

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14

CATHOLIC SOCIAL SERVICES,
DIOCESE OF BELLEVILLE¹

Employer

and

Case 14-RC-12769

TEAMSTERS, AUTOMOTIVE, PETROLEUM
AND ALLIED TRADES UNION LOCAL NO. 50,
affiliated with the INTERNATIONAL
BROTHERHOOD OF TEAMSTERS²

Petitioner

**REGIONAL DIRECTOR'S DECISION AND
DIRECTION OF ELECTION**

Catholic Social Services, Diocese of Belleville, here called the Employer, is a not-for-profit Illinois corporation doing business as Catholic Social Services of Southern Illinois, which, among other things, is engaged in the operation of St. John Bosco Children's Center, here called the Center, a non-profit licensed childcare facility in Belleville, Illinois, the only facility involved here. The Petitioner, Teamsters, Automotive, Petroleum and Allied Trades Local Union No. 50, affiliated with the International Brotherhood of Teamsters, filed a petition with the National Labor Relations Board, here called the Board, under Section 9(c) of the National Labor Relations Act, seeking to represent a unit of all full-time and regular part-time direct care workers employed by the Employer at the Center. At hearing, the parties stipulated that if the Board asserts jurisdiction and directs an election, the appropriate collective-bargaining unit is: All full-time and regular part-time residential treatment specialists, residential treatment aides, and similar classifications involved in direct patient care, employed by the Employer at St. John

¹ The Employer's name appears as amended at hearing.

² The Petitioner is described by its correct name.

Bosco Children's Center located at 900 Royal Heights, Belleville, Illinois, EXCLUDING all therapists, case managers, maintenance workers, cooks, office clerical and professional employees, guards, and supervisors as defined in the Act, and all other employees. A hearing officer of the Board held a hearing and the parties filed briefs with me, which I have carefully considered.

As evidenced at hearing and as set forth in the briefs, the only issue is whether the Board has jurisdiction over the Employer.³ The Employer contends that the Board does not have jurisdiction because the Employer is a religious organization under the control and direction of the Roman Catholic Church, Diocese of Belleville, here called the Diocese, and the Diocese's Bishop, and operates in accordance with the policies and mission of the Diocese, diocesan policy, and canon law, and that the exercise of the Board's jurisdiction would infringe upon the First Amendment rights of the Employer. Contrary to the Employer, the Petitioner contends that the Employer is not exempt from the Board's jurisdiction under the religious institution exemption. For the reasons set forth below, I have concluded that the Employer is not a religious organization and does not fall within the religious institution exemption. Accordingly, I shall direct an election in the stipulated unit, which currently consists of 18 residential treatment specialists, here called specialists and 2 residential treatment aides, here called aides.

I. OVERVIEW OF OPERATIONS

The Employer, a not-for-profit social services agency of the Roman Catholic Church, Diocese of Belleville, operates four Southern Illinois regional offices located in Belleville, Carbondale, Mt. Carmel, and Mt. Vernon, which provide programs including adoption services, foster care, counseling, clinical services, and job training. The Employer also operates a senior assisted living facility in Olney and the Center in Belleville, a residential treatment facility for children and the only facility involved here. The Employer's mission statement, which was

³ At hearing, the parties stipulated that the Employer is engaged in commerce within the meaning of the Act where the Employer meets the gross annual revenues and statutory indirect inflow jurisdictional standards.

written by the Employer's Board of Directors' Mission Integration Committee, and approved by the Bishop, describes the Employer's mission as follows:

As a visible expression of God's loving community and consistent with the example of Jesus Christ, Catholic Social Services of Southern Illinois provides direct services to persons of all backgrounds with social and emotional needs across the continuum of life.

The vision statement identifies the Employer as a premier social services agency devoted to the care and treatment of individuals and families and committed to promoting a just and caring community. The Employer adheres to many, but not all, of the policies of the Diocese including the Diocese's conflict of interest and child protection policies.

