

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

CRAFT OIL CORPORATION

Employer

and

Case 04-RC-078008

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS LOCAL UNION 107

Petitioner

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

The Employer, Craft Oil Corporation, is a distributor of lubricants and related equipment to customers in Pennsylvania, New Jersey, Maryland, Virginia, Delaware, and New York. The Petitioner filed a petition to represent a unit of drivers and warehouse employees employed by the Employer at its Aston, Pennsylvania facility. The Employer contends that this unit is inappropriate because it excludes the Employer's service technicians.

A Hearing Officer of the Board held a hearing, and the parties filed briefs. I have considered the evidence and the arguments presented by the parties and have concluded that the petitioned-for unit is appropriate.

In this Decision, I will first provide an overview of the Employer's operations. Then, I will set forth the legal standards to be applied in resolving the community-of-interest issues presented in this case. Then, I will set forth the facts and reasoning which support my conclusions.

**I. OVERVIEW OF OPERATIONS**

The Employer has headquarters in Avoca, Pennsylvania and operates other facilities in Fords, New Jersey and Aston, Pennsylvania. The petition only concerns employees at the Aston facility.

The Aston facility serves as a hub for the distribution of packaged and bulk motor oil and other lubricants in the surrounding geographic area. It also contains a service department

responsible for the installation, service, and maintenance of equipment that customers use to dispense the Employer's products.

The facility sits on a four-acre property containing two buildings. The 17,000 square-foot "legacy" building contains the administrative offices, the bulk warehouse, and an employee breakroom. A second building across the street houses the package warehouse. Employer President Robert Glenn Mills is based at the Avoca headquarters and oversees the company's overall operations. Director of Operations Tom Matthews, who is also based in Avoca, is in charge of the Aston facility. Mills and Matthews regularly travel to the Aston facility.

Operations Manager Barry Mellor and Service Manager Chris McGarrity both work at the Aston facility and report directly to Matthews.<sup>1</sup> Mellor oversees the distribution of the Employer's products and supervises the drivers and warehouse employees. McGarrity is in charge of the day-to-day operations of the service department and supervises the service technicians. The Employer's labor relations and human resources functions are centrally controlled by its Human Resources Department in Avoca.

The Employer employs between 42 and 44 employees at the Aston facility. There are 18 drivers, 12 service technicians, 4 package warehouse employees, and 2 bulk warehouse employees.<sup>2</sup> The remaining 6 to 8 employees are clerical, sales, and purchasing employees.

## **II. THE RELEVANT LEGAL STANDARDS**

The Act does not require that the unit for bargaining be the only appropriate unit or even the most appropriate unit. Rather, it requires only that the unit be *an* appropriate one. *Overnite Transportation Co.*, 322 NLRB 723 (1996); *P.J. Dick Contracting, Inc.*, 290 NLRB 150 (1988). Procedurally, the Board examines the petitioned-for unit first. If that unit is appropriate, the inquiry ends. *Wheeling Island Gaming, Inc.*, 355 NLRB No. 127 (2010); *Bartlett Collins Co.*, 334 NLRB 484 (2001). It is only where the petitioned-for unit is not appropriate that the Board will consider alternative units which may or may not be units suggested by the parties. *Bartlett Collins Co.*, supra; *Overnite Transportation Co.*, 331 NLRB 662, 663 (2000). The Board generally attempts to select a unit that is the smallest appropriate unit encompassing the petitioned-for employee classifications. See, e.g., *R & D Trucking, Inc.*, 327 NLRB 531 (1999); *State Farm Mutual Automobile Insurance Co.*, 163 NLRB 677 (1967), enfd. 411 F.2d 356 (7<sup>th</sup> Cir. 1969), cert. denied 396 U.S. 832 (1969).

In determining whether a proposed unit is appropriate, the focus is on whether employees share a community of interest. *NLRB v. Action Automotive, Inc.*, 469 U.S. 490, 491 (1985). To make this determination, the Board examines such factors as employee skills and job functions, common supervision, contact and interchange, similarities in wages, hours and other terms and conditions of employment, functional integration, and bargaining history, if any. *Publix Super*

---

<sup>1</sup> The parties stipulated that Mellor and McGarrity are supervisors as defined by Section 2(11) of the Act.

<sup>2</sup> At the hearing, the parties regularly referred to the warehouse employees as "loaders."

*Markets, Inc.*, 343 NLRB 1023 (2004); *Home Depot USA*, 331 NLRB 1289 (2000); *United Operations, Inc.*, 338 NLRB 123 (2002); *Bartlett Collins Co.*, supra.

