

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

GILES AND RANSOME INC.<sup>1</sup>

Employer

and

Case 4-RC-124785

INTERNATIONAL UNION OF OPERATING  
ENGINEERS LOCAL 542, AFL-CIO

Petitioner

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

A petitioned-for unit will be found to be appropriate if the employees in the classifications sought by the petitioner share a community of interest. In this case, the Petitioner seeks a unit of employees who handle parts at the Employer's Bensalem facility, including four Parts Counter Persons (PCPs)<sup>2</sup> and seven additional employees employed in the Parts Operation -- the Inventory Control Clerk, the Core Inspector, the Inventory Specialist, the Parts Exchange Assistant, the Customer Service Clerk, the Cat Parts Expediter, and the Parts Analyst.<sup>3</sup> The Employer contends that the PCPs do not share a community of interest with the other employees, and therefore, an election should not be directed in the petitioned-for unit. As the 11 employees all perform parts-related activities, are commonly supervised, work in close proximity to each other, have regular interaction, and perform work that is functionally integrated in the Parts Operation, I have concluded that the petitioned-for unit is appropriate.<sup>4</sup>

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<sup>1</sup> The Employer's name was amended at the hearing.

<sup>2</sup> The petition included a classification of Lead Parts Counter Persons, but the record did not distinguish this classification from the other Parts Counter Persons. Accordingly, all references to Parts Counter Persons in this Decision and Direction of Election shall include Lead Parts Counter Persons.

<sup>3</sup> At the hearing, the Employer took the position that the Parts Analyst did not share a community of interest with the PCPs and should not be included in a unit with them. The Employer's brief, however, suggests in places that the Parts Analyst shares a community of interest with PCPs.

<sup>4</sup> A Hearing Officer of the Board held a hearing, and the parties filed briefs. The Petitioner argued in its brief that the unit it seeks is appropriate as a residual unit. However, as this unit is appropriate on the basis of traditional community-of-interest criteria, this Decision shall not address the residual unit argument.

In this Decision, I will first present an overview of the Employer's operations. Then, I will review the legal standards to be applied in resolving the community-of-interest issues. Next, I will set forth the relevant facts, including a description of the job duties of each of the petitioned-for classifications. Finally, I will explain the reasoning that supports my conclusions.

## **I. OVERVIEW OF OPERATIONS**

### *Background*

The Employer operates heavy equipment and truck dealerships at its branch facilities at 11 locations in New Jersey, Pennsylvania, and Delaware. Its headquarters are located at a facility in Bensalem, Pennsylvania, and one of the branches is also located there. The Employer sells, rents, leases, repairs, and services Caterpillar and International Truck products and also sells Allied Construction Products parts. The Employer employs approximately 560 employees, about 300 of whom are employed at the Bensalem headquarters facility.

The Bensalem facility is a large building estimated to be 50 to 75 yards in length. At one end of a corridor are most of the Employer's corporate management and administrative offices, including Credit and Collections, Marketing, Sales, Accounting, and Human Resources. At the other end of the corridor are the Parts Operation and the warehouse. The Bensalem branch operation, which is the Employer's largest, is also located at that end of the facility. It includes a Main Shop, Component Rebuild Shop, Truck Shop, Paint Shop, and Parts Counter.

The Parts Operation at the Bensalem facility is staffed by the warehouse employees, the truck drivers, and the petitioned-for employees.<sup>5</sup> The warehouse is the central repository for parts used by the Employer in all of its operations.

All of the petitioned-for employees are in the Employer's Parts Operation department, and Roger Lafreniere is the Parts Operation Manager. He reports to the Sales Manager and is assisted by Joe Rihl, the Assistant Parts Manager.

The branch operations are each staffed by a Service Manager, several Service Technicians, and three or four PCPs. PCPs at all branches take orders for parts from customers, and clerks at the Bensalem headquarters who are part of the petitioned-for unit process these orders as well as parts orders placed by Service Technicians at the branches. The branches maintain a stock of parts at their locations, which are restocked as needed by the Bensalem warehouse.