The Employer's board of directors, here called the board, currently consists of 15 members, one of whom is a priest. The directors generally serve two 3-year terms. The Bishop is an ex-officio board member, meaning that his term comes with his position and is without a term limit, and attends board meetings on occasion. The Vicar-General, who is a priest, and the Executive Director are also ex-officio members of the board; and the Bishop has the authority to appoint three additional ex-officio members. The ex-officio members may participate in debate, but have no vote.

The Bishop provides the overall vision of the Employer but is not involved in the day-to-day operations of the Employer's programs and generally only participates in decisions to start or end a particular program. The Bishop is alerted to major issues and crises of the Employer, and the Employer submits periodic reports and updates to the Bishop and the Chancery, the administrative headquarters and offices of the Diocese. The Bishop also participated in the blessing of the Center when it moved to its new location in 2007.

Board members are screened by a board development committee comprised of board members and selection is the exclusive decision of the Bishop. The board members must agree to adhere to the mission, vision, and philosophy of the Employer, but are not required to be of the Catholic faith. Board members are generally prominent community leaders.

An executive director oversees the operations of all six of the Employer's facilities through the management of regional directors and program directors who are assigned to each of the Employer's four regional offices, the assisted living facility, and the Center. Regional directors report to the executive director regarding the programs in their regional area. Program directors, who are responsible for the direct day-to-day management and operation of their program, report to a regional director.

The executive director, who reports on the operations of the Employer's programs and facilities to the board and to the Chancery, attends all board meetings as well as Diocese meetings, and, as noted, is a non-voting ex-officio member of the board. The board conducted a search for the position of executive director, screened and interviewed the applicants, and made a recommendation to the Bishop, who made the final hiring decision. The executive director is required to be of the Catholic faith.

The Center is a not-for-profit licensed child care facility housed in two wings of a former nursing home, which provides residential treatment to abused and neglected wards of the State of Illinois. The center optimally houses 14 children, typically males between the ages of 6 and 12, but occasionally females reside at the Center. In addition to the program director, there is an assistant director position that is currently vacant and two supervisors, whom the parties stipulated were supervisors within the meaning of the Act. There are 18 specialists, and 2 aides, whom the Petitioner is seeking to represent. There is also a staff therapist and part-time therapists, case worker, cook, part-time maintenance worker, and part-time secretary. Specialists are required to have a college degree in human services or related field or 5 years of equivalent experience, while aides are required to have a high school diploma. Aides can perform many of the same tasks as the specialists but are not permitted to do case notes on a resident or restrain a child who is acting out without a specialist present.

Applicants for positions at the Center submit their application or resume to the Employer, and the human resources office screens the applications. The Center's program director, with

input from the supervisors, regularly decides who will be hired. On occasions when the Center's director or supervisors are unable to do so, the human resources office conducts interviews of the applicants. The name of the selected applicant is forwarded for final approval by the executive director. The board is not involved in the hiring and filling of existing positions but must approve the addition of positions.

All employees of the Employer are required to sign written job descriptions agreeing to abide by the requirements and qualifications contained therein. All of the job descriptions for employees of the Center include the same eight functions which, in relevant part, assert that employees will insure, promote, and integrate the mission and philosophy of the Employer in all duties performed. This includes actively integrating the values of the agency into practice, and lists the values of collaboration, sacredness of human life, appreciation of differences among us, and recognition of the value of community and family. Employees are further reminded to adhere to the Employer's mission and philosophy during orientation, bi-annual Employer-wide employee meetings, and during other individual program training or meetings as well as by supervision. Employees are hired regardless of their religious faith or practices. Center employees are not required to participate in religious practices or services, such as fasting during Lent or genuflecting in front of the crosses located at the Center. Employees are, however, instructed to be respectful of the religious practices of others.

Center employees are paid by the Employer and are denoted on the Employer's payroll records with a code specific to the Center. Health and life insurance benefits are provided through the Employer, who participates in the Diocese's benefit plans. The Employer is covered by the liability insurance of the Diocese, and the Diocese selects the Employer's auditor. The Center's director and supervisors make employee disciplinary decisions. Employees can grieve disciplinary actions, which are then reviewed up to the level of the Executive Director. Employees directly managed by the Executive Director can grieve discipline to the board.

