

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

Ohio College Preparatory School)	
<i>Employer</i>)	
)	
and)	
)	Case No. 08-RC-199371
Cleveland Alliance of Charter Teachers And Staff)	
Local 6570 A/W Ohio Federation of Teachers,)	
American Federation of Teachers, AFL-CIO)	
<i>Petitioner</i>)	
<hr style="width:45%; margin-left:0;"/>		

**EMPLOYER’S REQUEST FOR REVIEW OF THE REGIONAL DIRECTOR’S
DECISION**

This case presents the National Labor Relations Board with an issue of apparent first impression: whether a professional employee is disenfranchised if, through no fault of her own, she votes on a nonprofessional ballot in a *Sonotone* representation election. Here, prior to the election in this matter, Ohio College Preparatory School (“OCP”) improperly designated two employees as nonprofessionals on the voter list. Due to this error, both cast a nonprofessional ballot at the election. Neither realized the error until after leaving the polling room, and upon realizing it, immediately protested by contacting the Board Agent. Ultimately, by a vote of 9 to 8, the professional employees voted for representation.

In his decision certifying the election results, the Regional Director improperly relied on inapposite and inapplicable case law to find that the onus was on the employees to fix OCP’s mistake and to demand to vote on professional ballots as soon as they were handed a nonprofessional ballot. In so holding, the Regional Director’s Decision posits a rule that (i) undermines the NLRB’s policy to honor the true intent of employees; (ii) places bureaucracy before employees’ free choice; and (iii) requires employees to be labor law experts *before* showing up to vote, or otherwise risk compulsory unionization.

Compelling reasons exist for the Board to grant review to examine this previously unaddressed issue of the application of the “employee disenfranchisement” exception in a situation where the employer’s error caused employees to vote in the wrong unit. The Regional Director’s Decision should be set aside and a new election ordered.

TABLE OF CONTENTS

I. Introduction..... 1

II. Background..... 2

III. Argument 6

 A. The Regional Director misapplied Board precedent in finding that Franklin and Wright “disenfranchised themselves.” 6

 1. The Board And The Courts Have Never Required Employees To Meet The Disenfranchisement Standard Applied By The Regional Director. 7

 2. The Regional Director’s Cited Authority Is Inapposite..... 8

 B. Sound Policy Reasons Compel that the Board Overturn the Decision and Order a New Election..... 10

IV. Conclusion 11

TABLE OF AUTHORITIES

	Page
CASES	
<i>Berryfast, Inc.</i> , 265 NLRB 82 (1982)	6, 8, 9
<i>Cal Gas Redding, Inc.</i> , 241 NLRB 290 (1979)	6, 8
<i>Fusco ex rel. N.L.R.B. v. Richard W. Kaase Baking Co.</i> , 205 F. Supp. 465 (N.D. Ohio 1962).....	10
<i>The George Washington Univ. & Serv. Employees Int’l Union, Local 500</i> , 346 NLRB 155 (2005)	6, 8, 9
<i>Glenn McClendon Trucking Co., Inc.</i> , 255 NLRB 1304 (1981)	6
<i>Hamilton-Brown Shoe Co. v. N.L.R.B.</i> , 104 F.2d 49 (8th Cir. 1939)	11
<i>Monte Vista Disposal Co., Employer & Teamsters Auto., Indus. & Allied Workers, Local 495, Int’l Bhd. of Teamsters, Afl-Cio</i> , 307 NLRB 531 (1992)	7
<i>N.L.R.B. v. Gilmore Industries, Inc.</i> , 341 F.2d 240 (6th Cir. 1965)	10
<i>N.L.R.B. v. Triangle Express, Inc.</i> , 683 F.2d 337 (10th Cir. 1982)	8, 9
<i>N.L.R.B. v. Olson Bodies, Inc.</i> , 420 F.2d 1187 (2d Cir. 1970).....	7
<i>Republic Electronics, Inc.</i> , 266 NLRB 852 (1983)	6, 7
<i>Versail Manufacturing, Inc.</i> , 212 NLRB 592 (1974)	7

