

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

(Oakland, California)

ACI DISTRIBUTION,

Employer¹

and

DISTRICT COUNCIL NO. 16
NORTHERN CALIFORNIA
and GLAZIERS LOCAL NO. 767,
INTERNATIONAL UNION of PAINTERS
and ALLIED TRADES, AFL-CIO,

Case 32-RC-4957

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, herein called the Act, a hearing was held before a hearing officer of the National Labor Relations Board, herein called the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned. Upon the entire record in this proceeding, including the Employer's brief and the parties' arguments made at the hearing, the undersigned finds:²

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

¹ The name of the Employer appears as corrected at the hearing.

² The Petitioner did not submit a brief.

2. The Employer, a division of WP America, Inc., is a Delaware corporation engaged in the business of auto glass distribution at its facility located at 160 Main Street in Sacramento, California. During the previous twelve months, the Employer purchased and received goods valued in excess of \$50,000 directly from suppliers located outside the state of California.

3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act.

4. Petitioner seeks to represent a unit of all full-time and regular part-time auto glass drivers and auto glass warehousemen employed at the Employer's Sacramento facility, excluding all office clerical employees, guards, and supervisors as defined by the Act.³ A question affecting commerce exists concerning the representation of certain of these employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The Employer contends that auto glass foreman Joseph Lopez is a supervisor within the meaning of Section 2(11) of the Act and should be excluded from the unit.

6. The Petitioner contends that Lopez is not a supervisor within the meaning of Section 2(11) of the Act and should be included in the unit.

7. For the reasons set forth below, I find that Lopez is not a statutory supervisor and will be included in the unit.

³ In its petition, the Petitioner named a unit of all full-time and regular part-time production workers. At the hearing, the Employer stated that its facility is a warehouse and distribution facility, not a production facility, and therefore, the Employer has no production employees at the facility. The parties stipulated to an appropriate unit of all full-time and regular part-time auto glass drivers and auto glass warehousemen.

THE FACTS

The Employer operates an auto glass warehouse and distribution center in Sacramento, California. The Employer's highest-ranking employee at the Sacramento facility is the branch manager, Jordan Hall. Hall reports directly to the Employer's north area manager, Thomas Jaskowiak, who does not work at the facility.⁴ The parties do not dispute that Hall is a statutory supervisor and therefore excluded from the unit. Two customer service representatives at the Sacramento facility, Chris Dickinson and Phyllis Ray, report to Hall. The customer service representatives are excluded from the requested unit.⁵ Also reporting directly to Hall is the auto glass foreman, Lopez, whose supervisory status is at issue. Lopez has an assistant auto glass foreman, Scott Grace.⁶ The remainder of the employees are auto glass drivers/warehousemen.⁷

Lopez has been the auto glass foreman at the Employer's Sacramento facility for about three years. He worked for the Employer for three months as a driver, and then branch manager Hall offered him the foreman position. During an interview for the foreman position, Hall explained to Lopez that his main duties as foreman would consist of making sure that the daily delivery runs go out on time and that the customers are satisfied.

The duties of the auto glass drivers/warehousemen are to drive delivery runs and to work in the warehouse. When the drivers/warehousemen are not driving, they prepare orders in the warehouse and load them on outgoing trucks, unload incoming trucks, stock

⁴ Jaskowiak visits the facility about once a month for about three hours per visit. He speaks with Hall between two and four times a week to discuss business.

⁵ The parties stipulated at the hearing that plant clericals are similarly excluded from the bargaining unit.

⁶ The Employer does not contend that the assistant auto glass foreman is a statutory supervisor.

⁷ The Employer has six auto glass drivers/warehousemen on active employment status and two auto glass drivers/warehousemen presently on medical leaves of absence.

the warehouse, break down crates, and clean the warehouse. When customers call the facility to place orders, they speak with one of the customer service representatives, who input the order information into the computer. The computer generates an order printout, and the drivers/warehousemen check the printer for the orders that are printed. When an order is printed, it is the job of the drivers/warehousemen to take it off the printer, gather the stock to fill the order, and load the order on the appropriate delivery truck based on the customer's location.

