UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

ONE MILLION DEGREES
Employer

and

Case 13-RC-224554

COMMUNITY COLLEGES OF CHICAGO
TEACHERS UNION, LOCAL 1600
Petitioner

DECISION AND DIRECTION OF ELECTION

I. ISSUE

Petitioner seeks to represent a unit of all full-time and regular part-time Program Coordinators (“PCs”), Senior PCs, Senior Career Advancement Coordinators, Apprentice Coordinators, Program Managers (“PMs”), Volunteer & Alumni Coordinators, Volunteer & Alumni Programs Coordinators, Scholar Recruitment Coordinators, Program Operations Coordinators, and Development and Communications Coordinators employed by the Employer at or out of its downtown Chicago, Illinois, facility. The Employer maintains that the unit sought by Petitioner is not appropriate because the Volunteer & Alumni Coordinators, Volunteer & Alumni Programs Coordinators, Scholar Recruitment Coordinator; Program Operations Coordinator, and the Development and Communications Coordinator should be excluded from the Unit. Petitioner and the Employer agree that the unit should include PCs, Senior PCs, Senior Career Advancement Coordinators, Apprenticeship Coordinators, and PMs; and exclude Office and Development Coordinators and all other employees.¹

The Employer also contends that the Scholar Recruitment Coordinator, Amanda Abraham, is not eligible to vote because she is a temporary employee under a contract with an end date of December 31, 2018.

A hearing officer of the Board held a hearing in this matter and the parties orally argued their respective positions prior to the close of the hearing.² The Employer did not contend that

¹ During the hearing, the Petitioner amended the Petition to reflect that the unit petitioned for now includes the Senior PCs (a position the Employer agrees should be included in the Unit), and excludes the Office and Development Coordinator (a position the Employer agrees should not be included in the Unit). The Petitioner also amended the Petition by adding the Volunteer & Alumni Coordinator classification to the petitioned for Unit, a position ostensibly indistinguishable from the previously petitioned for Volunteer & Alumni Programs Coordinator, but which was unknown to the Petitioner prior to the hearing.

² 1. The hearing officer’s rulings made at the hearing are free from prejudicial error and are hereby affirmed.
   2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.
   3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.
any specific classifications must be added to the petitioned for unit, excepting the Senior PCs, whom the Petitioner now agrees should be included in the Unit. Therefore, I must decide whether the petitioned for unit is appropriate or whether any of the classifications at issue should be excluded.

II. DECISION

Based on the record and relevant Board law, I find that the unit sought by Petitioner is appropriate with the exclusion of the Development and Communications Coordinator. In making this finding, I reject the Employer’s contention that the Scholar Recruitment Coordinator should otherwise be excluded as a temporary employee.

As described below, the agreed upon classifications and the Volunteer and Alumni Program Coordinator/Volunteer and Alumni Program Coordinator; Program Operations Coordinator; and Scholar Recruitment Coordinator constitute a clearly definable grouping of employees; and they share the same terms and conditions of employment, interact with each other in the performance of their job duties, and are functionally integrated; while the Development and Communications Coordinator performs separate and distinct job duties involving little to no interaction with the other classifications.

III. STATEMENT OF FACTS

A. The Employer’s operation

The Employer is in the business of providing case management services to assist students and apprentices enrolled at various community colleges in the Chicago metropolitan area. The Employer supports students from low income backgrounds, some of whom face other additional obstacles that can include health challenges, child care coverage, and housing concerns. The Employer engages with potential applicants through a multi-step enrollment process designed to evaluate whether applicants meet the minimal requirement for the program and/or fit with their specific case management model, and then provides support to those scholar admitted into the program.

PCs and PMs are the primary conduits through which the enrolled students and apprentices receive services from the Employer. The Employer’s operation involves recruiting scholars or apprentices and then providing them with case management through the PCs/PMs and also providing them with other integrated resources. The PCs and PMs interact directly with...
students, or apprentices, assigned to them on an ongoing basis.\(^3\) The PCs and PMs perform their work on campus at whatever college they are assigned to, where they work with as many as 60 to 65 students or apprentices at any given time. PCs and PMs assist students or apprentices with specific goal setting and they are responsible for holding students accountable to those goals, while problem solving alongside their assigned students to set up strategies for assisting them in reaching those goals. The PCs and PMs do not directly implement all components of the case management model by themselves. Additional core functions of the program, including recruitment and oversight of academic assistance from coaches and tutors, are provided primarily through other employees, including the Scholar Recruitment Coordinator, Program Operations Coordinator, and Volunteer and Alumni Program Coordinators, who work mostly out of the Employer’s central facility located in downtown Chicago. Still other employees, including the Development and Communications Coordinator, employed at the central facility oversee other components of the Employer’s operation, including marketing, fundraising, and media functions.