STATUTES

29 U.S.C. § 157.....10

29 U.S.C. § 159(b).....10

National Labor Relations Act2

OTHER AUTHORITIES

29 C.F.R. § 102.67(d)(1) § 102.67(d)(4)2

I. INTRODUCTION

Deondra Franklin (“Franklin”) and Sharice Wright (“Wright”) worked as Assistant Teachers at OCP during the 2016-2017 school year. Prior to the election held on June 5, 2017 (the “Election”), OCP and the Cleveland Alliance of Charter Teachers And Staff Local 6570 A/W Ohio Federation of Teachers, American Federation of Teachers, AFL-CIO’s (the “Union”) agreed that Assistant Teachers are part of the professional unit. In the process of compiling the voter list, OCP inadvertently listed both women in the nonprofessional unit. Wright and Franklin, unaware they had received the wrong ballot, cast a nonprofessional ballot at the Election. Later that day, Wright and Franklin learned that they received the wrong ballot and both immediately voiced their concerns to OCP and the Board. On these facts, the Regional Director certified this Election because “Wright and Franklin voted. Technically they were not disenfranchised.” (March 6, 2018 Decision and Certification of Representative (“Decision”), at p. 4). OCP respectfully disagrees that this is the standard applicable to two teachers who – through no fault of their own – were deprived of the opportunity to vote in the correct unit. For the following reasons, OCP asks the Board to overturn the Decision, sustain OCP’s objection, and order a new election.

First, in analyzing the cases addressing employee disenfranchisement, the Regional Director extrapolated a legal standard that is far and above what the Board has required in the past and should require in the unique circumstances of this case. The Regional Director departed from Board precedent in finding that Franklin and Wright “were not disenfranchised due to the voting list errors made by the Employer, but rather through their own inaction.” (*See id.*, at p. 7). In essence, the Regional Director interpreted existing Board law to find that employees must do *everything* within their power to vote properly. In his view, it was not enough that Franklin and Wright showed up, cast a vote, and subsequently protested. Because they may have seen notices of the Election that listed Assistant Teachers in the professional unit, Wright and Franklin should

have displayed quicker thinking and demanded that the Board Agent give them a professional ballot the moment that they were given the incorrect nonprofessional ballot. Only then, in the Regional Director's view, would Franklin and Wright not have "disenfranchised themselves." (*See id.*). This is not, and should not be, the appropriate legal standard.

Second, the practical impact of the Board's decision is not only to impose an impossible standard on two teachers, but to mandate unionization because of an employer's clerical error. This result undercuts the core purpose of the National Labor Relations Act ("NLRA" or the "Act"). Both women showed up to vote, voted, and sounded the alarm as soon as they learned that they voted on the wrong ballot. This is the opposite of "inaction." (*See id.* at p. 7). At most, Wright and Franklin are guilty of putting full faith in the election process and reasonably assuming their votes would be properly tallied. Certifying this Election would signal that the Board puts bureaucracy before the individual's right to elect or reject unionization.

Under these circumstances, compelling reasons exist for the Board to grant review. 29 C.F.R. §102.67(d)(1), 29 C.F.R. §102.67(d)(4). Namely, there is an absence of Board precedent defining the appropriate application of the disenfranchisement exception where misclassified employees vote in the wrong bargaining unit. Further, the Regional Director departed from any previous decisions addressing the disenfranchisement exception by refusing to overturn the election results even though failing to do so undermines employees' choice and sets an impossible standard for two teachers – hardly labor law experts – to meet. These issues are ripe for review as seminal principles of Board law and policy are contingent upon their resolution.

II. BACKGROUND

The facts in this case are not in dispute. Ohio College Preparatory School is a community charter school operating in Maple Heights, Ohio. (Tr. 66). Day-to-day operations at OCP are managed by a Charter Management Organization called ACCEL Schools. (Tr. 22-23). OCP

utilizes a unique education model wherein each classroom is staffed with multiple educators, including Teachers, Teacher Assistants and Assistant Teachers. (Tr. 42-46). On May 24, 2017,¹ the Union filed an RC petition with the Board seeking to represent both professional and nonprofessional employees at OCP. (Joint Ex. 2). OCP and the Union agreed to hold the election on June 5, before the end of the school year.

Due to this expedited deadline, an ACCEL representative was tasked with compiling the job titles and professional classification information over Memorial Day weekend and without access to the necessary paper personnel files in the closed school offices. To that end, the representative accessed an online portal from the Department of Education that contained information on the type of licensure each educator held. (Tr. 28-31). Relying solely on this licensure data, she made a leap in logic and incorrectly concluded that Franklin and Wright – who both had a “One Year Short Term Substitute General Education License” – held the nonprofessional position of “Teacher Assistant” rather than the professional position of “Assistant Teacher.” (Tr. 29-32; *see* Decision, at p. 3 (noting that OCP “mistakenly classified them as teacher assistants”)). OCP filed the voting list, containing the incorrect designations of Franklin and Wright’s titles (Assistant Teacher) and classifications (nonprofessional), with the Board on May 31. (Tr. 10-11; Joint Ex. 3).