The Employer has regularly-scheduled delivery runs. The first run of the day is the 4:30 a.m. delivery to Chico. Kyle Faller is the regularly-scheduled driver for this run. Faller normally completes the run and returns to the warehouse at about 11:00 a.m. The next run is the 6:00 a.m. delivery to Auburn. Chris Stewart is the regularly-scheduled driver for this run. Stewart normally completes the run and returns to the warehouse between 8:00 and 8:45 a.m. Two drivers/warehousemen, Jose Garcia and Kennedy Wynn, start work at 8:00 a.m. There is an 8:00 a.m. delivery to customers in Sacramento, and either Garcia or Wynn will take the run, while the other begins the warehouse work for the day. The remaining drivers/warehousemen start work at 8:30 a.m. There are two deliveries at 8:30 a.m., one to Auburn and one to Placerville. Beginning at 9:00 a.m., there is a local run every hour on the hour until 4:00 p.m. for deliveries in Sacramento. Additionally, there is a 12:00 p.m. run to Chico. Jose Garcia is the regularly-scheduled driver for this run. There are also two out-of-town deliveries at 1:00 p.m., one to Auburn and one to Placerville.

Other than the runs with regularly-scheduled drivers, Lopez assigns the runs to the drivers based on who is available at the time the delivery is ready. The assignments vary from day to day based on what time the drivers return from earlier routes or whether a driver is busy doing another job in the warehouse at the time a delivery is ready. Lopez also assigns work to be done in the warehouse. The job of the drivers/warehousemen is to both drive and work in the warehouse on any given day.

The only deliveries that are not regularly scheduled are occasional “hot shot” runs. A “hot shot” run is a specially-scheduled delivery made to satisfy a customer, usually to take a part to a customer quickly when the customer has received the wrong part due to a company error. “Hot shot” runs are made about once every two weeks. Lopez assigns the “hot shot” runs based on driver availability, just like the other runs for which there is no regularly-scheduled driver.

Lopez rarely drives a delivery run. In the warehouse, he works alongside the other auto glass employees. Lopez pulls orders off the printer. He prepares orders for delivery, loads them on the trucks, and stocks the warehouse. He also cleans the warehouse, as well as the break room and the bathroom. Lopez performs the same warehouse jobs as the other auto glass employees. The auto glass drivers/warehousemen are paid on an hourly basis at an average rate of \$10.00 per hour. Lopez is also paid on an hourly basis at a rate of \$16.00 per hour.⁸

Lopez has a desk in the office, along with branch manager Hall, the two customer

⁸ The record does not establish the basis of Lopez’ higher hourly wage. Lopez received a wage increase when he became foreman, but the record does not indicate how much of a wage increase he received at that time. The record also does not indicate how much more per hour Lopez earns above the next highest-paid auto glass driver/warehouseman. *See infra* p. 14.

service representatives, and assistant auto glass foreman, Grace. Lopez' desk is situated beside a door connecting the office to the warehouse. In addition to working in the warehouse, Lopez does some paperwork, such as ordering supplies for the warehouse through suppliers and accounts set up by the branch manager. Lopez does not have authority to purchase major inventory, such as auto glass.

The auto glass drivers/warehousemen call Lopez to report when they are going to be late or absent from work. Lopez has signed his initials on employees' timecards beside the noted arrival time when the employees arrive late. In January 2002, when the Employer was in the process of relocating its facility to the present site, Lopez wrote and initialed the quitting times on the timecards of employees working late at the new facility because there was no time clock at the new facility at that time. Lopez has issued a written discipline form to an auto glass driver/warehouseman on one occasion when branch manager Hall directed him to write the employee up for cursing in the workplace. Lopez has also given Hall input about the job performance of some the auto glass drivers/warehousemen before their annual reviews and 90-day probationary reviews. Lopez is not regularly involved in the review process. Lopez offers his input to Hall when a driver/warehouseman informs Lopez of an upcoming review and asks Lopez to give input to Hall.

