

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

AFFORDABLE HOSPITALITY ASSOCIATES, LP
d/b/a/ HAMPTON INN, PHILADELPHIA¹

Employer

and

Case 04-RD-061732

VANESSA HARRIS

Petitioner

and

UNITE HERE, LOCAL 274

Union Involved

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

The Employer operates a Hampton Inn hotel in Philadelphia, Pennsylvania. The Petitioner, Vanessa Harris, filed this petition with the National Labor Relations Board under Section 9(c) of the National Labor Relations Act seeking to decertify the Union Involved,² UNITE HERE, Local 274, as the representative of a unit of the hotel's Breakfast Attendants, Lobby Attendants, Bellmen, Room Attendants, Housemen, Laundry Attendants,³ and Room Inspectors. The Union contends that the Room Inspectors, who are currently part of the contractual bargaining unit, are supervisors within the meaning of Section 2(11) of the Act and therefore should be excluded from the unit. The Petitioner and the Employer take the position that Room Inspectors are not supervisors. The Petitioner and the Employer's proposed unit would consist of approximately 43 employees, while the Union's proposed unit would include about 41 employees.

A Hearing Officer of the Board held a hearing, and the Employer filed a brief. I have considered the evidence and the arguments presented by the parties, and, as discussed below, I

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

² For convenience, this decision will refer to the Union Involved as "the Union."

³ Although this job classification is not included in the unit set forth in the parties' collective-bargaining agreement, the parties stipulated to its inclusion.

have concluded that Room Inspectors are not supervisors within the meaning of the Act. Accordingly, they are included in the unit.

To provide a context for my discussion, I will first present an overview of the Employer's operations. Then, I will review the factors that must be evaluated in determining whether the Room Inspectors are supervisors. Thereafter, I will present in detail the facts and reasoning that support my conclusion.

I. OVERVIEW OF OPERATIONS

The Employer's hotel is an 11-story building with 250 rooms. Roger Weber, the General Manager, oversees the overall operation of the hotel, and Matt Thompson is the Assistant General Manager. Executive Housekeeper Wilina Smith and Assistant Executive Housekeeper Phyllis Cade report to Thompson.

The hotel has about 20 to 30 Room Attendants, who are responsible for cleaning the guests' rooms.⁴ Three Housemen support the Room Attendants by carrying linens, emptying trash, moving cots, vacuuming corridors, and similar tasks. The Employer also employs four to five Laundry Attendants, four Breakfast Attendants, four Bellmen, and an uncertain number of Lobby Attendants. There are two employees in the disputed Room Inspector classification, whose duties and responsibilities will be discussed below.

The Union and the Employer were parties to a three-year collective bargaining agreement effective by its terms from October 1, 2006 through September 30, 2009. This agreement was extended until September 30, 2010 but has not been extended since then.

II. FACTORS RELEVANT TO EVALUATING SUPERVISORY STATUS

Supervisors are specifically excluded from coverage under the National Labor Relations Act. The burden of establishing supervisory status is on the party asserting that such status exists. *NLRB v. Kentucky River Community Care, Inc.*, 532 U.S. 706, 711 (2001); *Barstow Community Hospital*, 352 NLRB 1052 (2008); *Shaw Inc.*, 350 NLRB 354, 355 (2007). The party seeking to prove supervisory status must establish it by a preponderance of the evidence. *Barstow Community Hospital*, above; *Oakwood Healthcare, Inc.*, 348 NLRB 686 (2006). Section 2(11) of the Act sets forth a three-part test for determining whether an individual is a supervisor. Pursuant to this test, employees are statutory supervisors if: (1) they hold the authority to engage in any one of the 12 supervisory functions listed in Section 2(11); (2) their exercise of such authority is not of a merely routine or clerical nature but requires the use of

⁴ The terms "Housekeeper" and "Room Attendant" are used interchangeably in the record and refer to the same job classification. This decision will use the title "Room Attendant."

General Manager Weber's testimony was unclear as to the number of Room Attendants employed at the hotel.

independent judgment; and (3) their authority is held in the interest of the employer. See *NLRB v. Kentucky River*, above at 712-713; *NLRB v. Health Care & Retirement Corp. of America*, 511 U.S. 571, 573-574 (1994).

