

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Region 31**

TWENTIETH CENTURY FOX FILM CORPORATION

(Employer)

and

Case 31-RC-121774

ASSOCIATION OF PROFESSIONAL SECURITY
OFFICERS OF THE ENTERTAINMENT INDUSTRY

(Petitioner)

and

INTERNATIONAL UNION, SECURITY, POLICE
AND FIRE PROFESSIONALS OF AMERICA
(SPFPA) AMALGAMATED LOCAL 1

(Intervenor)

SUPPLEMENTAL ORDER, NOTICE AND DIRECTION OF ELECTION

On February 28, 2014, the Regional Director issued a Decision and Direction of Election in connection with the above-captioned matter (copy attached). No election has taken place. Further processing of the petition became blocked due to the pendency of an unfair labor practice charge. Inasmuch as the blocking charge has been closed,

IT IS HEREBY ORDERED that the election in the above-captioned matter be conducted as follows:

DATE: Monday, May 12, 2014

HOURS: 1:00 p.m. to 3:30 p.m. and 9:30 p.m. to 11:30 p.m.

PLACE: Conference Room on the Studio Lot, Building 99, Room 502

on the Employer's premises located at 10201 West Pico Boulevard, Los Angeles, CA.

Eligible to vote shall be those in the unit employed by the Employer as described in the aforementioned Decision and Direction of Election during the payroll period ending immediately preceding the date of this Supplemental Order, Notice and Direction of Election; 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 that commenced less than 12 months before the election date, employees engaged in such a strike, who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Those in the military services of the United States Government may vote if they appear in person at the polls. Ineligible to vote are those employees who have quit or been discharged for cause since the designated payroll period, 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 employees engaged in an economic strike that commenced more than 12 months before the election date and who have been permanently replaced.

Those eligible shall vote whether they desire to be represented for collective bargaining purposes by ASSOCIATION OF PROFESSIONAL SECURITY OFFICERS OF THE ENTERTAINMENT INDUSTRY or INTERNATIONAL UNION, SECURITY,

POLICE AND FIRE PROFESSIONALS OF AMERICA (SPFPA) AMALGAMATED LOCAL 1, or NEITHER.

LIST OF VOTERS

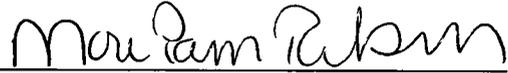
In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that an eligibility list containing the full names and addresses of all the eligible voters, must be filed by the Employer with the undersigned **within 7 days from the date of this Supplemental Order, Notice and Direction of Election.** *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The list must be of sufficiently large type to be clearly legible. I shall, in turn, make the list available to all parties to the election.

In order to be timely filed, such list must be received in the Regional Office, 11500 West Olympic Boulevard, Suite 600, Los Angeles, California 90064, on or before **May 2, 2014.** No extension of time to file the list may be granted, except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever timely objections are filed. The list may be submitted by facsimile transmission or e-filing.^{1/} It may not be e-mailed. Since the list is to be made available to all parties to the election, please furnish a total of 3 copies of the list, unless the list is submitted by facsimile transmission or e-filing, in which case no

^{1/} To e-file the eligibility list, go to www.nlr.gov, select File Case Documents, enter the NLRB Case Number, and follow the detailed instructions.

copies need be submitted. To speed the preliminary checking and the voting process itself, the names should be alphabetized.

Signed in Los Angeles, California this 25th day of April 2014.

A handwritten signature in cursive script that reads "Mori Pam Rubin". The signature is written in black ink and is positioned above a horizontal line.