In *Specialty Healthcare and Rehabilitation Center of Mobile*, 357 NLRB No. 83, slip op. at 10-13 (2011), the Board modified the framework to be applied in making unit determinations where a party seeks a unit that is broader than the petitioned-for unit. Pursuant to this decision, the Board first looks at whether the petitioner seeks a unit consisting of employees readily identifiable as a group (based on job classifications, departments, functions, work locations, skills, or similar factors) and whether these employees share a community of interest. If so, the party seeking a broader unit must demonstrate “that employees in the larger unit share an *overwhelming* community of interest with those in the petitioned-for unit.” [Emphasis added]. Additional employees share an overwhelming community of interest with petitioned-for employees only where there is no legitimate basis upon which to exclude them from the unit because the traditional community-of-interest factors overlap almost completely. *Northrop Grumman Shipbuilding, Inc.*, 357 NLRB No. 163, slip op. at 3 (2011).

### **III. FACTS**

#### **A. Job Functions and Terms and Conditions of Employment**

##### *Service Technicians*

The service technicians install, remove, service, and maintain lubrication pumping equipment at customer sites. They also perform “clean burn cleanings” once a week for a full day at the facility. They drive service trucks and box trucks to customer sites. Some of these trucks are subject to U.S. Department of Transportation (DOT) regulations because they have the capacity to pull trailers. The service technicians’ duties require them to use welding torches, hand power tools, backhoes, and forklifts, although they are not required to possess special certifications. They sometimes work in teams.

Service technicians are required to have medical cards indicating that they recently passed physical examinations. They fill out a DOT log entitled “Daily Service Tech Log.” They are not required to have Commercial Drivers Licenses (CDLs), but 2 out of the 12 service technicians have them.

Service technicians’ hourly wages range between \$15 and \$25. They are also eligible for quarterly \$50 safety bonuses. They work Monday through Friday from 7:00 a.m. to 3:30 p.m., but many of them regularly report between 6:00 and 6:30 a.m. to get an early start on their work, although they do not punch in until 7:00.

Some service technicians take their trucks home and report directly to customer sites each day, but the majority of them report to the Aston facility. Service technicians attend bimonthly Service Department meetings led by Service Manager McGarrity.

### *Drivers*

The drivers deliver bulk lubricant, packaged lubricant, clean burn waste oil heaters, and pumping equipment to customers. They also deliver service equipment. Drivers operate several different types of vehicles, some of which require a CDL license and others that require only a regular driver's license. These vehicles include tractor-trailers, tanker trucks, package trucks, All-Purpose Delivery Vehicles (APDVs), and Hino trucks with 18-foot or 22-foot box trailers. They do not drive the service trucks that the service technicians drive. All trucks used by drivers are subject to DOT regulations.

The drivers' job description requires them to have CDLs, but President Mills testified that the Employer may hire drivers that do not have CDLs and train them to obtain these licenses later. The Employer also seeks to hire drivers who have tanker and hazmat certifications, but some current drivers do not have these certifications. All drivers are required to have medical cards. Drivers fill out DOT logs that are different from those that the service technicians fill out. They are required to know how to use forklifts, although they are not regularly required to use them.

Drivers' hourly wages range between \$16 and \$22, and they are eligible for quarterly bonuses worth up to \$1,000 based on safety and work performance. Most of the drivers work Monday through Friday from 6:00 a.m. to 2:30 p.m., although some drivers begin at 6:30 a.m. All drivers must report to the facility every day; they are not allowed to take their work vehicles home. Drivers attend bimonthly meetings led by Operations Manager Mellor.

### *Warehouse employees*

The warehouse employees are responsible for loading and unloading all products and equipment that enter and leave the facility. They also keep track of inventory, maintain the cleanliness of the warehouses, and repackage the motor oil and other lubricants. They use hand trucks, forklifts, and pallet jacks in the course of their work. The Employer formally divides its warehouse employees between bulk warehouse and package warehouse employees. However, all warehouse employees are interchangeable and frequently work in both warehouses.

Warehouse employees' hourly wages range from \$14 to \$23.88, and they are eligible for the same \$50 quarterly bonuses that service technicians may receive. They work from Monday through Friday and are divided between two shifts, 6:30 a.m. to 3 p.m. and 11 a.m. to 7:30 p.m. All warehouse employees report to work at the Aston facility every day. They attend bimonthly meetings led by Operations Manager Mellor. These meetings are different than the drivers' meetings.

