued in excess of \$50,000 directly to points outside the Commonwealth of Pennsylvania.

**3. LABOR ORGANIZATIONS.** International Brotherhood of Electrical Workers Local 654 is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.


**4. ELECTION.** A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

**DATE:** Friday, August 11, 2017    **HOURS:** 6:30 a.m. to 7:30 a.m. and 2:30 p.m. to 3:30 p.m.

**PLACE:** The Conference/Training Room on the Mezzanine Level at the Employer's 700 Lincoln Street, Oxford, PA facility

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

**5. UNIT AND ELIGIBLE VOTERS.** The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

**Included:** All full-time and regular part-time Maintenance Engineer I, Maintenance Engineer II, Maintenance Engineer III, and Maintenance Engineer IV, Leadpersons and Parts Room Clerk employees employed by the Employer in the Engineering Department at its 700 Lincoln Street, Oxford, PA facility. 

Initials: \_\_\_\_\_

**Excluded:** All other employees, office clerical employees, professional employees, employees on the payroll of other employers, guards, and supervisors as defined in the Act

**May Vote Subject to Challenge:** Administrative Associate IV

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending Saturday July 15, 2017**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

**6. VOTER LIST.** Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, 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. 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. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

**7. THE BALLOT.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by International Brotherhood of Electrical Workers Local 654?"

The choices on the ballot will be "Yes" or "No".

**8. NOTICE OF ELECTION.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Employer must also distribute the Notice of Election electronically, if the

Initials: \_\_\_\_\_

Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

**9. NOTICE OF ELECTION ONSITE REPRESENTATIVE.** The following individual will serve as the Employer's designated Notice of Election onsite representative: Shane Hodges, VP of Operations Flowers Baking Company of Oxford, Inc., 700 Lincoln St., Oxford, PA 19363-1529 Phone: (610)932-2300 Ext: 4613 Mobile: (610)998-9613 Fax: (610)932-5774 Email: shane.hodges@flocorp.com

**10. ACCOMMODATIONS REQUIRED.** All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

**11. OBSERVERS.** Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

**12. TALLY OF BALLOTS.** Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

**13. POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

Flowers Baking Company of Oxford, Inc.  
(Employer)

By \_\_\_\_\_  
(Name) (Date)

International Brotherhood of Electrical  
Workers Local 654  
(Petitioner)

By \_\_\_\_\_  
(Name) (Date)

Bakery, Confectionery, Tobacco Workers  
and Grain Millers International Union, Local  
492  
(Union)

By \_\_\_\_\_  
(Name) (Date)

**Recommended:**

\_\_\_\_\_  
KATHLEEN O'NEILL, Field Examiner  
(Date)

**Date approved:**

\_\_\_\_\_

\_\_\_\_\_  
**Regional Director, Region 04**  
**National Labor Relations Board**