The Employer’s operation is not formally divided into separate named departments or divisions, but the organization is divided into three different functional groups listed on the Employer’s organizational chart. As described below, case management and related resources are delivered to students/apprentices from within both the “Program” group, which contains all of the PCs/PMs, and the smaller “Development” group. The remaining third group contains only operations and finance employees who are not at issue in this case. The collective number of employees, supervisors and managers for the whole organization numbers at approximately 30. Each employee and their accompanying managers perform specific functions within the organization; however, the Employer maintains one singular and narrowly defined mission that is to recruit and then provide support services for the scholars and apprentices enrolled in the program. The PCs and PMs are again at the forefront of that mission, with the assistance of other staff.

B. Structure of the organization

An important consideration in any unit determination is whether the proposed unit conforms to an administrative function or grouping of an employer’s operation. Thus, for example, generally the Board would not approve a unit consisting of some, but not all, of an employer’s production and maintenance employees. See Check Printers, Inc. 205 NLRB 33 (1973). However, in certain circumstances the Board will approve a unit in spite of the fact that other employees in the same administrative grouping are excluded. Home Depot USA, 331 NLRB 1289, 1289 and 1291 (2000).

As described above, the Employer does not formally organize its operation along named departmental lines. However, Employer Exhibit 1- the organizational chart, clearly delineates three different reporting structures. The functions of the different reporting structures overlap, as explained below, but each group appears to have an overarching functional goal in addition to

\(^3\)The PC and PM classifications are fundamentally the same. The only differences noted in the record are that the PMs are paid under a different revenue stream, function out of suburban campuses as opposed to the city campuses served by Program Coordinator, and play a somewhat greater role in recruitment and interaction with the college to which they are assigned.
supporting the general mission of the agency. Chief Executive Officer, Paige Ponder, is at the top of the organization and oversees the three direct reports from each reporting group.

The first group reports to Veronica Herrero, Chief Program Officer. This reporting group contains all of the PCs and PMs, as well as the Scholar Recruitment Coordinator, Amanda Abraham, and the Program Operations Coordinator, Sara Birchler. The second reporting group, which is not at issue, is headed by Meridel Trimble, Director of Operations, and contains only two other positions, the Finance Manager and the Office & Development Coordinator, not at issue in this case. The third reporting group is headed by Allison Lipsman, Chief Development Officer. This group contains one other manager/supervisor, Michaela McGill, Director, Workforce & Corporate Partnerships. The Senior Career Advancement Coordinator, Apprenticeship Coordinator, the Volunteer & Alumni Programs Coordinators, Development & Communications Coordinator and the Development Manager are also housed in this third reporting group. The Senior Career Advancement Coordinator, Liz Jones, and the Apprenticeship Coordinator, Erika Ehmann, both perform the same basic functions as the PCs and PMs. However, they provide case management to student apprentices who are employed at Aon and Walgreens, two separate businesses with whom the Employer has partnered. The parties agree that the Senior Career Advancement Coordinator and Apprenticeship Coordinator should be included in the Unit.

The functions performed by the Programs group headed by Herrero and the Development group headed by Lipsman are not mutually exclusive. The PCs and PMs work out of the Program group. However, both the Senior Career Advancement Coordinator and the Apprenticeship Coordinator work out of the Development Group, again performing the same basic job duties as the PCs/PMs. The Volunteer & Alumni Programs Coordinators and the Program Operations Coordinator perform similar job functions in that they are both responsible for recruiting outside human resources to assist the scholars, but the former is in the Development group and the latter is in the Program group. The Volunteer & Alumni Programs Coordinators recruit and oversee coaches and their relationships with scholars. The Program Operations Coordinator performs similar duties, but in regard to tutors. Coaches and tutors constitute primary-fundamental components of the case management model in their supporting roles helping scholars to achieve their academic and professional goals.