ANALYSIS

The party asserting that individuals are supervisors under the Act bears the burden of proving their supervisory status. *Bennett Industries, Inc.*, 313 NLRB 1363 (1994); *Tuscon Gas and Electric Co.*, 241 NLRB 181, 181 (1979); *NLRB v. Kentucky River Community Care, Inc., et al.*, 121 S.Ct. 1861 (May 29, 2001). Section 2(11) of the Act

defines a supervisor as an individual who possesses “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 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.” The possession of any one of the indicia specified in Section 2(11) of the Act is sufficient to establish supervisory status, provided that such authority is exercised in the employer’s interest and involves the use of independent judgment in a manner which is more than routine or clerical. *Harborside Healthcare, Inc.*, 330 NLRB No. 191 (2000); *Hydro Conduit Corp.*, 254 NLRB 433, 437 (1981). The exercise of some supervisory authority in a merely routine, clerical, perfunctory, or sporadic manner, however, does not confer statutory supervisory status on employees. *Chicago Metallic Corp.*, 273 NLRB 1677, 1689 (1985); *Advanced Mining Group*, 260 NLRB 486, 507 (1982).

Because supervisory status removes individuals from some of the protections of the Act, only those personnel vested with “genuine management prerogatives” should be considered supervisors and not “straw bosses, leadmen, set-up men and other minor supervisory employees.” S Rep No 105 80th Cong 1 Sec 4 (1947); *Ten Broeck Commons*, 320 NLRB 806, 809 (1996). Furthermore, the Board holds that supervisory status not be found “whenever the evidence is in conflict or otherwise inconclusive on a particular indicia.” *Phelps Community Medical Center*, 295 NLRB 486 (1989).

In the instant matter, I find that the Employer has failed to satisfy its burden of establishing that Lopez is a statutory supervisor.

Substitution for Branch Manager Jordan Hall

The Employer contends that Lopez substitutes for branch manager Hall approximately 30% of the time when Hall is absent from the facility. The record does not support this contention. Rather, the record shows that Hall is absent from the facility about 30% of the time, and during this time, Lopez is the highest-ranking employee on the premises. However, the record does not show that Lopez substitutes by performing the duties normally performed by Hall or that Lopez' duties change when Hall is absent.

On one occasion when Hall was absent, Lopez signed an employee's request for a day off. Lopez told the employee that he is not authorized to grant the absence. He signed the request only after he was unsuccessful in his attempts to reach Hall. Considering Lopez' approval of the request for time off in the light most favorable to the Employer, it is evidence that Lopez exercised supervisory authority in Hall's absence on one occasion. The exercise of some supervisory authority in a sporadic manner does not confer statutory supervisory status on employees. *Chicago Metallic Corp.*, 273 NLRB at 1689; *Advanced Mining Group*, 260 NLRB at 507. Here, Lopez' single approval of an employee's request for time off is even less than sporadic. There is also some evidence that customer service representative Dickinson takes problems concerning drivers and customers to Lopez when Hall is absent. However, there is no evidence that Lopez exercises authority to resolve the problems in Hall's absence.⁹ Because Lopez' job duties do not change when Hall is absent, and because he does not exercise Hall's authority in Hall's absence, I find that

⁹ No evidence was presented as to whether Lopez uses independent judgment to resolve the problems according to the Employer's established policies and procedures, or whether he resolves the problems at all, or merely holds the problems in abeyance until Hall returns.

Lopez is not a substitute for the branch manager when Hall is absent.