The statutory criteria for supervisory status set forth in Section 2(11) are read in the disjunctive, and possession of any one of the indicia listed is sufficient to make an individual a supervisor. *Kentucky River*, above at 713; *Juniper Industries, Inc.*, 311 NLRB 109, 110 (1993). The Board analyzes each case in order to differentiate between the exercise of independent judgment and the giving of routine instructions, between effective recommendation and forceful suggestions, and between the appearance of supervision and supervision in fact. The exercise of some supervisory authority in a merely routine, clerical, or perfunctory manner does not confer supervisory status on an employee. See *J.C. Brock Corp.*, 314 NLRB 157, 158 (1994); *Juniper Industries*, above. The authority effectively to recommend an action means that the recommended action is taken without independent investigation by supervisors, not simply that the recommendation is ultimately followed. See *Children's Farm Home*, 324 NLRB 61 (1997); *Hawaiian Telephone Co.*, 186 NLRB 1 (1970). The Board has an obligation not to construe the statutory language too broadly because the individual found to be a supervisor is denied the employee rights that are protected under the Act. *Oakwood Healthcare, Inc.*, above at 687 (2006); *Avante at Wilson, Inc.*, 348 NLRB 1056, 1057 (2006). Where the evidence is in conflict or otherwise inconclusive on particular indicia of supervisory authority, the Board will find that supervisory status has not been established, at least on the basis of those indicia. *Dole Fresh Vegetables, Inc.*, 339 NLRB 785, 792 (2003); *Phelps Community Medical Center*, 295 NLRB 486, 490 (1989). The sporadic exercise of supervisory authority is not sufficient to transform an employee into a supervisor. See *Kanahwa Stone Co.*, 334 NLRB 235, 237 (2001); *Gaines Electric*, 309 NLRB 1077, 1078 (1992).

In its decision in *Oakwood Healthcare, Inc.*, 348 NLRB 686 (2006), *Croft Metals, Inc.*, 348 NLRB 727 (2006), and *Golden Crest Healthcare*, 348 NLRB 727 (2006), the Board clarified the circumstances in which it will find that individuals exercise sufficient discretion in performing two of the functions listed in Section 2(11) – assignment and responsible direction of work – to justify their classification as statutory supervisors. As clarified in *Oakwood*, the term “assign” refers to the “act of designating an employee to a place (such as a location, department or wing), appointing an employee to a time (such as a shift or overtime period) or giving significant overall duties, i.e., tasks, to an employee.” *Oakwood Healthcare*, at 689-690.

In *Oakwood Healthcare*, the Board explained “responsible direction,” as follows: “If a person on the shop floor has ‘men under him,’ and if that person decides ‘what job shall be undertaken next or who shall do it,’ that person is a supervisor, provided that the direction is both ‘responsible . . . and carried out with independent judgment.’” “Responsible direction,” in contrast to “assignment,” can involve the delegation of discrete tasks as opposed to overall duties. *Oakwood Healthcare*, at 690-692. But, an individual will be found to have the authority to responsibly direct other employees only if the individual is *accountable* for the performance of the tasks by the other employee. Accountability means that the employer has delegated to the putative supervisor the authority to direct the work and the authority to take corrective action if necessary, and the putative supervisor faces the prospect of adverse consequences if the employees under his or her command fail to perform their tasks correctly. *Ibid.*

Assignment or responsible direction will, as noted above, produce a finding of supervisory status only if the exercise of independent judgment is involved. Independent judgment will be found where the alleged supervisor acts free from the control of others, is required to form an opinion by discerning and comparing data, and makes a decision not dictated by circumstances or company policy. *Oakwood Healthcare*, above at 692-694. Independent judgment requires that the decision “rise above the merely routine or clerical.” Ibid.

III. FACTS

Tanya Polite and Eugene Justice currently serve as the Room Inspectors at the hotel, and they work on weekdays from 9:00 a.m. to 5:30 p.m. and on weekends from 10:00 a.m. to 6:30 p.m. The Room Attendants work from 8:00 a.m. to 4:30 p.m. on weekdays and 9:00 a.m. to 5:30 p.m. on weekends. Justice is assigned to inspect rooms on floors 1 through 6, and Polite inspects floors 7 through 11.