The Center, which is leased by the Employer from a private owner, is licensed by the State of Illinois as a childcare facility and is a child welfare agency through the Illinois Department of Children and Family Services (DCFS). As part of licensure, DCFS determines the size of resident rooms, type of intervention and programs provided, staff to resident ratios, and meal plans; and the Center is subject to inspections by DCFS representatives. DCFS provides the majority of the Center's funding with the remaining funds coming from charitable donations received by the Employer, client fees, Medicare and Medicaid, and other insurance proceeds. The funds received from DCFS are payment for services rendered by the Center to the residents who are wards of the State. All monies received from the State must be used for child related services and any unused money is returned to the State or, in some circumstances, can be transferred to other child related programs operated by the Employer.

The Employer borrows money from the Diocese to cover the lapse in funding from the DCFS, which is later repaid when payment is released by the State. The Diocese engages in fund-raising efforts and some of those monies raised are directed to the Employer's programs including the Center. The Employer also engages in fund-raising for its operations including the Center. The Employer maintains one bank account for all of its six facilities with funds for the individual programs delineated by code. The Center does not maintain its own bank accounts nor does it conduct its own fund-raising. However, the Center does have a clothing donation drop box from which it receives donations specifically for the children.

Children are recommended to the Center by their case manager, generally after other treatments and programs such as the foster care system have been unsuccessful. Children stay an average of 1 year during which they attend the Belleville public schools. While in residence, they receive therapy and counseling at the Center based on an Individual Treatment Plan (ITP) created by the Center's therapist and the case worker from the agency which recommended the child for placement at the Center. The ITP is implemented by the Center's therapist, case manager, and supervisors.

The specialists and aides are responsible for the daily direct care of the children including waking and readying for school, grooming and personal hygiene, making sure meals are eaten, ensuring attendance at therapy and treatment sessions, monitoring ITPs, adjusting behavioral issues, reinforcing positive behavior, transporting to activities, assisting in completing homework, playing, and getting ready for bed at night. Each specialist is assigned to three to four children each day. Specialists and aides are at the Center 24 hours per day, 7 days per week, but none reside at the Center. Children who have been expelled from the public school are essentially home-schooled or tutored at the Center, usually by the specialists, during their expulsion. On a single day in September, there were two to three children at the Center who were not in school.

No specific religious-based courses are taught to the children. The Center's treatment services are provided regardless of the religious denomination of the child. The Center does not hold mass or other religious services or programs. The Center does not have a chapel, but there are religious symbols displayed at the Center. Children that request to attend a religious service are transported to the service regardless of their creed.

II. ANALYSIS

The Employer contends that the Board is precluded from exercising jurisdiction by the Supreme Court's decision in *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979). In *Catholic Bishop*, the Board certified a labor organization to represent a unit of lay teachers at two groups of Catholic high schools. One group of schools was operated by the Catholic Bishop of Chicago, a corporation. Those schools offered special religious instruction as well as college preparatory courses similar to those offered in public schools. The other group of schools was operated by the Diocese of Fort Wayne-South Bend, Inc. and also provided secular education accompanied by mandatory religious training. The Supreme Court in *Catholic Bishop* held that if it were to construe the Act to grant jurisdiction, it would then be required to decide

whether that grant of jurisdiction was constitutionally permissible under the Religion Clauses of the First Amendment to the United States Constitution. Id. at 499.