The parts counter area at the Bensalem branch is enclosed by a partition and a wall that separate it from the cubicles of various clerical employees, including the Inventory Control

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<sup>5</sup> The Parts Operation also includes four PCPs who are employed at a branch facility in New Jersey.

Clerk, Customer Service Clerk, Cat Parts Expediter, and Inventory Specialist. An open walkway connects this area to the parts counter area. There is also a large sliding glass window connecting the counter area to the warehouse and “back” area on the other side of the partition and a Will-Call counter to service customers who are picking up parts.

The Petitioner represents all Service Technicians employed at the Employer’s branches, including the Bensalem branch. The Petitioner also represents the PCPs at three of the branches in units that are separate from the Service Technicians. The 12 to 15 warehouse employees and drivers in Bensalem are represented by Teamsters Local 107.<sup>6</sup>

## **II. 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. *International Bedding Co. (IBC of Pennsylvania)*, 356 NLRB No. 168 (2011); *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. *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 (2000). In *International Bedding*, supra, the Board emphasized that the petitioner’s position regarding the scope of the unit is a relevant consideration, citing *Marks Oxygen Co.*, 147 NLRB 228, 230 (1964).

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; supervision; contact and interchange; wages, hours, and other terms and conditions of employment; functional integration; and bargaining history, if any. *Publix Super Markets, Inc.*, 343 NLRB 1024 (2004); *United Operations, Inc.*, 338 NLRB 123 (2002); *Home Depot USA*, 331 NLRB 1289 (2000); see also *Specialty Healthcare and Rehabilitation Center of Mobile*, 357 NLRB No. 83 (2011).

## **III. FACTS**

### *Parts Counter Persons (PCPs)*<sup>7</sup>

The PCPs at Bensalem are stationed at the parts counter, which is in an area that also contains several product displays. Each PCP has a computer where he is able to research parts

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<sup>6</sup> Teamsters Local 107 declined to participate in this proceeding.

<sup>7</sup> The job title formally used in their job description is Parts Counter Sales Person. The PCPs assigned to the Bensalem branch are Bernard Hogan, Martin McCarthy, Donald Parker, and Joe McKehan.

and equipment for customers who come into the branch. The PCPs also handle orders and inquiries from customers who contact them by telephone or fax. PCPs spend about 65 percent of their time with customers and the remaining time dealing with requests from the Employer's Service Department. Their shifts are staggered, beginning at 6:30 a.m., 7:30 a.m., and 9:30 a.m.

PCPs at Bensalem have regular contact with PCPs at other branches to check on the availability of parts at those branches or to arrange customer parts pick-ups at different locations. PCPs at all branches fill in for each other on a "phone loop" when PCPs at a branch are unavailable to take customer calls.

In addition to superior sales and customer communication skills, PCPs are required to have good mechanical aptitude and a background dealing with diesel engine or construction equipment; the Employer administers a mechanical aptitude test to job applicants. PCPs also take a self-administered Caterpillar computer-training course, which provides instruction in engines, drive trains, hydraulics, and other vehicle systems. The PCPs need this technical knowledge in order to understand and attend to customers' equipment problems and needs.

#### *Customer Service Clerk*

Customer Service Clerk Rosemarie Scavetti<sup>8</sup> is the link between the parts counter, where orders are submitted, and the warehouse, where they are filled. She handles orders generated by PCPs and Service Technicians from all the branches, including the Bensalem branch. When the PCPs are too busy, Scavetti goes to the parts counter to assist customers who come to the branch to pick up parts. After speaking with the customer, she gives the relevant documents to the warehouse to retrieve the parts. She is also responsible for clearing the cash box and transmitting the cash to the Accounting Department. Her position requires no technical skills or knowledge. She received on-the-job training but no formal technical training.

