

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

UNITED MAINTENANCE COMPANY, INC.,	)	
	)	
Employer,	)	
	)	
v.	)	
	)	
SERVICE EMPLOYEES INTERNATIONAL	)	Case No. 13-RC-106926
UNION, LOCAL 1,	)	
	)	
Petitioner.	)	
	)	
	)	
	)	

**REQUEST FOR REVIEW BY UNITED MAINTENANCE COMPANY, INC.  
OF THE MAIL BALLOT ELECTION DECISION OF  
THE REGIONAL DIRECTOR, REGION 13**

United Maintenance Company, Inc. ("United"), by its counsel, submits this Request for Review of the mail ballot decision of the Regional Director, Region 13, pursuant to Section 102.67 of the Rules and Regulations of the NLRB.

Request For Review

The Regional Director has incorrectly applied the facts of this situation to the factors articulated in *San Diego Gas & Electric*, 325 NLRB 1143 (1998).

The bargaining unit consists of approximately 300 custodians and window washers who work in Terminals 1, 2 and 3 of O'Hare International Airport, all of which are immediately adjacent to each other and accessible by foot. Each employee is assigned to work in one terminal, and each terminal has its own area where employees report to work and check-out after each shift. Employees who report to work in one terminal are not generally assigned to work in any other terminal.

A polling place easily can be established in each terminal, so that the distance that an employee would have to walk to vote would not be farther than a hypothetical employee who

works in the machine shop located in the back corner of a large manufacturing plant where the polling place is in the employee break room located in the front corner of that plant.

Furthermore, the employees at the three adjacent terminals all have the same shift starting times. Therefore, the voting times can be easily established to allow employees the choice of voting before work, on company time, and after work. Therefore, there are no time or distance restrictions which would inhibit the traditional in-person voting procedure, as incorrectly concluded by the Regional Director.

The Regional Director's decision also incorrectly concluded that airport security issues would interfere with conducting a traditional in-person election. All employees who work in Terminals 2 and 3 report to work in an area that is outside of the airport security area. Therefore, a polling place in each of those Terminals would be within easy access for voters as well as Board personnel. The employees who work in Terminal 1 report to work in a secured area of the airport, but a voting area that is not located within the secured area of Terminal 1 could readily be identified. Therefore, the security issues articulated by the Regional Director are without merit.

The final reason for a mail ballot proffered by the Regional Director is the effective use of Board resources. That statement apparently is based upon the need for Spanish and Polish translators for three different polling locations during three different voting times within a twenty-four hour period. While these requirements may be a greater burden on Board resources than a single voting time for a small bargaining unit that does not require translators, that reason alone is not sufficient to order a rare mail ballot. In fact, the *San Diego* decision specifically held that Board resources should not be the sole reason for ordering a mail ballot.

Therefore, the Regional Director's decision to order a mail ballot is based on an incorrect and incomplete analysis of the facts of this situation. If the Regional Director had properly considered the all of the facts and circumstances of this situation, a traditional in-person election would have been ordered.

**CONCLUSION**

For the foregoing reasons, United requests that the NLRB accept for review the Regional Director mail ballot decision in this matter. Accepting the review will allow the NLRB to properly schedule a traditional in person election.

Respectfully submitted,

UNITED MAINTENANCE COMPANY, INC.

By: /s/Thomas Y. Mandler

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**CERTIFICATE OF SERVICE**

I do hereby certify that the attached Request for Review was served on August 6, 2013, by electronic mail to:

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Dated: August 6, 2013

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