

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION TWENTY-FIVE
SUBREGION THIRTY-THREE

CNH AMERICA LLC¹

Employer,

and

25-RC-116569

INTERNATIONAL BROTHERHOOD OF
BOILERMAKERS, IRON SHIP BUILDERS
BLACKSMITHS, FORGERS, AND HELPERS, AFL-CIO

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended (the Act), a hearing was held on November 14 and 15, 2013, before a hearing officer of the National Labor Relations Board (the Board), to determine an appropriate unit for collective bargaining.²

I. ISSUE

The Petitioner seeks an election within a unit comprised of the approximately 138 individuals employed in the welding classification at the Employer's Goodfield, Illinois, facility. The Employer contends that the petitioned-for-unit is not appropriate since welders share an

¹ The name of the Employer has been changed to reflect its correct legal name. as stipulated to at the hearing.

² Upon the entire record in this proceeding, the undersigned finds:

- a. The hearing officer's ruling made at the hearing are free from error and are hereby affirmed.
- b. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
- c. The labor organization involved claims to represent certain employees of the Employer.
- d. 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.

overwhelming community of interest with all production and maintenance employees employed at its Goodfield, Illinois facility.³

II. DECISION

For the reasons discussed in detail below, it is concluded that the welding employees employed at the Employer's facility located in Goodfield, Illinois, constitute an appropriate unit for purposes of collective bargaining because, in part, the Employer has failed to show that the production and maintenance employees share an overwhelming community of interest with the welding employees.

In addition, for the reasons discussed in detail below, it is concluded that the Team Leads in the welding department employed at the Employer's Goodfield, Illinois facility are not supervisors under Section 2(11) of the Act because, in part, the Petitioner failed to show that they possess any of the indicia of supervisory status as defined in Section 2(11) of the Act.

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 welding employees and welding department team leads employed by the Employer at its facility located in Goodfield, Illinois, but excluding all temporary employees, research and development employees, all other employees, professional employees, office clerical employees, guards and supervisors as defined in the Act.

The unit found appropriate herein consists of approximately 138 welding employees and 14 Team Leads in the Welding Department for whom no history of collective bargaining exists.

III. STATEMENT OF FACTS

The Employer designs, manufactures, and distributes non-powered tillage and fertilizer equipment at its Goodfield, Illinois manufacturing facility. The Goodfield facility manufactures a number of agricultural products to till the soil to prepare it for planting seed, to fertilize the soil, and to shred and turn under the residue after crops are harvested. The tillage and fertilizer products manufactured in Goodfield are pulled behind a tractor. Some of the products the Employer produces are so large they do not fit on a flat bed truck and final assembly must be performed by the Employer's network of dealers. The Employer has approximately 457

³ In addition to its substantive brief, the Employer filed a Motion to Strike Petitioner's Post-Hearing Brief for Failure to Effectuate Proper Service under Section 102.114 of the Board's Rules and Regulations and a supplement to that original motion. Because the Employer was served prior to any Decision issuing in this matter and the Employer was not prejudiced by the Petitioner's inadvertent error, the Employer's Motion to Strike and the Employer's Supplemental Motion to Strike are denied. Petitioner's Motion for Leave to Permit Supplemental Service of Petitioner's Post-Hearing Brief on Employer is granted as it has effectuated service on the Employer.

employees with approximately 380 of those being hourly employees.⁴ The highest authority at the Employer's facility is the Plant Manager. Brian Blankenship was the plant manager of the Goodfield plant from approximately January 2011 to October 2013. Reporting to the Plant manager is the Operations Manager. Each department is overseen by a Business Area Manager and various department supervisors.

A. The Employer's Departments

The Employer has various departments at the plant, but the Fabrication, Welding, Paint, and Assembly Departments are primarily involved in the manufacturing of the Employer's products. In addition to those four departments the Employer also has Maintenance, Quality, Materials, and Tooling departments. The Employer also has a department called World Class Manufacturing which focuses on how to improve production and efficiency.