The Room Inspectors are generally responsible for checking each hotel room after it has been cleaned by a Room Attendant and certifying the room as ready for occupation by hotel guests. The Room Inspectors do not routinely clean rooms themselves; Polite testified that she personally cleans rooms only once very five to six months, and Justice stated that he does so once or twice a week. Their job description⁵ lists the following specific functions:

1. Inspects all clean rooms and reports them to the front desk.
2. Inspects all vacant rooms and reports all discrepancies to the Executive Housekeeper.
3. Corrects all cleaning discrepancies in vacant rooms, changing status on the computer.
4. Inspects all rooms on maintenance status and reports repairs needed in guest rooms to the Chief Engineer.
5. Inspects all linen closets and assists in the inventory of the linen.
6. Brings all lost and found articles to the Executive Housekeeper.
7. Assists in the training of new housekeeping Room Attendants.
8. Performs other related duties as requested by the Executive Housekeeper or the Assistant Executive Housekeeper.

⁵ The job title on the job description is “Inspectress.”

Each Room Attendant is ordinarily assigned to clean 16 rooms. The Room Attendants that have the most seniority have a regular permanent section of rooms to clean. Other rooms are assigned to the remaining “floater” employees based on the seniority of the floater and room proximity. Smith and/or Cade ordinarily complete a document indicating which rooms each Room Attendant is assigned to clean. If they are both off from work, Polite completes the room assignment form; Justice testified that he has never made room assignments. Only Smith, Cade, Polite, and Justice have access to the computer in Smith’s office where the assignment forms are found.

Room Attendants have specific tasks they must perform on certain days, such as cleaning air-conditioner filters or dusting lamp poles. These projects are assigned by Smith and are written on the bottom of the day’s assignment sheet. The Room Inspectors play no role in assigning these tasks.

After Room Inspectors check and approve the rooms, they enter the room numbers into the hotel’s computer system. When checking a room, they complete a form called a “Room Inspection Sheet,” which lists the Room Attendants’ required tasks, e.g., “Lamp clean and working” and “Night Stand Dust and Smudge Free.” They award 0 to 2 points for each task and tally the numbers for an overall score.⁶ The Room Inspectors sign the form on a line entitled “Supervisor Signature.” At the end of each day, the completed Room Inspection Sheets are turned into Executive Housekeeper Smith or Assistant Executive Housekeeper Cade, but the record does not indicate what Smith and Cade do with these forms after receiving them. Cade has signed some inspection sheets herself, but the record does not indicate how frequently she personally inspects rooms.

Room Inspectors Polite and Justice both testified that if they notice that a Room Attendant has failed to perform a required task, they will speak to her directly. If the problem continues, they will report it to Cade or Smith who may in turn speak with the Room Attendant. Polite and Justice testified that they have never suggested to Cade or Smith how to address performance issues.

The hotel uses a form titled “Employee Problem/Solution Notice” to record employee attendance, performance, and safety infractions, and the Room Inspectors have the authority to fill out these forms to report employees for failing to follow hotel rules. The form calls for “Details regarding this problem,” “Supervisor’s proposed solution to the problem,” “Employee’s proposed solution to problem,” and “Action to be taken.” The Room Inspector fills out the first two parts, and there are signature lines for “Employee,” “Supervisor,” and Human Resources Director.”

Justice has never prepared an Employee Problem/Solution Notice, but Polite has prepared two of them. On one occasion, she learned that a Room Attendant had failed to turn a guest item into the Lost and Found as required. On the Notice form, she wrote a description of the violation

⁶ The maximum score is 103. Scores from 100 to 103 are rated “100% Guest Satisfaction;” 95 to 99 are “Excellent;” 90 to 94 are “Good;” 85 to 89 are “Poor;” and 0 to 84 are “Retrain.”

and a proposed solution and submitted it to Assistant General Manager Thompson.⁷ Polite did not include a disciplinary recommendation. Thompson then presented the Notice to the employee at a meeting also attended by Polite and a shop steward, but Polite did not speak at this meeting. On another occasion, Polite prepared an Employee Problem/Solution Notice for the same employee for violating a rule by carrying a beverage up to the guest room area. On the form, she described the incident and stated as the proposed solution: “No food or drink is allowed above the basement level only water.” A box was checked stating that the employee had previously received a verbal warning, but Polite was not the one who checked it and was unaware of whether the employee was disciplined for the incident. A third Employee Problem/Solution Notice form was signed by a former Room Inspector, Jean Brigg. This form stated that a room was dirty, and Brigg’s proposed solution was for the employee to slow down when performing her work. There was no evidence as to the level of discipline imposed for this infraction or who made the decision to impose it.