Mori Pam Rubin, Regional Director
National Labor Relations Board
Region 31

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TWENTIETH CENTURY FOX FILM
CORPORATION

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INTERNATIONAL UNION, SECURITY, POLICE
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(SPFPA) AMALGAMATED LOCAL 1

Intervenor

Case 31-RC-121774

DECISION AND DIRECTION OF ELECTION

On February 3, 2014, the Association of Professional Security Officers of the Entertainment Industry (Petitioner or APSO), filed a petition in Case 31-RC-121774, as amended, seeking to represent a guard unit composed of security officers at Twentieth Century Fox Film Corporation (Employer), located at 10201 West Pico Blvd., Los Angeles, CA. International Union, Security, Police, and Fire Professionals of America (SPFPA) Amalgamated Local 1 (Intervenor or SPFPA) is the incumbent union and currently represents the petitioned-for unit.^{1/}

On February 11, 2014, a hearing was held on the referenced petition. The sole issue presented was whether the Petitioner is disqualified by Section 9(b)(3) of the Act from being

^{1/} The parties stipulated that the petitioned-for unit is the same unit listed in the collective-bargaining agreement between the Intervenor and the Employer.

certified as the bargaining representative of the petitioned-for unit on the grounds that Petitioner is alleged to be affiliated with the Office and Professional Employees International Union (OPEIU), which admits nonguards as members. The Petitioner asserts that it is not directly or indirectly affiliated with OPEIU. Rather, the Petitioner asserts that the Petitioner is completely independent and that the Petitioner merely was the recipient of permissible assistance from OPEIU during Petitioner's formative stages. The Intervenor asserts that Petitioner is indirectly affiliated with OPEIU. On this basis, the Intervenor argues that Petitioner cannot be certified as the representative of the petitioned-for unit and therefore the petition must be dismissed. The Employer's position is that the Intervenor has not adduced sufficient evidence to establish a direct or an indirect affiliation between OPEIU and the Petitioner.

I conclude that there is insufficient evidence to establish that the Petitioner is directly or indirectly affiliated with OPEIU or any another union that admits non-guard employees and, therefore, the Petitioner is not precluded by Section 9(b)(3) of the Act from being certified as the collective bargaining representative of the employees in the petitioned-for unit.

The Board has delegated its authority in this proceeding to me under Section 3(b) of the Act. Upon the entire record in this proceeding, I find:

I. HEARING OFFICER RULINGS: The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

II. JURISDICTION: The parties stipulated and I find that 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 matter.^{2/}

^{2/} The Employer, Twentieth Century Fox Film Corporation, is a Delaware corporation engaged in the production and sale of motion pictures. The Employer, in the course and conduct of its business operations, annually derives gross revenues in excess of \$500,000 and sells and ships goods and services valued in excess of \$50,000 directly to customers located outside the State of California. See, *Theatrical Stage Employees, Local 695 (Twentieth Century-Fox Film Corporation)*, 261 NLRB 590 (1982).

III. LABOR ORGANIZATION: The parties stipulated and I find that the Petitioner and Intervenor are labor organizations within the meaning of Section 2(5) of the Act and claim to represent certain employees of the Employer.

IV. QUESTION CONCERNING COMMERCE: 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.^{3/}

V. APPROPRIATE UNIT: The following employees of the Employer constitute an appropriate unit for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All Security Officers employed by the Employer.

EXCLUDED: All other employees, managers and supervisors as defined in the Act.

I. FACTS

The Intervenor is the currently recognized collective bargaining representative of the petitioned-for unit. There is a contract in effect between the Employer and the Intervenor, the term of which is May 1, 2011 through April 30, 2014. The petition was timely filed, and the parties stipulated that there is no contract bar.

On about October 5, 2013, a woman named Lupe Valle-Salazar (Valle-Salazar), who introduced herself as a representative of OPEIU, conducted a meeting at a restaurant in Los Angeles, which was attended by security guards employed by the Employer. Another representative of OPEIU also was present at the meeting. OPEIU is a nonguard labor organization. Valle-Salazar explained that OPEIU represented certain other employees of the Employer, such as the mailroom personnel, the electric department, and possibly the secretary department employees. Valle-Salazar explained that she had received calls from employees in the Employer's security

^{3/} The parties stipulated and I find there is no contract or any other bar that would preclude the processing of this petition.