While the plant is one connected building, two additions to the original building have been constructed at different times. The original plant was first built sometime in the 1960s. An addition was added on in the 1970s. Another plant addition was completed in April 2013. The original building is on the westernmost edge of the Employer's property and contains the Fabrication Department.⁵ Moving east, the 1970s addition houses the Welding Department. The newest addition houses the Paint and Assembly Departments.⁶ The area in which the Welding Department is housed is separated from the Fabrication Department by a load-bearing wall with two ramped passageways and is separated from the area housing the Paint and Assembly Departments by two large overhead doors.

To manufacture a component part, the usual process is that the rolled steel is delivered to the Fabrication Department. The Fabrication Department uses large machines to cut and shape the part and punch holes where necessary. The piece then usually moves to the Welding Department. In the Welding Department, the pieces are welded together based on welding blueprints. After welding, the nearly finished product is painted. After painting, the product goes to final assembly where employees take the various pieces and assemble them into the final product. Nothing from the Welding Department is produced to go directly to a customer.

In each of the departments, there are employees who perform the direct labor and those that perform indirect labor. The direct labor employees are those that perform the work that changes the component part and moves it toward a finished product. For example, the Welding

⁴ In addition to the 380 hourly employees, there are approximately 160 temporary agency employees and another unstated number of employees employed by a separate agency to perform shipping and outbound logistics services working in the Employer's facilities. The Petitioner and Employer agree that all employment agency employees should be excluded from the bargaining unit.

⁵ Only the largest departments in each building are listed. A more comprehensive list of each of the departments is contained in Employer's Exhibit 3.

⁶ Currently one paint line is still housed in the Welding Department area while the powder paint line is in the April 2013 addition. However, there are plans to relocate all paint lines into the April 2013 addition.

Department may weld two different pieces of metal together. The indirect labor employees supply the direct labor employees with steel or component parts to work on or fixtures to hold the steel to be able to work on it. These indirect labor employees supplying the direct labor employees are called material coordinators. Material coordinators (also called material handlers) have the same job function regardless to which department they are assigned.⁷ Material coordinators are licensed by the Occupational Safety and Health Administration and the Employer certifies them in barcode scanning.

Indirect labor employees also work in Maintenance, Quality, Materials, Tooling, and the World Class Manufacturing departments. These employees support the direct employees in fabrication, welding, and paint and assembly departments. Maintenance employees provide maintenance on the machines and perform regularly scheduled preventative maintenance. The Quality Department employees check certain parts to make sure they meet quality standards. The Tooling Department provides maintenance and upkeep for the tools and fixtures in the Fabrication, Welding, and Paint, and Assembly departments. The Materials Department employees handle materials on the shipping and receiving docks. The World Class Manufacturing Department looks at various processes in the plant to increase efficiency or reduce costs in accordance with lean manufacturing principles.

The Welding Department, as well as the non-manufacturing departments in the facility, operate on a traditional five days a week, eight hours per day, three shift schedule with the three shifts working Monday through Friday from 7:00 a.m. to 3:00 p.m., 3:00 p.m. to 11:00 p.m. and 11:00 p.m. to 7:00 a.m. The Fabrication Department has four shifts with two shifts operating Monday through Thursday for 10 hour days with a day and a night shift. The other two shifts operate Friday through Sunday for 12-hour days with a day and a night shift. The Paint Department and Assembly Department also operate a five days a week, eight hours per day, three shift schedule, however these departments operate a half hour earlier than the other departments to alleviate parking and traffic problems in between shifts.

B. The Welding Department

The Welding Department is the largest department at the Employer's Goodfield facility employing approximately 138 direct labor employees, 14 Team Leads and 16 material coordinators. By comparison, the second largest department is the Fabrication Department employing 56 direct labor employees and 11 indirect labor employees. In the Welding Department, direct labor employees are all classified as welders and perform the welding operations on the component parts that move through the manufacturing facility.