The Room Inspectors do not make any recommendations regarding the issuance of discipline or check the box on the Notice form indicating which step in the disciplinary system is being applied; they merely report behavior which violates hotel rules. According to Polite, Executive Housekeeper Smith is in charge of determining the appropriate level of employee discipline. The parties’ expired collective-bargaining agreement states that discipline shall be “progressive in nature,” but there is no evidence as to the specifics of the Employer’s disciplinary system.

Room Inspectors attend weekly Housekeeping department meetings. They also attend weekly supervisors’ meetings, but Polite and Justice both testified that they are not active participants in these meetings. Room Inspectors have no say in making hotel rules or policies.

Room Inspectors earn \$13.99 an hour, about \$2.50 more than Room Attendants, and they receive the same benefits as all other unit employees. They have no involvement in the hiring process, and they have no authority with respect to transfers, layoffs, recalls, or promotions. They do not have the authority to grant time off, assign overtime, or award wage increases or bonuses or to make recommendations as to such matters. They play no role in evaluating employees’ performance, they do not have access to employee personnel files, and they have no authority to resolve problems for other employees or to deal with complaints or grievances.

Emiliano Rodriguez, an organizer for the Union, testified that at a grievance hearing for a former employee, he told General Manager Weber that the Union was concerned that a bargaining unit Room Inspector had signed a disciplinary write-up and Weber responded that that was the way the Employer runs its hotel. He further testified that during the conversation, Rodriguez asked Weber which employees were able to discipline fellow unit members, and Weber named several Room Inspectors. Rodriguez then asked Weber if the hotel would consider ceasing its practice of having Room Inspectors discipline fellow employees, but Weber declined.

⁷ Her solution was for the employee to bring lost items to the Lost and Found daily. Polite added on the form that the employee attended the most recent Housekeeping department meeting where Lost and Found procedures were discussed.

Weber testified that he recalled Rodriguez expressing concern over the Room Inspectors' authority to impose discipline, but denied stating that the Room Inspectors had such authority. Weber recalled telling Rodriguez that he alone could impose discipline.

IV. ANALYSIS

The Union, which has the burden of demonstrating supervisory status, contends that the Room Inspectors have the authority to assign work, responsibly direct work, and recommend discipline. I find that these contentions are without merit.

The Room Inspectors do not have the authority to assign work to Room Attendants. They do not ordinarily assign rooms or other tasks; Cade and Smith handle this function. Although, on occasion, Polite completes the assignment form when Cade and Smith are unavailable, this task requires no independent judgment. Rather, the assignments to the senior Room Attendants are predetermined, as they are each permanently assigned to a 16-room section. The assignments to floaters are made in accordance with their seniority and the location of the assigned rooms and seek to equalize the workload. There is no discretion involved in this process and thus it does not confer supervisory authority. See *Shaw, Inc.*, 350 NLRB 354, 355 (2007); *Golden Crest Healthcare Center*, 348 NLRB 727, 730 fn. 9 (2006). Moreover, the Room Inspectors do not regularly perform this task, and the Board has held that the occasional, sporadic exercise of supervisory authority is not sufficient to transform an employee into a supervisor. See *Kanahwa Stone Co.*, 334 NLRB 235, 237 (2001); *Gaines Electric*, 309 NLRB 1077, 1078 (1992).

Room Inspectors also do not have the authority to responsibly direct work. The Room Inspectors check each room and complete a Room Inspection Sheet after the room has been cleaned by a Room Attendant. They award points based on their evaluation of the rooms, but there is no evidence as to what these points are used for. If the room is not cleaned properly, at most the Room Inspector will verbally inform the Room Attendant of the problem and report to Cade or Smith if problems persist. But Cade and Smith are the ones responsible for taking any corrective action; the Room Inspectors themselves have no say in what steps management takes after such a report is made. In monitoring Room Attendant work, the Room Inspectors are effectively performing a quality control function, and the Board has generally avoided finding supervisory status where an individual does no more than monitor and correct the performance of employees doing routine, unskilled work. *Airport 2000 Concessions LLC*, 346 NLRB 958, 968 (2006); *Beverly Health and Rehabilitation Services, Inc.*, 335 NLRB 635, 669 (2001), enfd. in pertinent part, 317 F. 3d 316 (D.C. Cir. 2003). Moreover, there is no evidence that Room Inspectors are held accountable for the work done by Room Attendants and might suffer adverse consequences if that work is not done correctly. I thus find the evidence insufficient to establish that Room Inspectors responsibly direct Room Attendants. *Oakwood Healthcare*, above at 695; *Golden Crest Healthcare Center*, above at 731-732.