In accordance with *Sonotone* procedures, there were separate ballots for the professional and nonprofessional units at the Election. Employees who appeared at the polls did not request a professional unit ballot or nonprofessional unit ballot, or even identify their position or job title at OCP. (Tr. 68; 91-92; 113-115; 119). Instead, after the employee stated his or her name, the Union Observer reviewed the voter list and proclaimed the employee a professional or nonprofessional

¹ All dates hereinafter are in 2017, unless otherwise indicated.

to the Board Agent. (*Id.*). The Board Agent handed each employee either the professional or nonprofessional ballot and each employee voted on that ballot, without seeing the other ballot. (Tr. 114-116).

Franklin and Wright, each unaware they had received the wrong ballot, cast a nonprofessional ballot at the Election. (Decision, at p. 3). Shortly after voting and after speaking with other professional colleagues regarding the content of their ballots, both quickly realized that they received the wrong ballot and should have voted as professionals. (Tr. 69-73; 92-93). Both immediately voiced their concerns with both OCP and the Board. (Tr. 70-71; 73-74; 93). When Wright went back to the voting room to confront the Board Agent regarding her having voted on the incorrect ballot, the agent simply deferred to the voter list and its improper designation of her as nonprofessional. (Tr. 69-70; 72:11-17 (“Q: How did they respond? A: They didn’t. They just stood there. Nobody said nothing to nobody. Q: So they couldn’t help you? A: No. Q: You couldn’t revote? A: No.”)). The Board Agent did not offer Wright a professional ballot. *See id.* at 72. Wright left the polling station “baffled and confused.” (Tr. 70). That evening, Wright called Mr. Ron Packard, the CEO of ACCEL, and told him that she was denied a proper ballot. (Tr. 73-74). Mr. Packard put Wright in touch with the Board Agent and she again called and emailed the agent regarding her receipt of the wrong ballot. (*Id.*). Wright shared the Board Agent’s contact information with Franklin and Franklin also made several attempts to contact the Board Agent. (Tr. 93).

A total of 27 votes were cast at the Election – 17 professional unit votes and 10 nonprofessional unit votes. (Joint Ex. 4). By a vote of 15 to 2, the professional employees voted against inclusion of the nonprofessional unit with the professional unit. (*Id.*; Decision, at p. 1). The nonprofessional unit voted against union representation by a vote of 9 to 1. (Joint Ex. 4). The

professional unit, which improperly excluded Wright and Franklin, voted for union representation 9 to 8. (*Id.*; Decision, at p. 1).

On June 9, OCP filed its objections to the Election. (Decision, at p. 1). The Union and OCP appeared at a hearing before the Hearing Officer on July 10. (*Id.*). Wright, Franklin, the ACCEL representative who compiled the voter list, and the Union's observer testified. (November 28, 2017 Hearing Officer's Report on Objections ("Report"), at p. 5). On November 28, the Hearing Officer issued the Report in which she found that, even though Franklin and Wright were misclassified as nonprofessionals, the Election should be upheld because the error in the voter list did not prejudice the Union's ability to communicate with employees. (*See id.*, at p. 1; Decision, at p. 2). On December 12, OCP timely filed an exception to the Report, arguing that the Hearing Officer should have applied the "employee disenfranchisement" exception to find that the Election results must be overturned.² (Decision, at p. 1). On March 6, 2018, the Regional Director issued his Decision in which he agreed with OCP that the Hearing Officer applied the incorrect legal standard, but nonetheless concluded that Franklin and Wright were not disenfranchised.³ (*Id.* at p. 2). The Regional Director overruled OCP's objection and certified the Union as the representative of the professional unit. (*Id.* at p. 7). OCP timely files this Request for Review of the Regional Director's Decision.

² On January 2, 2018, the Union filed a Response to the Employer's Exceptions to the Hearing Officer's Report. On January 5, 2018, OCP filed a Motion to Strike, arguing that the Union's response was not timely filed. By Order dated January 10, 2018, the Regional Director granted the Motion to Strike. (*See* Decision, at p. 1, n. 1).