Assignment and Direction of Work

The evidence establishes that Lopez assigns work to the auto glass drivers/warehousemen. The job duties of the auto glass drivers/warehousemen are to drive delivery runs and work in the warehouse. There are 16 regularly-scheduled deliveries per day from the Employer's Sacramento facility. Three of these deliveries are made by a regularly-scheduled driver who routinely drives the route. The 13 remaining deliveries, along with the "hot shot" emergency deliveries, are assigned by Lopez on a daily basis. Lopez also assigns warehouse work on a daily basis.

The issue is whether the assignment and direction of work provided by Lopez requires independent judgment, or whether it is merely routine. *Ten Broeck Commons*, 320 NLRB at 808-809. Lopez assigns deliveries, including "hot shot" deliveries, based on available personnel at the time a delivery is ready. Different drivers are available at different times of the day depending on what time they start work, what time they return to the warehouse from earlier routes, and whether they are busy doing a job in the warehouse at the time a delivery is ready. All of the drivers are qualified and eligible to make deliveries. Assigning deliveries does not require Lopez to evaluate the drivers' relative abilities. With the exception of new hires, Lopez does not assign deliveries based on the drivers' skills or experience.¹⁰ I find that Lopez' assignment of a delivery to the driver

¹⁰ Lopez testified at the hearing that he assigns new hires to make the long runs to Auburn and Placerville because this gives them a chance to meet all the customers and because if they become familiar with the long runs he knows they can handle any run.

who is available at the time the delivery is ready is a routine assignment that does not require independent judgment.

There is evidence that Lopez sometimes assigns employees to stay in the warehouse in order to make sure the warehouse work gets done. The only example in evidence is when Lopez asks assistant foreman Scott Grace to stay in the warehouse all day because he is confident Grace can perform certain warehouse jobs, such as unloading the trucks, in a timely manner. Even if Lopez decides to keep employees in the warehouse in order to accomplish certain warehouse projects, the Board has found that “responsibility for planning or designing a project, which may involve determining such matters as appropriate staffing, materials, and schedule, must be distinguished from the exercise of authority and independent judgment in the role of assigning and directing employees in the accomplishment of the work.” *S.D.I. Operating Partners, L.P., Harding Glass Division*, 321 NLRB 111, 111 (1996). The record supports a finding that Lopez’ responsibilities constitute merely assuring appropriate staffing to handle both the warehouse work and the deliveries, rather than directing employees in the accomplishment of their work.

Employee Discipline

Lopez issued a written warning to an auto glass driver/warehouseman on one occasion. He was specifically directed by branch manager Hall to write up the employee for cursing in the warehouse. Lopez did not make the decision that the employee should be disciplined for cursing, and he did not make the decision to issue the written warning. Evidence that Lopez issued a written warning on a single occasion pursuant to Hall’s

specific instructions does not demonstrate that Lopez exercises independent judgment to discipline employees.

Recommendations for Promotion / Wage Increases

The Employer contends that Lopez effectively recommended the assistant auto glass foreman, Scott Grace, for promotion to that job. The record does not support this contention. Lopez testified that Grace was put into the position when branch manager Hall wanted to change assistants due to a “personal situation” between Hall and the former assistant. Hall proposed Grace to be the new assistant. Lopez was given no discretion to recommend a new assistant. Lopez was merely asked what he thought about Hall’s choice, and Lopez merely agreed with Hall that Grace was a good worker. This evidence does not establish that Lopez effectively recommended Grace for promotion.

Regarding employee raises, the record shows that Lopez has given Hall input about the job performance of some of the auto glass drivers/warehousemen before their annual reviews and 90-day probationary reviews. However, Lopez is not regularly involved in the review process, and Hall does not seek out Lopez’ input before making his decisions. Rather, Lopez volunteers his input to Hall when a driver/warehouseman informs Lopez of an upcoming review and asks Lopez to give input to Hall. The Employer’s north area manager Jaskowiak testified that when Hall submits employee raises to Jaskowiak for approval, Hall said that the specific amount of the raises were recommended by Lopez.¹¹ Lopez denied that he recommends specific dollar amounts of raises. He testified that his input is limited to his opinion of whether the employee is a good worker or whether the

¹¹ Jaskowiak testified that he has no firsthand knowledge of Lopez’ input.

employee needs help. Moreover, Lopez recalls only one occasion during the past year when he spoke to Hall before an employee's review.¹² Considering the evidence in the light most favorable to the Employer, even if Lopez is consulted, the record does not show that raises were actually awarded according to his recommendation. There is insufficient evidence that the Employer acts on Lopez' input to conclude that Lopez effectively recommends wage increases.