department complaining about the quality of representation by the incumbent union, SPFPA, which is the Intervenor in this case. Valle-Salazar explained that she was not a “union-buster” and that she was there to help. Valle-Salazar generally explained there was a process whereby the employees “could get out” of SPFPA and form a new labor organization governed by its own constitution and bylaws, and that this new labor organization would be an “independent association.” Valle-Salazar stressed that OPEIU would be able to help the employees through this process, which she warned was “a lot of work.” Although Valle-Salazar did not explicitly mention that OPEIU, a nonguard union, was barred from representing the employees, who are guards, she said that ultimately the employees would have to “stand alone” with their own constitution and bylaws of their own creation and that the new organization – APSO – not OPEIU – would need to take “the leading role.” There was no discussion at the meeting about the details of drafting the constitution or bylaws, and no proposed constitution or bylaws were distributed.

According to some witnesses, Valle-Salazar made certain brief remarks regarding the subject of legal representation in connection with future collective-bargaining. For example, one employee testified that Valle-Salazar stated that certain unnamed lawyers would be present at bargaining sessions or “grievances.” This witness inferred that Valle-Salazar considered it a “selling point” to have legal representation in dealings with management. According to this employee, Valle-Salazar did not elaborate as to what precisely she meant, except to opine that she thought a lawyer should be more involved in bargaining in future dealings with management. Similarly, according to another employee, Valle-Salazar said the new organization would have legal representation, but Valle-Salazar did not spell out the source of funding to pay for this legal representation, or whether this legal representative would be furnished by an outside party. According to a third employee, Valle-Salazar stated that OPEIU had very competent lawyers who would “go to bat” for the employees in negotiations. This employee – by his own admission –

inferred by speculation and not by Valle-Salazar's own words that OPEIU's lawyers were going to be provided by OPEIU. This employee further testified that Valle-Salazar stated that certain lawyers would "be there to negotiate for [them] in [their] next contract," and that it would "probably be the best in the industry." Despite the foregoing, no direct evidence regarding the actual furnishing of legal services by OPEIU to the Petitioner was introduced at the hearing, such as retainer agreements or service agreements. It is unclear and unknown whether such agreements exist. No evidence was introduced to show actual representation of APSO by OPEIU-furnished lawyers.

According to additional witness testimony, Valle-Salazar discussed an initiation fee/service fee. (Witnesses differ as to whether Valle-Salazar called this fee an "initiation fee" or a "service fee.") According to one employee, Valle-Salazar stated that a "new local" would be "associated" and pay "service fees," and that a one-time service fee of \$200 would be paid, but she did not specify to whom or by whom this fee would be paid. By contrast, according to another employee, Valle-Salazar stated that the service fee would be paid to OPEIU for legal representation for grievances, arbitration and negotiating. Another employee understood that the referenced initiation fee would be paid directly to APSO and not to OPEIU. According to some employees, Valle-Salazar said that this "initiation fee" could probably be waived, although Valle-Salazar did not specify who had the authority to waive this fee.

Despite the above testimony, there is no evidence that members have ever been asked by APSO or OPEIU to pay an initiation fee or a service fee to either organization. The Intervenor did not introduce into evidence copies of any service fee agreements, dues structure agreements, or initiation fee agreements, or any purported waivers of these purported fees.

APSO subsequently conducted about two or three additional membership meetings after the initial October 2013 meeting. These meetings were conducted and attended by APSO members and interested coworkers. Although Valle-Salazar was present at the second meeting, she did not

participate. Rather, she sat silently and inconspicuously in a corner. During one membership meeting in November 2013, the membership elected a President and Vice President; during a meeting in January 2014, they elected a recording secretary and a trustee, and also ratified a new constitution and bylaws. APSO is now in the process of electing a labor representative to handle grievances. Other than Valle-Salazar's presence at the second meeting, no OPEIU representatives attended these additional membership meetings. Moreover, there are no plans for an OPEIU presence at future meetings.