The Court considered “whether Congress intended the Board to have jurisdiction” over teachers in church-operated schools, and approached that inquiry in two steps. Id. at 500. The Court found it necessary to determine whether the Board’s exercise of jurisdiction “would give rise to serious constitutional questions.” Id. at 501. If such questions were raised, in the Court’s view, it would then have to identify “the affirmative intention of the Congress clearly expressed” before concluding that the Act granted the Board jurisdiction over teachers in church-operated schools. Id. at 500-501. The Court found that teachers in parochial schools have a “critical and unique” role in fulfilling the mission of a church-operated school, and saw no escape from conflicts flowing from the Board’s exercise of jurisdiction over teachers in church-operated schools and the consequent serious First Amendment questions that would follow. Id. at 501, 504. The Court cited the 1974 amendment to the Act, where Congress removed the exemption of non-profit hospitals. Id. at 505. However, in the absence of a clear expression of Congress’ intent to bring teachers in church-operated schools within the jurisdiction of the Board, the Court concluded that there was no Board jurisdiction. The Court declined to reach the “difficult and sensitive” constitutional questions arising out of the guarantees of the First Amendment Religion Clauses. Id. at 506.

The Board has not limited the *Catholic Bishop* principle to schools operated by a religious organization itself. Instead, the Board has found that it is the religious purpose and the employees’ role in effectuating that purpose that prompted the Court’s decision. In *Jewish Day School of Greater Washington*, 283 NLRB 757 (1987), the Board declined to exercise jurisdiction over a unit of teachers in a school because the majority concluded that “*Catholic Bishop* precludes the Board from exercising jurisdiction where a Union seeks to represent a unit of teachers in a school whose purpose and function in substantial part are to propagate a religious faith.” Id. at 761. In *Jewish Day School*, religious instruction was mandatory at all

grade levels, students devoted 40 percent of their school day to religious study, and the teachers' role included effectuating the school's religious purpose.

In contrast, in *Hanna Boys Center*, 284 NLRB 1080 (1987), enfd. 940 F.2d 1295 (9th Cir. 1991), the Board asserted jurisdiction over the non-profit, charitable residential facility for boys when the unit sought was for childcare workers and other non-teacher employees. The institution was founded by two Roman Catholic priests, fell under the ecclesiastical jurisdiction of the Diocese of Santa Rosa, and required that residents attend morning and evening prayers and coursework on various aspects of theology. However, the Board held that the childcare workers were less involved in the religious inculcation of the residents than were the teachers and thus the first amendment issues surrounding the assertion of jurisdiction over teachers noted by the Court in *Catholic Bishop* was not involved in the assertion of jurisdiction over the childcare workers and other non-teacher unit members. Id. at 1083.

The Board also found it had jurisdiction over a school engaged in the care of socially and emotionally disturbed boys, which facility was owned by the Roman Catholic Church, was not separately incorporated, and its board of directors assumed its authority from the powers delegated to it by the diocese in *Harborcreek School for Boys*, 249 NLRB 1226 (1980). The Board held that the evidence showed that the purpose of the school was not the promulgation of the Roman Catholic faith, but the provision of a social service on a nondenominational basis and the school's employees were not required to have any particular religious background or training, and there was no showing that any employee was directly or indirectly involved in the teaching of religious philosophy. The Board concluded that, while the work of the school was in accord with the charitable aims and purposes of the diocese, the school was not a religious institution with a sectarian philosophy or mission; and, thus, the assertion of jurisdiction was not violative of the freedom of religion clause of the first amendment. An election was conducted in a voting group that included childcare workers. Id. at 1226-1227.

Similarly, in *NLRB v. St. Louis Christian Home*, 663 F.2d 60 (8th Cir. 1981), enforcing *St. Louis Christian Home*, 251 NLRB 1477 (1980), the Eighth Circuit Court of Appeals held that the Board had jurisdiction to direct the employer to bargain collectively with the union over a unit of childcare workers, maintenance employee, and storeroom clerk employed by an emergency residential treatment center for battered, abused, and neglected children, operated by the Christian Church Disciples of Christ. The Court found that the children's home operated in the same way as secular childcare institutions, received funds primarily from government services, hired employees without regard to religion to perform essentially secular functions, took children solely from state agency referrals, the children remained wards of the state, and was required by the state to obtain parental consent before resident children could attend church services. *Id.* at 64. See also, *Ecclesiastical Maintenance Services*, 325 NLRB 629 (1998) (Board asserted jurisdiction over the employer, a non-profit corporation formed by the Roman Catholic Archdiocese of New York, which provided cleaning and maintenance services on a contract fee basis exclusively for facilities including churches, schools, and seminaries in the Archdiocese and the unit employees' tasks were secular in nature); *Salvation Army of Massachusetts*, 271 NLRB 195 (1984), *enfd.* 763 F.2d 1 (1st Cir. 1985) (Board had jurisdiction over day care center operated by non-profit, religious organization, where the center's function was primarily to provide care for children, not education; center involved no religious instruction, indoctrination, or extracurricular activities; neither children, teachers, nor parents were chosen for their religious affiliation; and no significant conditions of employment was of a religious nature).