Scavetti works in a cubicle, called the Parts Operations Center, which contains three computer printers. These printers are used by Lafreniere, Rihl, and most of the petitioned-for employees in the Parts Operation to print documents such as order forms and reports. Some employees outside the Parts Operation also use these printers. Scavetti regularly interacts with PCPs, the Inventory Control Clerk, the Inventory Specialist, and the warehouse employees. She is supervised by Lafreniere and works from 8:00 a.m. to 4:30 p.m.

#### *Inventory Control Clerk*

Inventory Control Clerk Gisel Buchanan is responsible for ordering parts from Caterpillar and receiving the parts shipments when they arrive at the Bensalem facility. She works with the Caterpillar on-line dealer business system, which its customers use to place orders. She needs no technical training or experience to perform her functions.

Buchanan works in a cubicle located on the other side of the partition from the parts area. She interacts with customers who call about direct shipments from the parts factory that have not

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<sup>8</sup> The record also refers to Scavetti's position as Sales Operation Clerk.

yet arrived or about parts that arrive in damaged condition. In such situations, she files discrepancy claims with the manufacturer or assists the customers in filing such claims and then tracks the shipment of the parts. The Inventory Control Clerk interacts with PCPs at Bensalem and the other branches regarding any errors or issues arising with the processing of parts orders. She participates in the phone loop in the early morning if the customers do not require technical assistance. She is supervised by Rihl and works from 8:00 a.m. to 4:30 p.m.

#### *Inventory Specialist*

Inventory Specialist Maryann Winslow has essentially the same duties and responsibilities as Inventory Control Clerk Buchanan, except she handles Allied Construction Products parts rather than Caterpillar parts. She uses the Allied on-line dealer business system. Winslow works in a cubicle near Buchanan's and works the same shift hours. She is also supervised by Rihl.

#### *Cat Parts Expediter*

Judith Packer is the Cat Parts Expediter. She places orders of Caterpillar parts to maintain inventory. She also interacts with the Employer's Warranty and Service Departments in ordering and arranging for parts shipments, on an express basis if necessary. Her position requires no technical knowledge or skills. Like employees in the other clerk positions, she uses the Caterpillar dealer business system for ordering and tracking parts. She is supervised by Rihl and works from 8:00 a.m. to 4:30 p.m.

#### *Core Inspector*

A core is a used part that is sent to Caterpillar for remanufacturing. Approximately 90 percent of the cores are parts for Caterpillar vehicles, including engine parts, turbochargers, starters, alternators, pistons, and crankshafts. The Employer receives and processes cores from outside customers as well as from its Service Department. When the Employer returns the cores to Caterpillar, it may receive a cash payment or credit toward other purchases. Caterpillar has established criteria by which the cores are evaluated, which can vary from part to part.

Core Inspector Jeff Houser is responsible for examining the cores according to Caterpillar's criteria and determining whether a core should be accepted or rejected. Rejected cores are returned to customers at Bensalem's Will-Call window or at other branches. If the core is accepted, Houser records that fact and turns it over to the Parts Exchange Assistant for further processing and shipment to Caterpillar.

The Core Inspector performs his work in the core room, which is located in a corner of the warehouse about 75 feet from the parts counter area. He needs substantial technical experience and knowledge in order to effectively apply Caterpillar's criteria. There is no required formal training for the position, although Houser may have attended core criteria training several years ago. The Core Inspector also needs to be able to lift 70 pounds in order to physically handle the heavier cores. Some of the PCPs were previously Core Inspectors, and PCPs fill in for the Core Inspector when he is on vacation.

### *Parts Exchange Assistant*

Philomena Gallagher is the Parts Exchange Assistant. She works with the Core Inspector in the core room completing paperwork and arranging for the return of rejected cores. She has no responsibility for the inspections and needs no technical experience or training to perform her duties. Gallagher and Houser are both supervised by Lafreniere.