After the first meeting in October 2013, employees joined APSO by signing authorization cards. APSO requires members to pay dues directly to APSO in the amount of five dollars monthly. If a member pays by check, it is made out to APSO. APSO did not charge an initiation fee or a service fee. APSO is in the process of opening a bank account, which it will complete once it obtains a federal tax ID number. APSO maintains its own voicemail for members who wish to call with questions or concerns; the message advises that the caller has reached the "Association of Professional Security Officers." Weekly officers meetings take place every Thursday; there is no evidence of any OPEIU presence at these meetings.

An elected committee of APSO members drafted the APSO constitution and bylaws, using the Intervenor's constitution and bylaws as a sample. This committee also used reference books and the internet to research how to draft these documents. Neither Valle-Salazar nor any other OPEIU representative assisted in this drafting or research. The committee met more than eight times before independently finalizing the constitution and bylaws, without any input by or submission to OPEIU. The APSO membership then independently voted to ratify the constitution and bylaws. The only evidence of outside assistance provided in drafting the constitution and bylaws was that one officer asked a former college instructor for some limited assistance and also asked for help from a friend who is an attorney and not a party to the instant proceeding.

II. DISCUSSION

Section 9(b)(3) of the Act states, in relevant part, that “no labor organization shall be certified as the representative of employees in a bargaining unit of guards if such organization ... is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.” Indirect affiliation between a guard union and a nonguard union is established when “the extent and duration of [the guard union’s] dependence upon [the nonguard union] indicates a lack of freedom and independence in formulating its own policies and deciding its own course of action.” *U.S. Corrections Corp.*, 325 NLRB 375, 376 (1998), citing *Wells Fargo Guard Services*, 236 NLRB 1196, 1997 (1978) and quoting *Magnavox Co.*, 97 NLRB 1111, 1113 (1952). The standard for establishing the noncertifiability of a guard unit is a stringent one that “must be shown by definitive evidence,” because “any less stringent standard would seriously undermine the rights of guards to be represented by a union and of guard unions to represent guards.” *U.S. Corrections Corp.*, 325 NLRB at 376, citing *Children’s Hospital of Michigan*, 317 NLRB 580, 581 (1995). A showing of mere “mutual sympathy, common purpose, and assistance between a guard union and a nonguard union” does not meet this stringent standard and is not “indicative of indirect affiliation within the meaning of section 9(b) of the Act.” *Bonded Armored Carrier, Inc.*, 195 NLRB 346, 346 (1972).

The Board has “permitted substantial latitude when a guard union is assisted by a nonguard union merely during the former’s formative stages.” *Wells Fargo Guard Services*, 236 NLRB at 1997. As stated by the Board:

Retention of an attorney to represent the employer’s guards in forming the petitioning guard union and in seeking a Board election, and other acts of assistance and advice for the same purposes, and the expenditure of funds for which the Petitioner is to be billed at a later date when it is in a more stable financial position,

does not, without more, add up to indirect affiliation. *Bonded Armored Carrier, Inc.*, 195 NLRB at 346.

The Board has refused to find indirect affiliation in the following situations: where the guard union has used the meeting hall of a nonguard union rent-free; where assistance was provided to the guard union in its organization stage; and where the nonguard union had recommended an attorney and mimeographed membership cards for the guard union. *International Harvester Co.*, 145 NLRB 1747, 1749 (1964) (internal citations omitted).

Although a nonguard unit may have assisted a guard unit at a certain point in the past, “the Board historically has ‘refused to find indirect affiliation where, on the record, it appeared that the assistance and advice once received by the guard union from the nonguard union had, in fact, terminated.’” *U.S. Corrections Corp.*, 325 NLRB at 376, citing *International Harvester Co.*, 145 NLRB at 1749 (refusing to revoke certification where improper indirect affiliation that would have warranted revocation terminated prior to bargaining). Moreover, even if there is some evidence that the nonguard unit “intends to continue to render assistance and advice of an unspecified character,” the Board will nevertheless not withhold certification. *Bonded Armored Carrier, Inc.*, 195 NLRB at 346.