All of the petitioned for employees work within either the Program or the Development Group, and perform work either recruiting scholars or providing them with services or resources once they are accepted into the program. Additionally, all of the petitioned for employees in the

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4 I will refer to this division as the “Program” group since the included employees report to the Chief Program Officer.

5 No evidence was presented in regard to the job duties and functions of the Development Manager. For simplicity, I will refer to both the Volunteer and Alumni Programs Coordinators and Volunteer and Alumni Coordinators as “Volunteer and Alumni Programs Coordinators” as Chief Development Office Allison Lipsman testified there is no difference between the two positions.

6 Unless otherwise noted, use of the term “PC” will also encompass Jones and Ehmann in their PC duties at their respective locations.

7 Coaches serve in a voluntary capacity while tutors work as independent contractors.
Development group, except for the Development and Communications Coordinator, work in the portion of the Development group reporting to McGill.

Therefore, a unit of PCs/PMs, the Scholar Recruitment Coordinator, Program Operations Coordinator, and Volunteer and Alumni Programs Coordinators constitutes a clearly definable cross functional group consisting of all classifications in the Program group and all classifications in the portion of the development group supervised by McGill.\(^8\) A unit consisting of these job classifications captures all classifications who participate in the case management program, the Employer’s sole business model, or in ancillary roles recruiting scholars into the program.

C. Interchangeability and Contact among Employees

Interchangeability refers to temporary work assignments or transfers between two groups of employees. Frequent interchange “may suggest blurred departmental lines and a truly fluid work force with roughly comparable skills.” Hilton Hotel Corp., 287 NLRB 359, 360 (1987). As a result, the Board has held that the frequency of employee interchange is a critical factor in determining whether employees who work in different groups share a community of interest sufficient to justify their inclusion in a single bargaining unit. Executive Resource Associates, 301 NLRB 400, 401 (1991), citing Spring City Knitting Co. v. NLRB, 647 F.2d 1011, 1015 (9th Cir. 1081). In this case, the record revealed some evidence of temporary employee interchange between the employees the parties agree are in the unit and the employees the Employer seeks to exclude.

There is no evidence of PCs or PMs actually changing classifications to fill in for other positions. However, the record is replete with evidence that PCs/PMs perform recruitment duties as a regular component of their work. The recruitment duties of the PCs/PMs include tabling at campuses, making calls to assist in recruitment, and doing intakes and processing applications to the program in differing degrees, depending upon the time of year. The PCs/PMs begin performing recruitment work as early as March, and focus heavily on these tasks during the summer months. These duties are otherwise primarily performed by the recruitment team, including the Scholar Recruitment Coordinator, but again with notable assistance from the PCs and PMs.\(^9\)

Additionally, the Volunteer & Alumni Programs Coordinators, Program Operations Coordinator; and Scholar Recruitment Coordinator attend two Scholar Development Sessions per month on Saturdays along with the PCs/PMs; while the Development and Communications

\(^8\) Inclusion of the McGill-supervised division of the Development group provides for the inclusion of the Senior Career Advancement Coordinator and Apprentice Coordinator within the Unit who the parties agree should be in the Unit. Both classifications perform the same functions as the PCs.

\(^9\) Herrero testified that scholar recruitment is an “all hands on deck” operation taking place within all levels of the operation, including by Herrero herself. While Herrero’s testimony establishes that at least some supervisors and managers throughout the organization also perform recruitment work, Herrero’s testimony does not provide evidence of any other specific nonsupervisory employees who perform recruitment work beyond the PCs and the Scholar Recruitment Coordinator (most of the nonsupervisory employees work as PC/PMs in any event).
Coordinator attends a fewer number per month, but does still attend on an ongoing basis. These sessions are facilitated by the PCs. The Scholar Development Sessions involve group activities, guest speakers, and one-on-one sessions to focus scholars on their upcoming and long term goals. The sessions also aim to provide scholars with guidance on personal and professional relationship skills, budgeting, financial planning, and civic engagement. The participation and assistance of the above disputed job classifications at these sessions constitutes evidence of temporary interchange out of their regular functions to assist the PCs.