There are three different kinds of welding operations: robotic welding, table welding, and mainline welding. With robotic welding, the welders lay out the parts to be welded by a robot, and then tack them together with a small weld to hold them together for the robot to weld. The welder then operates the machine and the robot completes the weld. The welder checks the welds and may perform touch up work. Table welding involves an individual welder making

⁷ The Union is not seeking to represent any Material Coordinators/Handlers as part of the Unit.

welds on a table on smaller parts. Mainline welds are performed by 4-15 welders on large pieces of equipment frames that can be up to twenty-five feet wide.

Welders also perform some welding work for the paint department. There are five such employees. These five employees weld the frame racks that are used to hang smaller parts to be carried through the paint conveyor process. These welders are physically located in between the Welding Department and the Paint Department.

Before they are hired, welders must have either one year of technical training or three years experience as a welder. In addition, welders must take and pass a separate welding test. Welders must also be able to read welding blueprints containing American Welding Society welding symbols, a standardized set of symbols. In addition, each welder has his or her own stamp to identify who completed the weld for accountability and quality purposes. No other department has a method of identification to show who performed the work on the part.

Each department has their own specialized equipment and different machines. While it may take an employee up to 4 weeks to become proficient on machines in the Fabrication Department, here was at least one occasion when welders were assisting the Fabrication Department to help make up a production delay. In addition to their own specialized equipment to work on the parts from fabrication, the welders have their own protective equipment unique to their job (as does every department).

Similarly, only rarely have employees from other departments been asked to weld. The only department that has been asked to weld is the World Class Manufacturing Department employees. The employees from World Class Manufacturing, however, have only been asked to perform welding once in 2011 and World Class Manufacturing employees' normal tasks are not to produce component parts or finished product.

Welders pay and benefits are similar to hourly employees in other departments. All hourly employees are on the same wage schedule. Welders are classified as a grade 6, which is the same as a Fabricator in grade 6 and a Paint Operator grade 6. At the top of the pay scale, the pay is the same at \$19.69 an hour. The highest grade at the Employer is a grade 3, which applies to a Tool Maker, Team Leads, Maintenance Mechanical or Maintenance Electrical. Benefits for all hourly employees are also the same.

C. Team Leads

There are 30 Team Leads at the Employer's Goodfield facility, including 14 in the Welding Department. Team Leads main job function is to assist supervisors. Team Leads, however, are hourly employees and have the same benefits and are a grade 3 on the same wage scale system used by other hourly employees. By contrast, Supervisors are salaried employees and have a different benefits package. Team Leads are usually promoted from an hourly position in their same department. For example, an employee in the Welding Department might be promoted to a Team Lead in the Welding Department and are generally the more experienced welders. Likewise, Team Leads have also been demoted in the same department.

Also, contrasting with Team Leads, Supervisors have access to the Employer's time card system to adjust employees' time cards, approve and input vacation, and otherwise access attendance records. Supervisors have authority to impose discipline, while Team Leads do not. Team Leads cannot hire, fire, discipline, promote, demote, or lay off any employee.

Team Leads observe employees in their respective department. For example, if an employee is not performing well on a mainline weld, then the Team Lead will recommend to the Supervisor that the welder be moved over to a different job. The Supervisor often relies on the Team Leads' recommendations, but does not always follow such Team Lead's recommendation.

IV. DISCUSSION

A. The Appropriate Unit

The Union seeks to represent the employees in the welding classification employed by the Employer. The Employer argues that the only appropriate unit includes all production and maintenance employees (including the welders). Since the petitioned-for-unit is smaller than the Employer's proposed expanded unit, the Board's decision in Specialty Healthcare is controlling. In Specialty Healthcare, the Board held that the petitioner bears the burden of proof to show that the petitioned-for unit is readily identifiable as a group (based on job classifications, departments, functions, work locations, skills, or similar factors) and shares a community of interest. If the petitioner meets its burden of proof, the burden shifts to the party seeking the expanded unit to show that the expanded unit shares "an overwhelming community of interest" with the petitioned-for unit. Specialty Healthcare & Rehabilitation Ctr., 357 NLRB No. 83, slip op. at 12-13 (2011). Here, the Union has demonstrated that the employees in the welding classification are an identifiable group that shares a community of interest. The Employer, however, has failed to show that employees in the welding classification share an "overwhelming" community of interest with the rest of the production and maintenance employees to require an expanded unit.