### *Other terms and conditions of employment*

All of the Employer's employees have opportunities to work significant amounts of overtime, and they all receive the same fringe benefits. Warehouse employees, drivers, and

service technicians wear the same uniforms. They all share the same locker room and breakroom, punch the same time clock, and share a single computer to check and print human resources information. They also are all subject to the same employee handbook and disciplinary policies. All employees undergo the same two new-employee training sessions that teach them about the Employer's business and the science of lubricants. Drivers, service technicians, and warehouse employees also attend the same quarterly safety sessions led by a former DOT inspector.

## B. Contact and Interchange

Warehouse employees interact with drivers and service technicians at times in the course of loading products and equipment onto their trucks. Service technicians assist warehouse employees loading and unloading trucks between one and three times per week. Mills testified that it is necessary for service technicians to perform warehouse employees' duties when a warehouse employee does not come to work, but he did not provide examples of such substitutions.

Drivers deliver service equipment to service technicians at customers' facilities about twice per week. On those occasions, the driver and service technicians arrive at the customer site separately, and the driver ensures that there are no leaks in the equipment the service technicians install. Mills testified that some drivers can repair and replace broken lubricant pumps, but he did not indicate how many drivers are capable of doing that work or the frequency with which they do so. Drivers do not perform any installation or service work.

The Employer has equipped service trucks to deliver motor oil and other lubricants. When the Employer is particularly busy or short on drivers, Mellor asks McGarrity to assign a service technician to deliver these products. McGarrity testified that the frequency of such requests ranges from once every other week to four or five times a week. The Employer presented documents indicating that service technician Scott Reeves delivered products on seven occasions between July 14, 2011 and March 27, 2012, but the documents did not show any other employees performing this work. McGarrity testified that he prefers to use Reeves to make deliveries but that he could also assign other employees, including Peter Wood, to do so. He stated that there were as many as 150 examples of service technicians performing delivery work in the past six months, and that he could have introduced many more examples, but the Employer did not provide any documentary evidence to support this assertion. None of the evidence the Employer provided indicates that service technicians drove any vehicles other than service trucks or box trucks to make these deliveries.<sup>3</sup>

In the last two years, two warehouse employees permanently transferred to driving positions and one became a service technician. During that same period, two drivers became warehouse employees, but none became service technicians. No service technicians transferred to either driver or warehouse employee positions during the last two years.

---

<sup>3</sup> In fact, Mills stated that he knew that equipment deliveries mentioned in an exhibit were the work of drivers because all the deliveries were made in APDVs and package trucks.

#### D. Supervision

Operations Manager Mellor directly supervises the drivers and warehouse employees, and Service Manager McGarrity directly supervises the service technicians. Mellor and McGarrity issue written warnings to their respective employees. They also determine when new hires are required, and they conduct the applicant interviews, but all hiring recommendations must be ultimately approved by Director of Operations Matthews and the Employer's Human Resources Department. Matthews generally effectuates Mellor and McGarrity's recommendations on hiring, discharge, and disciplinary matters. He visits the Aston facility several times per week.

When Mellor requests service technicians for delivery work, he responds to their questions about the details of the assignment. There is no evidence that Mellor has disciplined service technicians for infractions committed while delivering product or that he has the authority to do so.

#### E. Functional Integration

Employees in all job classifications work toward the ultimate goal of distributing motor oils and lubricants and ensuring that customers are able to dispense and sell these products.

#### F. History of Collective Bargaining

There is no history of collective bargaining at the facility.

### IV. ANALYSIS

If the petitioned-for-unit consists of a readily identifiable group of employees who share a community of interest, then it will be found appropriate unless there are additional employees with whom these employees share an overwhelming community of interest. *Specialty Healthcare and Rehabilitation Center of Mobile*, supra, slip op. at 10-13. Therefore, the first question that must be answered is whether the Petitioner's proposed bargaining unit of drivers and warehouse employees constitutes a readily identifiable group of employees who share a community of interest.

I find that this question should be answered affirmatively. The petitioned-for unit is structured along the lines of supervision, as Mellor is the direct supervisor of both the drivers and the warehouse employees, and employees in these classifications are the only employees that he supervises. Cf. *Odwalla, Inc.*, 357 NLRB No. 132, slip. op. at 5 (2011) (citing supervision as a traditional basis for drawing unit boundaries). The drivers and warehouse employees share many

terms and conditions of employment, in addition to common supervision. They are also functionally integrated; drivers deliver the products and equipment that the warehouse employees load onto their trucks. Moreover, the parties stipulated that the warehouse employees and drivers share a community of interest, and the Board has found that a unit of drivers and warehouse employees may be appropriate. See *Benson Wholesale Co., Inc.*, 164 NLRB 536, 550 (1967).