Also relevant for consideration with regard to interchangeability is whether there are permanent transfers amongst employees in the unit sought by a union. However, the existence of permanent transfers is not as important as evidence of temporary interchange. Hilton Hotel Corp, supra. In this matter the record reveals only limited evidence of permanent transfers between those employees that the parties agree are in the unit and those employees the Employer seeks to exclude.

Abraham, Scholar Recruitment Coordinator, was assigned PC work for a substantial period of time covering multiple months during her first one year contract as Scholar Recruitment Coordinator. Abraham then reverted back to performing recruitment work only under her current job classification of Scholar Recruitment Coordinator during the summer of 2018. This constitutes some evidence of interchange. There is no other evidence in the record of employees transferring from one classification to another.

Also relevant is the amount of work-related contact among employees, including whether they work beside one another. Thus, it is important to compare the amount of contact employees in the unit sought by a union have with one another. See for example, Casino Aztar, 349 NLRB 603, 605-606 (2007). As an initial matter, I note that there is almost no evidence in the record that the PCs/PMs interact with each other, but there is evidence that they interact with other classifications in dispute. The PCs/PMs are usually assigned to a campus, at which they primarily work by themselves supporting the scholars assigned to them. That said, two PC employees testified that at the start of their employment they did work for a substantial period of time at the central facility, where all of the other classifications primarily perform their work. The Employer maintained work space for the PCs/PMs at its prior location, and specifically set aside work space for them at the new location to which the Employer moved in August 2018.

PCs and PMs regularly interact with employees in the other disputed classifications during biweekly meetings at the central facility and twice per month on Saturdays at the Scholar Development Sessions. The Scholar Recruitment Coordinator testified that she corresponds with PCs about two to three times per day in regard to questions they generate about the application process for scholars. The Volunteer & Alumni Program Coordinator, testified that he interacts with PCs on a weekly basis in regard to coaching issues. These interactions include scheduled meetings with each of the PCs that the Volunteer & Alumni Program Coordinator works with, which occur on a monthly basis with each of his assigned PCs (The Volunteer & Alumni Program Coordinator has about six PCs that he is assigned to, so he meets with PCs about six

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times per month specifically for prescheduled meetings). The Program Operations Coordinator testified that she interacts with the PCs on a daily basis in regard to tutoring issues, including discussions about matching of tutors to scholars as well as any logistical concerns that arise such as scholars missing sessions with a tutor or issues such as when the tutors have specific concerns about their assigned scholar.\textsuperscript{11}

There is no evidence in the record that the Development and Communications Coordinator interacts with PCs/PMs or the other disputed classifications in any regard other than seeing them at the Scholar Development Sessions or possibly at staff meetings.

D. Common Supervision

Another community-of-interest factor is whether the employees in dispute are commonly supervised. In examining supervision, most important is the identity of employees’ supervisors who have the authority to hire, to fire, or to discipline employees (or effectively recommend those actions) or to supervise the day-to-day work of employees, including rating performance, directing and assigning work, scheduling work providing guidance on a day-to-day basis. \textit{Executive Resources Associates}, supra at 402; \textit{NCR Corporation}, 236 NLRB 215 (1978). Common supervision weighs in favor of placing the employees in dispute in one unit. However, the fact that two groups are commonly supervised does not mandate that they be included in the same unit, particularly where there is no evidence of interchange, contact, or functional integration. \textit{United Operations}, supra at 125. Similarly, the fact that two groups of employees are separately supervised weighs in favor of finding against their inclusion in the same unit. However, separate supervision does not mandate separate units. \textit{Casino Aztar}, supra at 607, fn 11. Rather, more important is the degree of interchange, contact, and functional integration. Id. at 607.

Chief Executive Officer Ponder has three managers who report directly to her: the Chief Development Officer (Allison Lipsman); the Director of Operations (Meridel Trimble) and the Chief Program Officer (Veronica Herrero). All of the employees who provide case management, except for the Senior Advancement Coordinator and Apprenticeship Coordinator, are supervised within Herrero’s chain of command. The direct supervisors for the PC/PM employees within the Program division are Danielle McConnell, Xochitl Cruz, PuraCarina Gonzalez and also Herrero. PuraCarina Gonzalez also supervises the Scholar Recruitment Coordinator. The Program Operations Coordinator is directly supervised by Kate Somerfield, Program Operations Manager. Somerfield reports to Herrero. Somerfield does not supervise any other classifications.