Initialing Timecards

The Employer contends that Lopez has authority to approve changes in timecards and, therefore, in employees' pay. The evidence shows that timecards are submitted to branch manager Hall for approval and payment. Hall calculates and approves the number of hours employees will be paid. Hall has written the total number of hours to pay each employee for each day. The tallies of regular hours, overtime hours, sick hours, or holiday hours are all noted by Hall.

The Employer introduced several timecards into evidence on which Lopez had written the arrival or departure time of the employee and then signed his initials beside the notation. Concerning the notations, Lopez testified that occasionally employees come in late or, more commonly, forget to clock in. Lopez was directed by branch manager Hall to write in the start time or quitting time of employees who fail to punch the timeclock, otherwise, those employees would not be paid the total hours for that day.

¹² Lopez recalls that Jose Garcia approached him prior to Garcia's 90-day probationary review and asked him to speak to Hall. Lopez complied with the request and had a conversation with Hall, lasting five to ten minutes, about Garcia's performance. During the meeting, neither Lopez nor Hall made a written evaluation or completed an evaluation form.

The Board has held that “responsibilities concerning recording hours and signing timecards are routine and clerical in nature and insufficient to establish supervisory status.” *John N. Hansen Co., Inc.*, 293 NLRB 63, 64 (1989). There is no evidence that Lopez uses discretion as to whether or not to initial an employee’s timecard. There is no evidence that he evaluates the reason why an employee failed to use the timeclock before deciding whether or not to initial the timecard. The evidence shows that Lopez does no more than note hours and initial his notation, thus he is performing a routine administrative task as directed by Hall.

Approval of Overtime

The Employer presented testimony that Lopez has authority to approve overtime. The record contains one example of an occasion when he may have approved overtime. Lopez testified that during the Employer’s recent move from a former facility to the present facility, some employees were working at both sites, preparing the new facility while still based at the old. Lopez was directed by Hall to send employees to the new facility one evening to build some racks. There was no timeclock at the new facility yet, so the employees would not be able to clock out. Lopez asked them what time they would be leaving that night. The employees said they would be leaving at 8:00, and the following morning Lopez wrote and initialed an 8:00 o’clock quit time on their timecards. It is unclear whether this instance constitutes an approval of overtime or whether this was Lopez’ performing his job of initialing employee timecards when the employees do not use

the timeclock. In any event, this isolated incident is insufficient evidence to establish that Lopez exercises authority and independent judgment to approve overtime.

Lopez testified that Hall has directed him to cut down the overtime, but his testimony demonstrates that he has very little discretion to use in following this direction. Lopez cuts down overtime by making sure employees who start at 8:30 clock in at 8:30, instead of 8:24, or that employees who leave at 5:30 clock out at 5:30, instead of 5:38. This evidence merely supports a finding that Lopez was directed to ensure that employees are diligent about punching the timeclock and fails to establish that he exercises independent judgment to approve or deny overtime requests.

Conclusion

Based on the record and the analysis above, I conclude that Joe Lopez does not exercise the primary indicia of supervisory authority enumerated in Section 2(11) of the Act. Specifically, I find the record does not demonstrate the Lopez has authority, in the interests of the Employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action in a manner which is not merely routine but requires independent judgment.