A petitioner may be certified as the representative of a guard unit even if it has received assistance in organizing from a nonguard union where that assistance was rendered during the formative stages. *Wackenhut Corp. v. NLRB*, 178 F.3d 542, 555 (D.C. Cir. 1999) (no unlawful affiliation where nonguard union rendered assistance during organizational meetings prior to the pre-election hearing, assisted in obtaining authorization cards and filed the petition with the Board.) See e.g. *U.S. Corrections Corp.*, supra, (no unlawful affiliation when business agent of nonguard union assisted guards' union through collective bargaining but ceased assistance in the midst of bargaining); *Inspiration Consol. Copper Co.*, 142 NLRB 53, 54 (1963) (no unlawful affiliation

when nonguard union representative served as conduit between international guards' union and fledgling local; guards' international union relied on nonguard organizer and had no direct contact with guards until two days before representation hearing; nonguard representative obtained authorization cards and distributed them, and announced at organizational meeting two days before representation hearing that he could no longer represent them); *Federal Servs. & Indep. Guard Ass'n of Nev.*, 115 NLRB 1729, 1730 (1956) (no affiliation when officers of two nonguard unions served as officers of and negotiators for guards union in first two months of guards' union's existence).

In the instant case, there was no evidence presented that Petitioner admits nonguards to its membership. Similarly, there was also no evidence presented of *direct affiliation* between the Petitioner and OPEIU. Rather, the Intervenor argues that the Petitioner is barred from representing the petitioned-for unit on the grounds that it is *indirectly affiliated* with a nonguard union, specifically, OPEIU. The Intervenor's argument is without merit. Although the evidence adduced at the hearing shows that OPEIU rendered some assistance to the Petitioner during its formative stages, Board law is clear that the mere rendering of such assistance to a guard unit by a nonguard unit during the formative stage does not amount to indirect affiliation with a nonguard unit for the purposes of Section 9(b)(3).

The Intervenor asserts that certain statements made by Valle-Salazar, an OPEIU representative, during the October 5, 2013 organizational meeting prove that the Petitioner is at present indirectly affiliated with OPEIU. However, these statements alone are insufficient to meet the Board's stringent standard to establish noncertifiability, which "must be shown by definitive evidence." *U.S. Corrections Corp.*, 325 NLRB at 376, citing *Children's Hospital of Michigan*, 317 NLRB at 580. As set forth above, the referenced statements made by Valle-Salazar on the subjects of legal representative and fee agreements are vague and speculative; they do not on their own

establish indirect affiliation between Petitioner and OPEIU. The evidence fails to show that any employee ever paid any such fee, was ever asked to pay such fee, or that APSO itself has ever paid any fees to OPEIU. There is no “definitive evidence” in the record that APSO will in fact be the recipient of any future assistance – paid or unpaid – by OPEIU. The Intervenor simply has not met its burden to show that OPEIU is currently rendering any actual assistance to Petitioner or has rendered any assistance beyond that which took place during Petitioner’s formative stage. Valle-Salazar’s statements, at most, constitute mere evidence of possible future “assistance and advice” that is insufficient to establish noncertifiability. *Bonded Armored Carrier, Inc.*, 195 NLRB at 346.^{4/} The conflicting, vague and speculative testimony as to Valle-Salazar’s statements during the October 5, 2013 meeting is insufficient to establish that Petitioner is not free to formulate its own policies and decide its own course of action. *International Harvester Co.*, 145 NLRB 1747 (1964).

Rather than establishing indirect affiliation, the evidence shows that Petitioner is a legitimate, independent nonguard labor organization. Petitioner has an elected board and officers consisting of, among others, a president, vice president, recording secretary and trustee. It implemented its own independently-drafted constitution and bylaws. It conducts regular weekly officers’ meetings. It charges monthly dues that are paid directly to the Petitioner. There is no evidence that any OPEIU representative indicated that members of Petitioner would also become members of OPEIU or be represented by OPEIU in addition to Petitioner. APSO had new members join its organization directly by means of APSO membership cards. No witnesses ever saw or received any authorization cards with an OPEIU logo. Petitioner has an independent voicemail, is in