The remaining petitioned for employees work in the Development group, managed by Lipsman. Within the Development group, all of the petitioned for employees report to Michaela McGill, Director of Workforce and Corporate Partnerships, except the Development and Communications Coordinator (this classification reports directly to Lipsman). McGill reports to Lipsman.

\textsuperscript{11} Herrero testified that Birchler spends as much as 20\% of her time interacting with PCs/PMs.
The Scholar Recruitment Coordinator is commonly supervised along with PCs who work in the Program group and the Volunteer and Alumni Program Coordinators are commonly supervised by McGill who also supervises the Senior Career Advancement Coordinator and the Apprentice Coordinator. The Program Operations Coordinator and the Development and Communications Coordinator are separately and individually supervised.

E. The Nature of Employee Skills and Functions and Degree of Functional Integration

An examination of skills and functions gives insight into whether disputed employees can be distinguished from one another on the basis of job functions, duties, or skills. If they cannot be distinguished, this factor weighs in favor of including the disputed employees in one unit. Evidence that employees perform the same basic function or have the same duties, that there is a high degree of overlap in job functions or of performing one another’s work, or that disputed employees work together as a crew, support a finding of similarity of functions. Evidence that disputed employees have similar requirements to obtain employment; that they have similar job descriptions or licensure requirements; that they participate in the same employer training programs; and/or that they use similar equipment also supports a finding of similarity of skills. Casino Aztar, 349 NLRB 603 (2007); J.C. Penny Company, Inc., 328 NLRB 766 (1999); Brand Precision Services, 313 NLRB 657 (1994); Phoenician, 308 NLRB 826 (1992). Where there is also evidence of similar terms and conditions of employment and some functional integration, evidence of similar skills and functions can lead to a conclusion that disputed employees must be in the same unit, in spite of lack of common supervision or evidence of interchange. Phoenician, supra.

PCs/PMs are required to have a bachelor’s degree and two years of experience of direct accountability for the achievements or outcomes of comparable groups of individuals, preferably in case management work, to be qualified for hire into those classifications. The PCs and PMs undergo an involved interviewing process in several stages, which includes mock exercises to test the applicant’s ability to manage scholars and/or otherwise participate in the program as a PC/PM. The other disputed classifications do not undergo a comparable interviewing process.

Once a PC/PM is hired, they are also provided an in depth training document, 38 pages in length, outlining their role in the organization and the specific methodologies employed within the Employer’s operational model for success. The other disputed classifications do not receive any similar training manuals. The PCs/PMs are supposed to go over the training document with their manager. However, two PCs testified that while they were given the manual they were not either given the formalized training.

The Program Operations Manager position does not require an associates or bachelor’s degree, although one or the other is preferred. Once hired, the Program Operations Manager goes through hours of training on the Employer’s data management program “Sales Force” and is trained in data analytics. There is no evidence that Abraham received any specific training once she moved into her current role as Scholar Recruitment Coordinator or that there were any requirements and qualifications specific to this job classification. The Employer contends that a
job description was never created for the Scholar Recruitment Coordinator because the role is temporary in nature and because no one had ever been employed in that position before.

The Volunteer & Alumni Program Coordinators are required to have an associate’s degree and prior experience with planning events. The Communications and Development Coordinator does not have any educational requirements, although candidates are required to have one to three years of communications, graphic design, and/or nonprofit development experience.