First, the evidence demonstrates that the employees in the welding classification constitute an identifiable group. For example, the employees in the welding classification are referred to as the welding department, they have their own classification numbers, and they are the only department that has their work tracked. While welders may occasionally perform work in other departments, it is clear that welders spend most of the time performing welding work within their department. Few employees outside of the Welding Department perform welding work because the Employer seeks employees for the Welding Department who have at least three years experience as a welder or one year of technical training. No other direct production department (i.e. Fabrication, Welding, Paint, or Assembly) employees require this level of skill before the Employer hires them.

Second, for similar reasons making them an identifiable group, employees in the welding classification also share a community of interest. All of the welders ultimately report to the Welding Business Area Manager. The Welding Business Area Manager supervises four Supervisors in the Welding Department. The Supervisors make the work assignments for the welding employees. Each of the welders must also possess unique skills and/or training to be

hired into the Welding Department. Moreover, the tools and safety equipment the welders use is unique to welding as each department has its own unique safety equipment. While all the hourly direct production employees are paid similar wages, there is little contact between the departments. There is functional integration in the production process. Nevertheless, there is little evidence that welders regularly perform work in other areas unless another area is far behind.

As the Board held in Specialty Healthcare, the Employer, as the party seeking an expanded unit, bears the burden of showing that the larger unit has an overwhelming community of interest with the smaller unit of the employees in the welding classification. While the Board recognized in Specialty Healthcare that it may be hard to define what constitutes an overwhelming community of interest with precision and predictability, the Employer in the present case has failed to carry that burden. Certainly, employees in the welding classification share the same wage schedule and benefits with employees in other departments. Nevertheless, having similar wages and benefits does not alone create an overwhelming community of interest. See Northrup Grumman Shipbuilding, 357 NLRB No. 163, slip op. 3-4 (2011) (holding that although all employees operate under the same salary structure and personnel policies, share break facilities, and enjoy the same benefits, those factors are outweighed by the facts that distinguish the smaller group from the rest of the employees). Rather, the Employer bears the burden of showing that the expanded unit is “the only appropriate unit.” Federal Electric Corp., 157 NLRB 1130, 1132 (1966). Put another way, the Employer must demonstrate that its operation and employees are so functionally integrated as to blur the pronounced difference amongst the employees in the various departments. Guide Dogs for the Blind, Inc., 359 NLRB No. 151, sl. op. at 9 (2013) (finding that while all of the various departments functions were to care for and train dogs for the blind, the petitioned-for departments were distinct from other departments such that those departments constituted an appropriate unit).

While the Employer’s Goodfield facility is functionally integrated, each of the departments has a separate role in producing farming equipment. Notably, none of the departments outside of welding require any prior experience. The Fabrication Department cuts the metal, but no prior experience or training is necessary. There is no evidence the Painting or Assembly Department employees need prior experience or technical training to operate. Moreover, each department has its own set of supervisors and Business Area Managers who oversee the supervisors.

As for interchange amongst employees, there is little evidence to show that many employees outside of the Welding Department perform any welding employee functions. While some welding employees may occasionally perform work outside of their department or perform traditional material handling functions, the evidence shows that these are not part of their everyday job duties. In addition, when welding employees are performing job duties not traditionally part of their job function, they are permanently assigned to these job duties. For example, two employees were performing the inventory control/gatekeeper function on a full-time basis for weeks at a time. In addition, other welding employees were assigned to operate a forklift as their full-time job for weeks at a time. The evidence did not show that welding employees would operate a fork-lift, park it, and then continue to weld. These were not instances of temporary transfers as the Board has determined, but rather could be better classified

as permanent transfers. See, e.g. Novato Disposal Servs., Inc., 330 NLRB 632, 632 (2000). There is also not much interaction between welders and other departments. While employees may use any break area on the Employer's premises, the welders have their own break area in the Welding Department. It is precisely because of these differences between welders and other production and maintenance employees that there is not an overwhelming community of interest between the two groups. See, e.g., DTG Operations, Inc., 357 NLRB No. 175, slip op. at 5 (2011) (directing an election in the smaller, petitioned-for unit by noting that the smaller group worked separately from other employees and performed distinct tasks with distinct qualifications).

