



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 8
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Cleveland, OH 44199-2086

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www.nlrb.gov

May 6, 2008

Crystal Gearhart
57703 Montour Road
Senecaville, OH 43780

Re: ResCare, Inc.
Case No. 8-RD-2088

Dear Ms. Gearhart:

In the above-captioned case, you filed a petition seeking decertification of the certified collective bargaining representative under Section 9 of the National Labor Relations Act. It has been carefully investigated and considered.

The investigation revealed that pursuant to the terms of a neutrality and card check agreement entered into by the Union and the Employer, the Employer voluntarily recognized the Union on May 17, 2007. Upon recognition, the petitioned for employees became subject to an existing statewide bargaining unit and collective bargaining agreement.

It was determined in related Case No. 8-CA-37241 that the Employer's actions to enter into the neutrality and card check agreement were lawful. The neutrality and card check agreements also predate ***Dana Corporation* 351 NLRB No. 28** (September 29, 2007) and hence that case would not apply to the instant neutrality and card check agreements.

Finally, the Collective Bargaining Agreement is effective September 1, 2006 through September 1, 2011 and constitutes a contract bar to the further processing of the instant Petition.

Therefore, based on all the above, I am administratively dismissing the Petition.

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefor with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C., 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a

complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business on **May 20, 208**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may now be filed electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance for E-filing can also be found on the National Labor Relations Board web site at www.nlr.gov. On the home page of the website, select the **E-Gov** tab and click on **E-Filing**. Then select the NLRB office for which you wish to E-File your documents. Detailed E-Filing instructions explaining how to file the documents electronically will be displayed.

Very truly yours,

Frederick J. Calatrello
Regional Director

FJC:cjc

cc: Executive Secretary
National Labor Relations Board
Washington DC 20570

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