³ The Regional Director also noted that he agreed with the Hearing Officer that Wright and Franklin were Assistant Teachers who should have been properly included in the professional unit. (Decision, at p. 3, n. 6).

III. ARGUMENT

In the Decision, the Regional Director deems OCP's conclusion that Wright and Franklin were disenfranchised to be a "novel argument," because the Board has only addressed this exception in the context of an employee being entirely denied the opportunity to vote. (Decision, at p. 5). Respectfully, OCP disagrees that it is "novel" to expect that all employees be permitted to vote on the correct ballot before an election is certified. And in any event, the Regional Director's conclusions simply are not supported by Board precedent.

A. THE REGIONAL DIRECTOR MISAPPLIED BOARD PRECEDENT IN FINDING THAT FRANKLIN AND WRIGHT "DISENFRANCHISED THEMSELVES."

OCP's error in compiling the voter list does not justify depriving Wright and Franklin of the right to vote on the question of union representation. OCP, the Union, and the Regional Director agree that "[t]he facts of this case require the application of the 'employee disenfranchisement' standard." (Decision, at p. 4). Generally, an employer, absent unusual circumstances, is estopped from "relying on its own failure to comply with *Excelsior* requirements as a basis for setting aside an election." *The George Washington Univ. & Serv. Employees Int'l Union, Local 500*, 346 NLRB 155, 156 (2005). The Board recognizes an exception to this rule. "[W]here a party to the election causes an employee to miss the opportunity to vote" the Board will nonetheless uphold the "wrongdoer's objection" where three specific criteria are met: (1) "if the vote is determinative," (2) "there is no evidence of bad faith," (3) and "the employee was disenfranchised through no fault of his or her own; *i.e.*, failing to take reasonable steps to attempt to exercise the right to vote." *Republic Electronics, Inc.*, 266 NLRB 852, 853 (1983), *citing Berryfast, Inc.*, 265 NLRB 82 (1982); *Glenn McClendon Trucking Co., Inc.*, 255 NLRB 1304 (1981); *Cal Gas Redding, Inc.*, 241 NLRB 290 (1979).

In this case, the first two elements are unquestionably met. As noted by the Regional Director:

There is no dispute here that the two votes [of Franklin and Wright] were determinative of the result in the professional unit. In addition, there is no evidence of bad faith on the part of the Employer. Thus the only issue to be resolved is whether the two voters were disenfranchised and, if so, whether it was through no fault of their own.

(Decision, at p. 4). OCP seeks review of the Regional Director's finding as to this third element.

1. **The Board And The Courts Have Never Required Employees To Meet The Disenfranchisement Standard Applied By The Regional Director.**

While no one decision presents the unique factual circumstances present in this case, the Board has never required employees to effectively become labor law experts when they vote in a union election. Indeed, apart from the notice cases discussed *infra*, both the Board and the courts conclude that an employee only shares fault in his or her disenfranchisement when the employee, regardless of the reasons, makes a deliberate decision not to appear for the vote. *See NLRB v. Olson Bodies, Inc.*, 420 F.2d 1187, 1188-89 (2d Cir. 1970) (election not set aside where employee failed to vote because of illness); *Versail Manufacturing, Inc.*, 212 NLRB 592 (1974) (election not set aside where employee away from polling place on work assignment could have returned in time to vote but chose not to); *Monte Vista Disposal Co., Employer & Teamsters Auto., Indus. & Allied Workers, Local 495, Int'l Bhd. of Teamsters, Afl-Cio*, 307 NLRB 531, 533 (1992) (holding that an employee who arrives at the polling place after the designated polling period ends shall not be entitled to have his or her vote counted, absent extraordinary circumstances). This was not the case here.

Here, by actually appearing at the polls, voting, and sounding alarms immediately upon discovering the error later that same day, Wright and Franklin did even more than other employees whom the Board has concluded *were* disenfranchised. *See, e.g. Republic Electronics*, 266 NLRB

at 852-53 (employee was disenfranchised where he repeatedly asked to leave work to vote, but did not cast a ballot); *Cal Gas Redding*, 241 NLRB 290 (election set aside where employee made no effort to vote because work emergency prevented employee from making it to the polls).