In conclusion, the Union's petitioned-for unit of employees in the welding classification is an appropriate unit for purposes of collective bargaining and the Employer has failed to carry its burden of showing that only a larger unit is appropriate.

B. Team Leads

Under Section 2(11) of the Act, a supervisor is any individual:

having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

An individual may be a supervisor if he or she engages in or effectively recommends any one of the supervisory functions. Ohio Power Co. v. NLRB, 176 F.2d 385 (6th Cir. 1949). The party asserting supervisory status carries the burden of proof in showing that the Team Leads, in this case, are statutory supervisors. NLRB v. Kentucky River Comm. Care Ctr., Inc., 532 U.S. 706, 711 (2001). The purpose in determining supervisory status is to separate true supervisors from "straw bosses, lead men, and set-up men." Oakwood Healthcare, Inc., 348 NLRB 686, 687-88 (2006) quoting NLRB v. Bell Aerospace Co., 416 U.S. 267, 280-81 (1974).

In this case, there is insufficient evidence to show that Team Leads are supervisors under Section 2(11) of the Act. At issue is whether Team Leads effectively assign work or effectively recommend discipline.⁸ While Team Leads are in constant communication with the shift supervisor, Team Leads merely act as observers to inform supervisors about what is happening on the shop floor. Supervisors assign individual employees to certain tasks for each day and communicate that to Team Leads. The Team Leads then carry out those instructions. If a Team Lead sees an employee who is failing to perform, then the Team Lead will report that to the Supervisor. The failure to perform will be based on the Team Lead's experience. However, the

⁸ There is no evidence and it does not appear the parties are contending that Team Leads have the ability to hire, transfer, suspend, lay off, recall, promote, discharge, assign, or reward employees. Rather, the dispute is whether Team Leads may responsibly direct such employees or recommend one of the enumerated actions.

Supervisor makes the ultimate decision about whether or not to move that individual. While a Team Lead may recommend such action, it is the Supervisor who uses his or her independent judgment to make those decisions. See, e.g., Croft Metals, Inc., 348 NLRB 717, 721-22 (2006) (finding that lead persons did not exercise independent judgment in assigning employees, but rather, had to manage with the individuals assigned to their department).

For the above reasons, Team Leads are not supervisors under Section 2(11) of the Act. Therefore, Team Leads who work in the Welding Department are included in the Unit.

V. 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 purposes of collective bargaining by the Petitioner. 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 before 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 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. Unit employees 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 Subregional 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.). This list may initially be used by the undersigned to assist in determining an adequate showing of interest. In turn, the list shall be made available to all parties to the election.

To be timely filed, the list must be received in the Subregional Office, 300 Hamilton Boulevard, Suite 200, Peoria, Illinois, 61602-1246 **on or before December 27, 2013**. No extension of time to file this list will 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 to the Regional Office by electronic filing through the Agency website, www.nlr.gov,⁹ by mail, or by facsimile transmission at (309) 671-7095. 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 electronically filed, in which case no copies need be submitted. If you have any questions, please contact the Subregional 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 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 full 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.

VI. 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, DC 20570-0001.

Procedures for Filing a Request for Review: 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 close of business on **January 3, 2014**, at 5:00 p.m. (ET), unless filed electronically.

⁹ To file the list electronically, go to the Agency's website at www.nlr.gov, select **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

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.¹⁰ 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 E-File 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 IN Indianapolis, Indiana, this 20th day of December 2013.

A handwritten signature in black ink that reads "Rik Lineback". The signature is written in a cursive, flowing style.

Rik Lineback
Regional Director
National Labor Relations Board
Region 25, Subregion 33
300 Hamilton Boulevard, Suite 200
Peoria, IL 61602-1246

¹⁰ 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.