### *Parts Analyst*

Parts Analyst Carlos Osorio's job is to order parts for the Employer's Service Technicians who work on trucks at the Bensalem branch. He plays a role similar to the PCPs, except that he procures parts for Service Technicians rather than outside customers. The truck shop services a variety of vehicle and engine types, and the Parts Analyst must be familiar with the different types of trucks to procure the necessary parts for service and repair. Typically, a Service Technician tells Osorio what type of repair he is performing and what kind of part he needs. Osorio then looks up the part for the make and model of the truck and places the order. He works in an office in the truck shop about 100 feet from the parts counter area. The Parts Analyst needs the same sort of technical background and experience regarding truck engines and systems as the PCPs, and he also receives the same Caterpillar parts training. He is supervised by Lafreniere.

### *Compensation and uniforms*

Employees in all of the petitioned-for classifications are paid on an hourly basis. Although the record does not indicate the wage rates that correspond to the pay grades, it shows that the Parts Analyst is in Grade 8 on the Employer's wage scale; the PCPs are in Grade 5; the Core Inspector is in Grade 3; and the other petitioned-for employees are in Grade 2. There is no evidence that employees in any of these classifications receive commissions or bonuses. They wear the same uniforms, which change from season to season.

## **IV. ANALYSIS**

The evidence establishes that the PCPs share a community of interest with the employees in the other classifications in the Petitioner's proposed bargaining unit. All of the petitioned-for employees are involved in some phase of processing, ordering, distributing, and evaluating vehicle parts. They all work in the same area of the Bensalem facility, far from the vast majority of the corporate support employees, who are located at the other end of the Employer's spacious building complex. The petitioned-for employees work in close proximity to each other and are in frequent contact. In this connection, among other things, most of the petitioned-for employees use the printers in the Customer Service Clerk's cubicle. Like the PCPs, the Parts Analyst, Core Inspector, Customer Service Clerk, and Parts Exchange Assistant are all supervised by Parts Manager LaFreniere, and the other three petitioned-for employees report to his assistant, Rihl. Additionally, the PCPs' duties are functionally integrated with those of several of the other petitioned-for classifications. Thus, Customer Service Clerk Scavetti contacts the warehouse to

fill the orders generated by the PCPs, and Inventory Control Clerk Buchanan deals with PCPs concerning order errors. Parts Analyst Osorio's duties are similar to the PCPs', although he deals with the Employer's Service Technicians rather than its customers.

Importantly, the petitioned-for unit essentially tracks the lines of supervision of the unrepresented employees who are employed in the Parts Operation at the Bensalem facility. Although the Employer takes the position that the PCPs are employees only of the Bensalem branch and that employees in the other petitioned-for classifications are "corporate" employees, because they serve all of the Employer's branches, this distinction is not of great significance inasmuch as all of these employees work in the Parts Operation in Bensalem under common supervision. Cf. *Odwalla, Inc.*, 357 NLRB No. 132, slip op. at 6 (2011). In *Specialty Healthcare*, supra, slip op. at 9, fn. 19, the Board stated:

It is highly significant that, except in situations where there is prior bargaining history, the community-of-interest test focuses almost exclusively on how *the employer* has chosen to structure its workplace. As the Board has recognized, 'We have always assumed it obvious that the manner in which a particular employer has organized his plant and utilizes the skills of his labor force has a direct bearing on the community of interest among various groups of employees in the plant and is thus an important consideration in any unit determination.' *International Paper Co.*, 96 NLRB 295, 298 fn. 7 (1951).

The Employer seeks to differentiate the PCPs on the ground that unlike employees in other classifications they are sales employees who interact with customers. This distinction, however, is far from absolute. Thus, in addition to working with customers, PCPs spend about 35 percent of their time dealing with the Employer's Service Technicians. Moreover, some of the other employees in the petitioned-for unit also deal with customers at times, albeit not in a sales capacity. The Customer Service Clerk handles the Will-Call counter when PCPs are busy with other customers, and the Inventory Control Clerk and Inventory Specialist may participate in the phone loop in the early morning when branch PCPs are unavailable. At times, the Inventory Control Clerk deals with customers concerning late arriving or damaged parts.