Because the petitioned-for unit constitutes a readily identifiable group with a community of interest, the Employer has the burden of establishing that service technicians share an overwhelming community of interest with the drivers and warehouse employees. I find that the Employer did not meet this burden.

The two groups do not share first-line supervision, as McGarrity supervises the service technicians and Mellor supervises the drivers and warehouse employees. The Employer argues that they share common supervision through Director of Operations Tom Matthews, because he is the ultimate decision maker on disciplinary and hiring issues. However, even though Matthews has the authority to overrule McGarrity and Mellor's recommendations, he routinely supports their decisions. In fact, the Employer did not cite a single instance where Matthews overruled a decision made by Mellor or McGarrity or otherwise exercised supervisory authority over any of the employees. The Employer also contends that Mellor supervises service technicians when they deliver products, but the record does not indicate that any service technician other than Scott Reeves has delivered any products. Moreover, there is no evidence that Mellor is responsible for anything other than telling service technicians where to make their deliveries and fielding their questions. Conversely, there is no evidence that McGarrity is responsible in any way for the drivers and warehouse employees. For these reasons, I find the Employer's argument that the service technicians, drivers, and warehouse employees are commonly supervised to be unpersuasive. Rather, I find that the service technicians are supervised separately from employees in the petitioned-for unit.<sup>4</sup>

The service technicians have distinct job functions requiring specialized skills and equipment. Their core function is to install, maintain, repair, and remove equipment used by customers to dispense the Employer's product, and they are the only employees who perform this work. They use welding tools and other tools that are unique to their position. Warehouse employees and drivers do not perform any of the service technicians' core duties. Drivers deliver equipment normally used by service technicians, but they only do so when they are meeting with service technicians who will install the equipment. Although there was testimony that some drivers can repair and replace broken lubrication pumps, the record does not indicate how many drivers have this skill or how often they perform this type of work. Additionally, there is no evidence that any warehouse employee has ever performed service technician work. Most of the service technicians do not have CDLs and are not qualified to drive the tanker trucks, tractor-trailers, and other large vehicles that the drivers regularly use. Therefore, I find that service technicians have different skills and perform job functions that are distinct from the work

---

<sup>4</sup> The Board noted in *Specialty Healthcare*, supra, slip op. at 14, fn. 19, "[T]he community-of-interest test focuses almost exclusively on how *the employer* has chosen to structure its workplace," and in this case the petition is consistent with the Employer's structure.

drivers and warehouse employees perform. See *Overnite Transportation*, 325 NLRB 612, 613 (1998) (mechanics possessed special skills and training that distinguished them from employees in a proposed unit of drivers and dockworkers, even though those skills did not require special certification).

With respect to interchange, the Employer provided documentary evidence showing that service technician Scott Reeves delivered lubricants, work that drivers normally perform, and McGarrity testified that he can also ask other service technicians to do this work. McGarrity's unsupported testimony as to other employees is too vague to establish that they perform these duties, especially since only 2 service technicians of the 14 have CDLs. The Employer's evidence is insufficient to establish interchange between the two classifications, as it involves only one employee and the record does not establish the frequency of his assignments. *Id.* at 612 (evidence that only 1 out of 14 mechanics performed driver duties was insufficient to establish interchange); *DTG Operations, Inc.*, 357 No. 175, slip op. at 7 (2011) (limited, one-way interchange involving a minority of the unit does not require a classification to be added to a petitioned-for unit). *New Britain Transportation Co.*, 330 NLRB 397 (1999).

*United Rentals, Inc.* 341 NLRB 540 (2004), cited by the Employer, is distinguishable. As recently noted by the Board in *DTG Operations, Inc.*, supra, slip op. at 7, in *United Rentals*, all employees in a small facility performed the functions of different classifications, and the employees at issue "performed petitioned-for work 'regularly and in many instances every day' and vice versa." In the instant case, there is little evidence of service technicians performing the work of other classifications and no evidence that drivers and warehouse employees perform the core functions of the service technicians.

The wages of the Employer's drivers, warehouse employees, and service technicians are in the same general range, and they share many of the same benefits. However, the drivers have a bonus program that is exclusive to them and provides for far higher bonuses than those received by the service technicians and warehouse employees. Service technicians and drivers have similar working hours, but warehouse employees work on two shifts per day and the second shift finishes long after the other employees have left. In addition, the service technicians are the only employees that may take their trucks home and report directly to customer sites without having to punch in.