Again, none of these other positions require training similar to what the Employer contends the PC/PM classifications receive.\(^\text{12}\)

The most significant functional component of the PC/PM position is the ongoing interactions that they have with their assigned scholars. Aside from their participation in Scholar Development Sessions, the other classifications do not interact with scholars who are enrolled in the program and do not directly provide them with case management. The PCs/PMs and the Scholar Recruitment Coordinator share recruitment duties in common; and in fact, this is a substantial component of both positions. The PCs/PMs work in conjunction with the Volunteer and Alumni Program Coordinators and Program Operations Coordinator to manage the relationships between students and their coaches and tutors, respectively. The PCs/PMs manage those relationships through the scholar side, while the Volunteer and Alumni Program Coordinators and Program Operations Coordinators manage those relationships through interactions mostly with the coaches and tutors, respectively. The Volunteer and Alumni Program Coordinators and Program Operations Coordinators interact with the PCs/PMs to discuss coaches and tutors, respectively. Additionally, to a lesser degree, the recruitment, oversight and retention of coaches by Volunteer and Alumni Program Coordinators and of tutors by the Program Operations Coordinator mirror the recruitment and ongoing relationships that PCs/PMs engage in directly with students.

The PCs/PMs and all of the disputed classifications regularly use “Sales Force,” the data maintenance, tracking, and analytics software utilized by the Employer for running reports, tracking data, and logging interactions with constituents. This is an especially significant job function for PCs/PMs who log data and interactions with scholars through Sales Force; for the Program Operations Coordinator who runs analytics about achievement outcomes through the software;\(^\text{13}\) and the Scholar Recruitment Coordinator who uses Sales Force to input information about recruitment and provisional acceptance into the program and who runs analytics involving recruitment using the software. The record also demonstrated that Volunteer and Alumni Programs Coordinators use the software for managing the coaches they oversee and that the Development and Communications Coordinator uses the software for improving fundraising, among other things.

\(^\text{12}\) As described further below, I place little value on the Employer’s assertions that PCs/PMs are required to receive greater levels of training in light of the testimony from PCs that they did not receive any actual training from the Employer.

\(^\text{13}\) The Program Operations Coordinator also uses Sales Force to track data and perform analytics in conjunction with the University of Chicago randomized control study for the University of Chicago.
The duties of the Development and Communications Coordinator do not otherwise connect in any significant way to the duties of the PCs/PMs or other classifications. The Development and Communications Coordinator reports directly to the Chief Development Officer and works with her on media development, communications, fundraising, and marketing functions (including fundraising), which do not overlap with the case management relationships or the recruitment process, which are the primary duties of the PCs/PMs.

Functional integration refers to when employees’ work constitutes integral elements of an employer’s production process or business. Thus, for example, functional integration exists when employees in a unit sought by a union work on different phases of the same product or as a group provides a service. Another example of functional integration is when the Employer’s work flow involves all employees in a unit sought by a union. Evidence that employees work together on the same matters, have frequent contact with one another, and perform similar functions is relevant when examining whether functional integration exists. Transerv Systems, 311 NLRB 766 (1993). On the other hand, if functional integration does not result in contact among employees in the unit sought by a union, the existence of functional integration has less weight.

The record reveals that there is substantial functional integration between the PCs/PMs and the Scholar Recruitment Coordinator, Program Operations Coordinator, and the Volunteer and Alumni Programs Coordinators. In regard to recruitment and onboarding of scholars into the program, the work of the PCs/PMs and Scholar Recruitment Coordinator is the same and there is a high degree of interaction and regular daily correspondence between those classifications.

The overarching singular mission of the Employer in regard to scholars admitted into the program is to provide them with support and resources so that they can achieve recordable academic and professional outcomes. The protocol for a scholar to succeed in the program involves setting academic or professional goals and continuing to work with their assigned PC, tutors and coaches, while also attending Employer sponsored events. As part of that process, the PCs/PMs participate by providing case management to the scholars/apprentices. The Program Operations Coordinator and Volunteer and Alumni Programs Coordinators participate by procuring and delivering resources to the scholars (tutors and coaches). The services provided by the tutors and coaches are fundamental components of the program. The PCs/PMs and the Program Operations Coordinator and Volunteer and Alumni Programs Coordinators have structured ongoing dialogue with the PCs in regard to management of the scholar relationships with their tutors and coaches, respectively. The academic goals of the scholars, which are case managed by the PCs/PMs, are achieved as a result of contributions from the tutors and coaches, who are hired/selected and then managed by the Program Operations Coordinator and Volunteer and Alumni Programs Coordinators, respectively. These facts constitute functional integration between the PCs/PMs and the Program Operations Coordinator and Volunteer and Alumni Programs Coordinators in regard to both the management of relationships between scholars and tutors/coaches, and also in that all three classifications deliver and manage inputs into the Employer’s case management model.
Additional evidence of functional integration can be found in the ongoing participation of the PCs/PMs, Scholar Recruitment Coordinator, Program Operations Coordinator, and Volunteer and Alumni Programs Coordinators together at the Scholar Development Sessions twice per month.