2. The Regional Director's Cited Authority Is Inapposite.

In his Decision, the Regional Director primarily relied on three decisions that, in his view, “placed a significant level of responsibility on the eligible voters” and support his conclusion that the Election results should stand. (Decision, at p. 5). Not so. Indeed, while the Regional Director relies on *Triangle Express*, *Berryfast*, and *George Washington University* the employees in those cases were in radically different situations than that faced by Wright and Franklin as they confronted resistance at the polls and/or ultimately did not vote. And in none of the cases did the Board mandate that, prior to an election, an employee must carefully review and analyze all posted election notices, decipher the complicated rules of a *Sonotone* election, and immediately demand a different ballot than the one the Board Agent provides.

For example, *Triangle Express* does not support the contention that Franklin and Wright disenfranchised themselves. That case involved four employees who were left off the *Excelsior* list and did not attempt to vote by challenged ballot (or even go to the election). *N.L.R.B. v. Triangle Express, Inc.*, 683 F.2d 337, 338 (10th Cir. 1982). In upholding the Board’s decision that such employees were not disenfranchised, the Tenth Circuit found that neither the conduct of the employer, union, or the Board prevented these employees from appearing to vote and casting a challenged ballot. *Id.* at 339.

The *Berryfast* decision similarly weighs against his certification in this instance. *Berryfast* involved the voting eligibility for an employee left off of the *Excelsior* list while on maternity leave. 265 NLRB 82. This employee asked her husband, another employee at this business, to ask whether she could vote. *Id.* at 82. Shortly before the poll opened, a company representative

informed her husband that she was ineligible to vote as she was not on the *Excelsior* list. *Id.* The employee did not appear at the election or seek to cast a challenged ballot. *Id.* at 82-83. In reviewing challenges to the election, the Board noted that the husband did not follow the directions in the notice of election that directed him to communicate any questions of eligibility to the Regional Director or agent running the election. *Id.* at 83. On these facts, the Board refused to set aside the election and found that the employee “did not take sufficient reasonable steps to vote.” *Id.*

Finally, the Regional Director’s citation to *George Washington University* is a nonstarter. There, the employer attempted to avoid a failure-to-bargain charge by contending that the underlying election was invalid due to voter eligibility issues, claiming that 20 to 30 individuals were left off the *Excelsior* list and did not receive ballots. *George Washington Univ.*, 346 NLRB at 155. The Board declined to revisit the representation issues. *Id.* But in dicta, and without even mentioning the “employee disenfranchisement” exception, the Board noted that the employer offered no justification as why these excluded employees could not have cast a challenged ballot. *Id.* at 156, n. 6.

These cases are plainly distinguishable from the situation Franklin and Wright faced. The Regional Director concludes that these decisions mean an employee must “know that once they went to the polls and perhaps had their eligibility challenged, or did not receive a mail ballot . . . , they were responsible for asking to vote under challenge.” (Decision, at p. 6). But Franklin and Wright did not have their “eligibility challenged” or fail to receive a mail ballot like the employees in *Triangle Express*, *Berryfast*, or *George Washington University*. Instead, both attended the election, were readily handed a ballot by a government official, and voted. In essence, by hinging his holding on these three cases, the Regional Director is stretching the Board’s precedent beyond

the already “high level of responsibility” of expecting employees to review the election notices and report if they did not receive a ballot. *See id.* at p. 5. Instead, the Regional Director expected Franklin and Wright to, not only review the posted notices, but (i) understand the type of ballot each should receive (i.e., locate “Assistant Teacher” in the small font in the description of Voting Group Unit – A on the election notice), (ii) *immediately* question the government official who handed them the incorrect ballot, and (iii) demand to vote under challenge on the correct ballot. All this before leaving the voting room.⁴ Board law does not set out such a standard, nor should the Board require it.

B. SOUND POLICY REASONS COMPEL THAT THE BOARD OVERTURN THE DECISION AND ORDER A NEW ELECTION.

Setting aside the lack of applicable precedent and the Regional Director’s misapplication of Board law, the Decision should be overturned because it runs counter to the core of the NLRA. Section 7 of the Act, 29 U.S.C. §157, grants employees “the right to bargain collectively through representatives of their own choosing.” Pursuant to Section 9 of the Act, the Board is duty-bound to protect employees’ Section 7 rights by providing election procedures and safeguards to “assure to employees the fullest freedom” in selecting their bargaining representative. *See* 29 U.S.C. §159(b). It is well settled that the “basic purpose of Sections 7, 8(a) and 8(b) ... is to preserve to employees the freedom of choosing their own representatives for the purpose of collective bargaining.” *Fusco ex rel. N.L.R.B. v. Richard W. Kaase Baking Co.*, 205 F. Supp. 465, 474 (N.D. Ohio 1962). “[I]t must not be forgotten that the paramount purpose of the Act was to secure to the employees freedom of choice in the selection of their representatives.” *N.L.R.B. v. Gilmore Industries, Inc.*, 341 F.2d 240, 241 (6th Cir. 1965). To that end, the law should “guarantee[] to the