The cases cited by the Employer are distinguishable on the basis that the employers are non-profit, religious organizations over which the Board generally will not assert jurisdiction. In *St. Edmund's High School*, 337 NLRB 1260 (2002), the Roman Catholic Church and its related schools were one, single employer, and directly employed the petitioned-for custodians. Jurisdiction was not asserted in *Riverside Church*, 309 NLRB 806 (1992), where the Employer was a religious institution with a stated mission that "worships, witnesses and works for the

advancement of the ideals of the gospel.” In connection with its religious mission, it provided regular worship services, conducted weddings, funerals and baptisms, and provided Christian education for adults and children. See also, *Faith Center-WHCT Channel 18*, 261 NLRB 106 (1982) (employer was a non-profit church corporation that utilized a television station as its pulpit, the purposes of which was to provide a church for public worship and religious training). In *Motherhouse of the Sisters of Charity*, 232 NLRB 318 (1977), the employer was a partially cloistered convent that was the permanent and legal residence of the Sisters of Charity and included a nursing home maintained for the purpose of enabling infirm sisters to continue the practice of their religion and their existence as part of the religious community. The Employer in *Board of Jewish Education*, 210 NLRB 1037 (1974), operated for the sole purpose of furthering Jewish education among the Jewish population in the Greater Washington D.C. area. In all of these cases, the Board did not assert jurisdiction over religious institutions which operated “in a conventional sense using conventional means” and declined to assert jurisdiction over secular employees of religious institutions, without whom the employers could not accomplish their religious missions. *St. Edmund’s High School*, supra.

The Employer’s reliance on *Carroll College v. NLRB*, 558 F.3d 568 (D.C. Cir. 2009) and *University of Great Falls v. NLRB*, 278 F.3d 1335, (D.C. Cir. 2002), is also unpersuasive where the holdings in those cases are first based on whether the employers held themselves out as schools providing a religious education environment. Here, the Center is a residential treatment facility, not a school, and provides no religious instruction, education, or guidance to its residents; rather, on those occasions when a resident is unable to attend the local public schools, the Center’s specialists tutor the students in the regular academic subjects common place in secular schools.

Here, unlike the cases cited by the Employer, the Center is not an employer which is itself a religious institution and does not hold itself out as a religious school, and it will effectuate the policies of the Act to assert jurisdiction here. The Center is a program of the Employer, a social

service agency operated by the Diocese of Belleville, whose vision is to be an example of the mission and philosophy of the Diocese, whose Executive Director must be of the Catholic faith, and whose board of directors is selected by the Bishop of the Diocese. However, the Center is engaged in the secular function of operating a residential treatment facility for abused and neglected wards of the State of Illinois. The Center receives funds primarily from government sources, hires employees without regard to religious denomination who perform essentially secular functions of child care, provides services to children of all backgrounds, and provides no religious education or inculcation. Thus, the Employer does not have a religious purpose and the specialists and aides are not engaged in effectuating a religious purpose, and the exercise of jurisdiction does not create a significant risk of constitutional infringement that the Supreme Court discussed in *Catholic Bishop. Hanna Boys Center*, supra; *Harborcreek School for Boys*, supra; *St. Louis Christian Home*, supra. Accordingly, I find that it will effectuate the purposes and policies of the Act to assert jurisdiction.⁴

III. CONCLUSIONS AND FINDINGS

Based on the entire record⁵ in this matter and in accordance with the discussion above, I conclude and find as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this case.
3. The Petitioner claims to represent certain employees of the Employer.