There is no evidence of significant functional integration between the Development and Communications Coordinator and the PCs/PMs. Unlike the other classifications who all participate directly in either bringing individual scholars into the program and/or provide them resources and/or case management while in the program, the Development and Communications Coordinator deals exclusively with business and communications functions for the overall organization, wholly unconnected to the outcomes of any particular scholar participants in the program.

F. Terms and Conditions of Employment

Terms and conditions of employment include whether employees receive similar wage ranges and are paid in a similar fashion (for example hourly); whether employees have the same fringe benefits; and whether employees are subject to the same work rules, disciplinary policies and other terms of employment that might be described in an employee handbook. However, the facts that employees share common wage ranges and benefits or are subject to common work rules does not warrant a conclusion that a community of interest exists where employees are separately supervised, do not interchange, and/or work in a physically separate area. Bradley Steel, Inc., 342 NLRB 215 (2004); Overnite Transportation Company, 322 NLRB 347 (1996). Similarly, sharing a common personnel system for hiring, and training, as well as the same package of benefits, does not warrant a conclusion that a community of interest exists where two classifications of employees have little else in common. American Security Corporation, 221 NLRB 1145 (1996).

The Scholar Recruitment Coordinator, Program Operations Coordinator, Volunteer and Alumni Program Coordinators and the Development and Communications Coordinator all share common terms and conditions of employment with the employees whom the parties agree are in the unit. All of these employees work the same hours, from 9 a.m. to 5 p.m., with intermittent Saturday participation at the Scholar Development Sessions. The employees in the disputed classifications are subject to the same handbook rules, regulations, and policies as the positions that are in dispute. Additionally, all of the Employer’s employees receive the same benefits, including the same medical coverage, retirement, and vacation leave, among other things. All of the employees are paid approximately $40,000 per year, or within about $2,000 of that amount.

There is no history of collective bargaining in regard to any of the classifications at issue.
IV. ANALYSIS

A. The Board’s decision in *PCC Structurals* addressing appropriate units

When examining the appropriateness of a unit, the Board must determine not whether the unit sought is the only appropriate unit or the most appropriate unit, but rather whether it is “an appropriate unit.” *Wheeling Island Gaming*, 355 NLRB 637, 637 fn. 1 (2010) (emphasis in original) (citing *Overnite Transportation Co.*, 322 NLRB 723 (1996)).

In determining whether a unit is appropriate, the Board looks at whether the petitioned-for employees have shared interests. See *Wheeling Island Gaming*, above. Additionally, the Board analyzes “whether employees in the proposed unit share a community of interest sufficiently distinct from the interests of employees excluded from that unit to warrant a separate bargaining unit.” *PCC Structurals, Inc.*, 365 NLRB No. 160, slip op. at 11 (2017) (emphasis in original). See also *Wheeling Island Gaming*, above at fn. 1 (the Board’s inquiry “necessarily proceeds to a further determination of whether the interests of the group sought are sufficiently distinct from those of other employees to warrant establishment of a separate unit”). In weighing the “shared and distinct interests of petitioned-for and excluded employees […] the Board must determine whether ‘excluded employees have meaningfully distinct interests in the context of collective bargaining that outweigh similarities with unit members.’” *PCC Structurals*, slip op. at 11 (emphasis in original) (quoting *Constellation Brands U.S. Operations, Inc. v. NLRB*, 842 F.3d 784, 794 (2d Cir. 2016). Once this determination is made, “the appropriate-unit analysis is at an end.” *PCC Structurals*, slip op. at 11.

In making these determinations, the Board relies on its community of interest standard, which examines:

- whether the employees are organized into a separate department;
- have distinct skills and training;
- have distinct job functions and perform distinct work, including inquiry into the amount and type of job overlap between classifications;
- are functionally integrated with the Employer’s other employees;
- have frequent contact with other employees;
- interchange with other employees;
- have distinct terms and conditions of employment; and
- are separately supervised.