The Room Inspectors do not effectively recommend discipline. Their role is limited to reporting to Cade and Smith transgressions such as improper room cleaning or failure to follow hotel rules. The Room Inspectors complete the portions of Employee Problem/Solution Notice

forms that call for a description of the problem and a proposed solution, but they give these forms to Cade or Smith, who determine and impose any discipline. In the two instances in which Polite reported infractions on the form she merely set forth what she observed. She did not decide what level discipline would be handed out for the infraction, nor did she speak about the matter with Cade, Smith, or Assistant General Manager Thompson. Although she was present when Thompson handed one of these forms to the employee, Polite did not speak during the meeting. Former Room Inspector Brigg also completed one Employee Problem/Solution Notice, but there is no evidence that she was involved in determining discipline.

In short, the Union has failed to show that that any Employee Problem/Solution Notice issued by a Room Inspector has ever affected a Room Attendant's working conditions or job status or tenure. It has likewise failed to show that these forms can be the basis for future disciplinary action if the performance problem continues. *Pacific Coast M.S. Industries Co.*, 355 NLRB No. 226, slip op. at 4 (2010). See also *Ken-Crest Services*, 335 NLRB 777, 777-778 (2001); *Vencor Hospital – Los Angeles*, 328 NLRB 1136, 1139 (1999). Where a warning simply brings a problem to management attention without a recommendation for discipline, issuance of the warning is nothing more than a reporting function, which is not supervisory authority. *Williamette Industries, Inc.*, 336 NLRB 743, 744 (2001).⁸

Furthermore, the fact that the Room Inspectors earn higher wages than Room Attendants is a secondary indicium of supervisory status and cannot transform them into statutory supervisors in the absence of any evidence that they possess at least one of the statutory indicia. *Pacific Coast M.S. Industries Co.*, above, slip op. at 2, fn. 2 Also, although the Room Inspectors sign the Room Inspection Sheet and the Employee Problem/Solution Notice as "Supervisor," supervisory status is determined by actual job duties, not by title or classification. *Boston Medical Center Corp.*, 330 NLRB 152 (1999); *Seven-Up Bottling of Phoenix*, 263 NLRB 596, 604 (1982). Similarly, regardless of whether General Manager Weber told Union Organizer Rodriguez that Room Inspectors can impose discipline, the record does not establish that they have this authority.

Room Inspectors have been included in the bargaining unit since at least 2006, and the record evidence provides no reason to exclude them at this time. Accordingly, I find that the Union has not sustained its burden of proving that the Room Inspectors are supervisors within the meaning of Section 2(11) of the Act, and I shall include them in the unit.

⁸ *Mountaineer Park, Inc.*, 343 NLRB 1473 (2004), is distinguishable. In that case, "Assistant Supervisors" in the employer's housekeeping department were found to be statutory supervisors based on their authority to effectively recommend discipline. Unlike in the instant case, when those individuals brought infractions to management attention, they could write up recommendations concerning the level of discipline they considered to be appropriate and the manager routinely adopted those recommendations without conducting any independent investigation. In contrast, the Room Inspectors do not even make recommendations as to discipline.

V. CONCLUSIONS AND FINDINGS

Based upon the entire record in this matter and for the reasons set forth 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 Union Involved is a labor organization that 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: All full-time and regular part-time Breakfast Attendants, Lobby Attendants, Bellmen, Room Attendants, Housemen, Laundry Attendants, and Room Inspectors employed by the Employer at the Hampton Inn, 1301 Race Street, Philadelphia, PA, **excluding** front desk and engineering employees, 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 **UNITE HERE, LOCAL 274**. 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 payroll period ending immediately before the date of this Decision, 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. Unit employees 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 strike began 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 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 Regional Office, One Independence Mall, 615 Chestnut Street, Seventh Floor, Philadelphia, Pennsylvania 19106 on or before **Thursday, April 5, 2012**. 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**. 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 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 3 working days prior to 12:01 a.m. of 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 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.

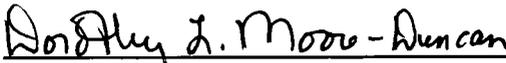
VII. RIGHT TO REQUEST REVIEW

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 **Thursday, April, 12, 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.⁹ 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. 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.

DATED: March 29, 2012



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

⁹ 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 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.