^{4/} It should be noted that even if – assuming *arguendo* – OPEIU attorneys represented Petitioner in its formative stages, such assistance would not in itself constitute indirect affiliation. *Bonded Armored Carrier, Inc.*, 195 NLRB at 346. Moreover, Intervenor has not produced legal authority to establish that potential use by a guard union of another nonguard union’s attorney during bargaining alone, would, without more, constitute indirect affiliation such as to prevent certification of the guard union. For example, in *International Harvester Co.*, 145 NLRB 1747, 1749 (1964), the Board revoked certification where, in addition to the nonguard union’s attorney participating in bargaining, the guard union continued to accept substantial financial aid from the nonguard union, and allowed the nonguard union to participate in its affairs, including organization and management of a strike. There is no evidence of any such participation in this case.

the process of opening a bank account once it obtains a federal tax ID number, and conducts general membership meetings. Petitioner is also in the process of electing a labor representative to take charge of grievance handling. There is simply a complete absence of any probative evidence that APSO is currently dependent upon OPEIU at all, let alone to such a degree that would indicate “a lack of freedom and independence in formulating its own policies and deciding its own course of action.” *U.S. Corrections Corp.*, 325 NLRB 375, 376 (1998).

Finally, even if, assuming *arguendo*, Petitioner was at one point indirectly affiliated with OPEIU, the Board historically has “refused to find indirect affiliation where, on the record, it appeared that the assistance and advice once received by the guard union from the nonguard union had, in fact, terminated.” *U.S. Corrections Corp.*, 325 NLRB at 376, citing *International Harvester Co.*, 145 NLRB at 1749 (refusing to revoke certification where improper indirect affiliation that would have warranted revocation terminated prior to bargaining). Here, the Intervenor has introduced no evidence that OPEIU currently is providing any assistance to Petitioner beyond what was provided during the formative stage back in 2013.

III. CONCLUSION

Based on the above, I conclude that Petitioner is not barred by Section 9(b)(3) of the Act from being able to represent the petitioned-for guard unit.

DIRECTION OF ELECTION

An election by secret ballot will be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the Notice of Election to be issued subsequently, subject to the Board’s Rules and Regulations.

A. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off, and who meet the eligibility formula set forth above. Employees engaged in an 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.

Those eligible shall vote whether or not they desire to be represented for collective-bargaining purposes by the ASSOCIATION OF PROFESSIONAL SECURITY OFFICERS OF THE ENTERTAINMENT INDUSTRY, the INTERNATIONAL UNION, SECURITY, POLICE AND FIRE PROFESSIONALS OF AMERICA (SPFPA) AMALGAMATED LOCAL 1 or NEITHER.

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 Co.*, 394 U.S. 759 (1969).

Accordingly, it is directed that within 7 days of the date of this Decision, the Employer must submit to the Regional Director of Region 31, 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.). I shall, in turn, make the list available to all parties to the election.

To be timely filed, the list must be received in the Los Angeles Regional Office, 11500 West Olympic Boulevard, Suite 600, Los Angeles, California 90064, on or before **March 7, 2014**. No extension of time to file this list will be granted by the Regional Director 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's website, www.nlr.gov,^{5/} by mail, or by facsimile transmission at (310) 235-7420. 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 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 at least 3

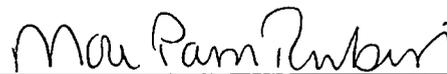
^{5/} To file the eligibility list electronically, go to the Agency's website at www.nlr.gov, select **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions.

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.

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, D.C. 20570-0001. This request must be received by the Board in Washington by **March 14, 2014**. *The request may be filed electronically through the Agency's website, www.nlr.gov,^{6/} but may not be filed by facsimile.*

Signed at Los Angeles, California, this 28th day of February, 2014.



Mori Pam Rubin
Regional Director
National Labor Relations Board – Region 31

^{6/} To file the request for review electronically, go to the Agency's website at www.nlr.gov, select *File Case Documents*, enter the NLRB Case Number, and follow the detailed instructions.