More importantly, there is no evidence that the PCPs receive commission or incentive payments based on their sales. The Board has found some sales employees not to have a community of interest with non-sales employees, see, e.g. *Merry Oldsmobile*, 287 NLRN 847, 848-849 (1987); *International Manufacturing Company*, 238 NLRB 1361, 1362 (1978), but the fact that the sales employees were paid in a different manner was generally an important factor supporting the Board's determination.<sup>9</sup>

The fact that the Parts Analyst and the Core Inspector are not sales employees does not prevent their inclusion in the unit as they share similar technical skill requirements with the

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<sup>9</sup> It should also be noted that the petitioners in those cases contended that sales and non-sales employees should *not* be included in the same units.

PCPs, and they all use their parts expertise to perform their work. Notably, some of the PCPs were formerly Core Inspectors, and the PCPs fill in for the Core Inspector when he is not at work.

The Employer asserts that the PCPs' work involves a significant degree of technical knowledge that is not shared by most of the other petitioned-for employees. However, the Parts Analyst and the Core Inspector also are required to have extensive technical knowledge. The other petitioned-for employees do not need technical knowledge, but their principal functions and duties are closely allied to those of the PCPs, and they are, therefore, akin to plant clerical employees, who the Board often includes in units with production employees. See *The Kroger Co.*, 342 NLRB 202, 204 (2004); *Palagonia Bakery Co.*, 339 NLRB 515, 535 (2003). In making the determination as to plant clerical status, a crucial element is the degree of contact with production employees, *Palagonia Bakery*, supra, and, as discussed above, the Bensalem PCPs have considerable contact with the clerical employees. Accordingly, the fact that these employees do not need technical skills is not dispositive in light of the other factors that favor a finding that they share a community of interest.

The Employer also asserts that it is significant that the PCPs have different shift times than the other petitioned-for employees and are paid more than all of these employees other than the Parts Analyst. However, there is considerable overlap between their shifts, and in any case, these factors are strongly outweighed by the factors favoring a community-of-interest finding.

Based on all of the above, I find that the Parts Counter Persons, Parts Analyst, Core Inspector, Parts Exchange Assistant, Customer Service Clerk, Inventory Control Clerk, Cat Parts Expediter, and Inventory Specialist at the Employer's Bensalem facility share a community of interest. Accordingly, I find that the petitioned-for unit is appropriate for the purposes of collective bargaining. *International Bedding Co. (IBC of Pennsylvania)*, 356 NLRB No. 168 (2011).

## 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 Petitioner 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 group of employees of the Employer constitutes 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 Parts Counter Persons, the Parts Analyst, the Core Inspector, the Parts Exchange Assistant, the Customer Service Clerk, the Cat Parts Expediter, the Inventory Control Clerk, and the Inventory Specialist employed by the Employer at its Bensalem, Pennsylvania facility, **excluding** all other 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 **International Union of Operating Engineers, Local 542, AFL-CIO**. 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 payroll period ending immediately before the date of the issuance of a Notice of Election, 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 that 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 have 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 that 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 Regional Office, One Independence Mall, 615 Chestnut Street, Seventh Floor, Philadelphia, Pennsylvania 19106 on or before Thursday, May 1, 2014. 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). Guidance for electronic filing can be found under the **E-Gov** heading on the Agency's website. Since the list will be made available to all parties to the election, please furnish a total of two (2) copies, unless the list is submitted by facsimile or e-mail, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

### **C. Notice of Posting Obligations**

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to Election provided by the Board in areas conspicuous to potential voters for a minimum of three (3) working days prior to 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 **Thursday, May 8, 2014, 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>10</sup> 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: April 24, 2014

at Philadelphia,  
Pennsylvania



**DENNIS P. WALSH**  
Regional Director, Region Four  
National Labor Relations Board

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<sup>10</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 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.