⁴ Notably, there is no evidence in the record that either woman had any experience with union elections prior to the Election.

employees the absolute freedom of choice, and that freedom should not be controlled nor influenced in any way by any expression or form of order coming from the Board or from this Court.” *Hamilton-Brown Shoe Co. v. N.L.R.B.*, 104 F.2d 49, 54 (8th Cir. 1939).

Yet the Regional Director does just that by issuing an order that ignores and thwarts the “paramount purpose” of the NLRA. Franklin and Wright do not wish to be represented by the Union. Both women vehemently protested to their employer and to the Board that their vote did not count. As Wright testified regarding her failed efforts to secure the correct ballot, “I was a ball of emotions. I was upset, highly upset, because I didn’t think it was fair that I didn’t get to vote. I thought that was my privilege.” (Tr. 73). Wright, however, was wrong. It is not her “privilege” to have her vote count, but rather a “right” granted by Section 7 of the NLRA. In fact, Franklin recognized that by receiving the incorrect ballot, she “was denied [her] right to let [her] voice be heard.” (Tr. 103). She felt that her “opinion did not matter.” (*Id.*). By condoning the Regional Director’s extension of clearly distinguishable precedent to the unique circumstances of this case, the Board would ignore these women’s “freedom of choice.” In essence, placing government bureaucracy above the innate purposes of the Act and mandating compulsory unionization as the punishment for failing to fully comprehend the intricacies of *Sonotone* election procedure. Even the Regional Director identified the appeal of this “equitable argument.” (Decision, at p. 5). OCP respectfully asks that the Board do more than acknowledge the inequity of compulsory unionization as penalty for failing to instantly protest when handed an incorrect ballot.

IV. CONCLUSION

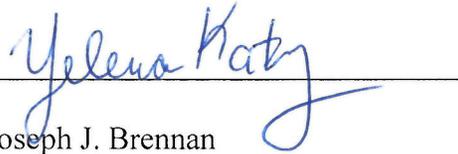
While the circumstances in this case are unique, OCP respectfully submits that this is not a close case. The Regional Director Decision is based on a clear departure from Board precedent. Instead, it sets a standard for “employee disenfranchisement” that few labor lawyers, let alone laypersons, could meet. Requiring two teachers to *immediately* request a different ballot from the

Board Agent during an election is far and above the standard promulgated by the Board or any court, and upholding the Decision would result in a repudiation of the core purpose of the Act.

For all the reasons stated above, OCP respectfully asks that the Board accept this case for review, overturn the Decision, and order a new election.

Dated: March 20, 2018

Respectfully submitted,



Joseph J. Brennan
Yelena G. Katz
JONES DAY
901 Lakeside Avenue
Cleveland, Ohio 44114
Phone: (216) 586-7428
Fax: (216) 579-0212

Elizabeth L. Dicus
JONES DAY
325 John H. McConnell Boulevard
Columbus, Ohio 43215
Phone: (614) 626-3939
Fax: (614) 461-4198

Attorneys for Ohio College Preparatory
School

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of March, 2018, a true and correct copy of this Employer Ohio College Preparatory School's Request for Review of the Regional Director's Decision was e-filed through the National Labor Relations Board's website.

The foregoing document also was delivered via overnight mail and facsimile to:

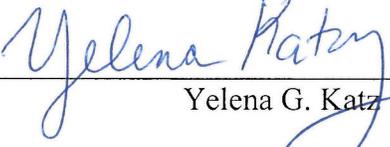
Mr. Allen Binstock
Regional Director
National Labor Relations Board
Region 8
1240 East 9th Street
Cleveland, Ohio 44199-2086
Fax: (216) 522-2418

And one copy was served on the following via electronic mail:

Channing Cooper, Esq.
Assistant Director
American Federation of Teachers, AFL-CIO Legal Department
Ccooper@aft.org

Angela Thompson, Esq.
Associate Director
American Federation of Teachers, AFL-CIO Legal Department
athompsa@aft.org

Eric Lehto
National Representative
American Federation of Teachers, AFL-CIO
elehto@aft.org



Yelena G. Katz