The exercise of one of the primary indicia of supervisory authority in a manner that is not routine but requires independent judgment is enough to confer supervisory status. Secondary indicia, such as a higher rate of pay, will not confer supervisory status where no primary indicia of supervisory status exist. *Training School at Vineland*, 332 NLRB 152, 163 (2000). Thus, where there are no primary indicia of supervisory status, “the receipt of

higher pay is of no legal significance in determining whether an employee is a superior.”
First Western Building Services, Inc., 309 NLRB 591, 603 (1992).

The Employer contends that the facts in this case are virtually identical to the facts in *Hoffman Plastic Compounds, Inc.*, 306 NLRB 100 (1992), where the Board adopted the finding that the warehouse/shipping foremen were supervisors under Section 2(11) of the Act. In *Hoffman Plastic Compounds*, the foremen were found to exercise several of the primary indicia of supervisory status that I find to be lacking in the present case. In *Hoffman Plastic Compounds*, the foremen were found to use “their own independent discretion in counseling production employees concerning their conduct or job performance.” *Id.* at 105. In the present case, the record does not support a finding that Lopez similarly exercises independent discretion in counseling employees concerning their conduct or job performance. In *Hoffman Plastic Compounds*, the foremen issued written warnings without prior authorization from higher-level management. *Id.* at 105. Here, Lopez has issued only one written warning, and that was under the express direction of branch manager Hall. In *Hoffman Plastic Compounds*, the foremen effectively recommended employees to be hired and which laid-off employees to be recalled. *Id.* at 105. Here, there is no evidence that Lopez has effectively recommended employees to be hired or recalled. In *Hoffman Plastic Compounds*, the president and owner of the company testified that he would not go against the express wishes of his foremen. *Id.* at 105. Here, branch manager Hall offered no such testimony. In fact, the record shows that Hall has

gone against Lopez' express wishes.¹³ I find that *Hoffman Plastic Compounds* is distinguishable from the present case.

Because I find that Joseph Lopez does not exercise the primary indicia of supervisory authority enumerated in Section 2(11) of the Act, he will be included in the unit herein found appropriate.

8. 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 auto glass drivers and auto glass warehousemen, including the auto glass foreman, employed at the Employer's facility located at 160 Main Street in Sacramento, California, excluding all office clerical employees, guards, and supervisors as defined by the Act.

There are approximately 10 employees in the unit.

DIRECTION OF ELECTION

An election by secret ballot shall 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.¹⁴ Eligible to vote are those in the unit who are employed during the payroll period ending immediately preceding the date of the Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible

¹³ On one occasion, branch manager Hall directed him to take an employee off the early morning run and replace him with another employee instead. Lopez objected to this change and told Hall that he wanted to keep the original employee on the run. Hall made the change in drivers despite Lopez' express objection.

¹⁴ Please read the attached notice requiring that election notices be posted at least three (3) days prior to the election.

are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States Government may vote if they appear in person at the polls. Ineligible to vote are 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 which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible to vote shall vote whether or not they desire to be represented by DISTRICT COUNCIL NO. 16 NORTHERN CALIFORNIA and GLAZIERS LOCAL UNION NO. 767, INTERNATIONAL UNION of PAINTERS and ALLIED TRADES, AFL-CIO.

LIST OF VOTERS

In order 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 in 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); *North Macon Health Care Facility*, 315 NLRB 359, 361, fn. 17 (1994). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, two (2) copies of an election eligibility list containing the full names and addresses of all the eligible voters shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election. In order to be timely filed,

such list must be received in the NLRB Region 32 Regional Office, Oakland Federal Building, 1301 Clay Street, Suite 300N, Oakland, California 94612-5211, on or before March 14, 2002. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

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. This request must be received by the Board in Washington by March 21, 2002.

Dated at Oakland, California this 7th day of March, 2002.

Bruce I. Friend
Acting Regional Director
National Labor Relations Board, Region 32
1301 Clay Street, Suite 300N
Oakland, California 94612-5211

32-1235

177-8520-0800
177-8520-1600
177-8520-2400