⁴ I note that the finding of a religious purpose on the part of the Employer could create a tension between the State's support and use of the Employer's services and the establishment clause of the First Amendment. Such concerns are, of course, beyond the scope of this decision.

⁵ At hearing, the parties agreed to the Employer's post-hearing submission of additional exhibits, which have been received and are made a part of the official record as Employer Exhibits E-7, E-8, and E-9.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of the Section 9(b) of the Act:

All full-time and regular part-time residential treatment specialists and residential treatment aides employed by the Employer at St. John Bosco Children's Center located at 900 Royal Heights, Belleville, Illinois,⁶ EXCLUDING all therapists, case managers, maintenance workers, cooks, office clerical and professional employees, guards, and supervisors,⁷ as defined in the Act, and all other employees.

IV. DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they wish to be represented for the purposes of collective bargaining by Teamsters, Automotive, Petroleum and Allied Trades Union Local No. 50, affiliated with the International Brotherhood of Teamsters. The date, time, and place of the election will be specified in the notice of election that the Board's Regional Office will issue subsequent to this Decision.

A. Voting Eligibility

Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately prior to the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or 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, in an economic strike which

⁶ While the parties stipulated to the inclusions of "similar classifications involved in direct patient care", the record fails to reflect that this identifies any employees currently employed. Indeed, the record reflects an agreement between the parties as to the number and classifications of the employees in the appropriate units. Therefore, I am deleting "similar classifications involved in direct patient care" from the unit inclusion. If there are employees to whom this is a reference, they may vote subject to the Board's challenged ballot procedures.

⁷ The parties stipulated that the program director, assistant director (which position is currently vacant), and the two supervisors are supervisors within the meaning of the Act, and I so find.

commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Those in the military services of the United States may vote if they appear in person at the polls.

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

B. Employer to Submit List of Eligible Voters

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969).

Accordingly, it is hereby directed that within 7 days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list, containing the full names and addresses of all the eligible voters in each unit. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). This list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized (overall or by department, etc.). Upon receipt of the list, I will make it available to all parties to the election.

To be timely filed, the list must be received in the Regional Office, 1222 Spruce Street, Room 8.302, St. Louis, MO 63103, on or before **November 12, 2009**. No extension of time to file the list will be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file the list. Failure to comply with this requirement will be

grounds for setting aside the election whenever proper objections are filed. The list may be submitted to the Regional Office by electronic filing through the Agency's website, www.nlr.gov,⁸ by mail, or by facsimile transmission at (314) 539-7794. The burden of establishing the timely filing and receipt of the list will continue to be placed on the sending party.

Since the list will be made available to all parties to the election, please furnish a total of **two** copies of the list, unless the list is submitted by facsimile or e-mail, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

C. Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices of Election provided by the Board in areas conspicuous to potential voters for at least 3 working days prior to 12:01 a.m. of the day of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

V. RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by **November 18, 2009**. This request may be

⁸ To file the eligibility list electronically, go to www.nlr.gov and select the **E-Gov** tab. Then click on the **E-Filing** link on the menu, and follow the detailed instructions.

filed electronically through E-Gov on the Agency's website, www.nlr.gov,⁹ but may not be filed by facsimile.

DATED: November 4, 2009

/s/ [Ralph R.Tremain]
Ralph R. Tremain, Regional Director
National Labor Relations Board
Region 14
1222 Spruce Street, Room 8.302
St. Louis, MO 63103-2829

⁹ To file the request for review electronically, go to www.nlr.gov and select the **E-Gov** tab. Then click on the **E-Filing** link on the menu and follow the detailed instructions. Guidance for E-filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter and is also located under "E-Gov" on the Agency's website, www.nlr.gov.