Although there are a few areas of commonality between the three classifications, these areas fall far short of establishing an overwhelming community of interest between the service technicians and the employees in the petitioned-for unit. There is an overwhelming community of interest only where there is no legitimate basis upon which to exclude a classification from the unit because the traditional community-of-interest factors overlap almost completely. *Northrop Grumman Shipbuilding, Inc.*, 357 NLRB No. 163, slip op. at 3 (2011). Here, that is not the case because: (1) the service technicians are separately supervised at the first level; (2) the two groups have distinct job functions requiring specialized skills and equipment; and (3) there is only limited, one-way interchange between the service technicians and the employees in the petitioned-for unit.

Therefore, I find that the drivers and warehouse employees constitute a readily identifiable group of employees that share a community of interest, and the service technicians do not share an overwhelming community of interest with the petitioned-for unit. Accordingly, I find that the petitioned-for unit is appropriate for the purposes of collective bargaining. *Specialty Healthcare*, supra; *Overnite Transportation Co.*, 325 NLRB 612 (1998).<sup>5</sup>

## V. CONCLUSIONS AND FINDINGS

Based upon the entire record 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 is a labor organization which claims to represent certain employees of the Employer.
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 purposes of collective bargaining within the meaning of Section 9(b) of the Act:

---

<sup>5</sup> The Employer contended for the first time in its brief that service technicians should be included in the unit as dual-function employees. This contention is belated and without merit. The Board will include dual-function employees in a bargaining unit where they perform unit work for sufficient periods of time to demonstrate that they have a substantial interest in the unit's wages, hours, and conditions of employment. *Bredero Shaw*, 345 NLRB 782, 785-786 (2005); *Air Liquide America Corp.*, 324 NLRB 661, 662 (1997); *Berea Publishing Co.*, 140 NLRB 516, 518-519 (1963). There is no bright line rule as to the amount of time required to be spent performing unit work. Rather, the Board makes a determination based on the facts of each case, but will generally decline to include employees who spend 15 percent or less of their time performing unit work and will include employees who spend 25 percent or more of their time on unit work. See, e.g., *Bredero Shaw*, supra; *Arlington Masonry Supply, Inc.*, 339 NLRB 817 fn. 3 (2003). As discussed above, the only clear evidence that a service technician performs unit work relates to Scott Reeves, and the evidence as to what proportion of his time is spent performing such work is quite vague. McGarrity's non-specific testimony that other service technicians perform unit work falls far short of establishing that they should be included in the unit as dual-function employees.

All full-time and regular part-time drivers and warehouse employees; **excluding** all other employees, service technicians, office clerical employees and guards and supervisors as defined in the Act.

## **VI. 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 **International Brotherhood of Teamsters Local 107**. 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. Eligible Voters**

The eligible voters shall be unit employees employed during the designated payroll period for eligibility, 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. 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.

### **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 seven (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. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The 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 NLRB Regional Office, One Independence Mall, 615 Chestnut Street, Seventh Floor, Philadelphia, Pennsylvania 19106 on or before **Friday, May 18, 2011**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this 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 by mail, facsimile transmission at (215) 597-7658, or by electronic filing through the Agency's website at [www.nlr.gov](http://www.nlr.gov). Once the website is accessed, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. 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 three (3) copies, unless the list is submitted by facsimile or electronic filing, 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 to Election provided by the Board in areas conspicuous to potential voters for a minimum of three (3) working days prior to 12:01 a.m. on the date 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 five (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 non-posting of the election notice.

## VII. RIGHT TO REQUEST REVIEW

Pursuant to the provisions of Section 102.67 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, a request for review of this Decision may be filed with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, DC 20570-0001.

Pursuant to the Board's Rules and Regulations, Sections 102.111 – 102.114, concerning the Service and Filing of Papers, the request for review must be received by the Executive Secretary of the Board in Washington, DC by the close of business on **Friday, May 25, 2012, at 5:00 p.m. (ET)**, unless filed electronically. **Consistent with the Agency's E-Government initiative, parties are encouraged to file a request for review electronically.** If the request for review is filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time** on the due date. Please be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile transmission. Upon good cause shown, the Board may grant special permission for a longer period within which to file.<sup>6</sup>

---

<sup>6</sup> A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should

A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the E-filing system on the Agency's website at [www.nlr.gov](http://www.nlr.gov). Once the website is accessed, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Signed: May 11, 2012

at Philadelphia, PA

  
**DOROTHY L. MOORE-DUNCAN**  
Regional Director, Region Four  
National Labor Relations Board

---

be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.