*PCC Structurals*, slip op. at 11 (citing *United Operations*, 338 NLRB 123 (2002)).

In contrast to the Board’s prior standard under *Specialty Healthcare*, at no point does the burden shift to the employer [or other party seeking a broader unit] to show that any additional employees it seeks to include share an “overwhelming” community of interest with employees in the petitioned for unit. *PCC Structurals, Inc.*, 365 NLRB No. 160, slip op. at 11. Rather, “parties who believe that a petitioned-for group improperly excludes employees whose interests are not sufficiently distinct from those of employees within the proposed group will […] introduce evidence in support of their position.” *PCC Structurals*, slip op. at 11. *PCC Structurals* therefore lessened the burden incumbent on an employer, or other parties who seek to add classifications to an otherwise petitioned for unit. Although the Board’s *PCC Structurals* decision directly
involved an employer seeking to *add* classifications into a petitioned for unit, the above-cited community of interest analysis is still applicable here, where the Employer seeks to exclude classifications from the Unit.

**B. The Unit must exclude the Development and Communications Coordinator but must include the other three disputed classifications**

In determining that the precise unit sought by Petitioner is not appropriate because of the petitioned for inclusion of Development and Communications Coordinator, but that the other disputed classifications must be included in the Unit, I have carefully weighed the community-of-interest factors cited in *PCC Structurals*, supra.

A unit of all petitioned for employees except for the Communications and Development Coordinator results in a clearly definable subset of employees made up of the entire Programs group and the portion of the Development group reporting to McGill. Case management and other primary ancillary functions within the case management model are provided from within both of these subdivisions of the organization. As described above, the Development and Communications Coordinator works in a separate portion of the Development group distinct from the other petitioned for employees with no connection to the functions performed by the other petitioned for employees.

The Scholar Recruitment Coordinator performs the very same job duties as the PCs/PMs in regard to recruitment and she regularly interacts with the PCs/PMs on a daily basis to discuss recruitment issues. Although the Employer described that recruitment is an “all hands on deck” operation, and provided testimony that higher ups within the organization provide recruitment assistance, the Employer did not actually describe any other nonsupervisory classification that perform recruitment other than the PMs/PCs and Scholar Recruitment Coordinator. Like the PCs/PMs, the Scholar Recruitment Coordinator interacts directly with scholars in the recruitment process. The Scholar Recruitment Coordinator is jointly supervised along with some of the employees in the PC classification, and has the same terms and conditions of employment as the other classifications in the Unit. Notably, the Scholar Recruitment Coordinator interchanged into also performing PC work for a period of time, without any prior training in the PC role.

The Program Operations Coordinator works together with the PCs/PMs on a daily basis to manage the relationships between tutors and scholars. By procuring and managing tutors, the Program Operations Coordinator contributes a fundamental component into the overall case management model exercised by the PCs/PMs, which underscores that the Program Operations Coordinator and PCs/PMs participate in and share common related objectives. When either a tutor or a scholar is not effectively participating in the tutoring process, the PCs and Program Operations Coordinator work together to resolve these issues and each manages their end of the relationship (the PCs engage with the scholar and the Program Operations Coordinator engage through the assigned tutor, but both work together to rectify the tutoring relationship). These facts establish functional integration and establish regular interaction between the Program Operations Coordinator and the PCs/PMs. The Program Operations Coordinator also shares the same terms and conditions of employment as the PCs/PMs.
The Volunteer and Alumni Programs Coordinators interact with the PCs/PMs on an ongoing regular basis. Their work is functionally integrated with the PCs/PMs in that they jointly manage the scholar/coaching relationships and participate in monthly one on one meetings with their assigned PCs. The participation of coaches, who are procured and managed by the Volunteer and Alumni Programs Coordinators, is a fundamental component of the PC driven case management model. This further underscores common integrated functional goals between the Volunteer and Alumni Program Coordinators and the PCs/PMs in that the Volunteer and Alumni Program Coordinators are responsible for overseeing the contributions that coaches make to the goal of overall academic success case-managed by the PCs/PMs. The Volunteer and Alumni Programs Coordinators share the same terms and conditions of employment as the PCs/PMs and they are commonly supervised with other employees in the Unit.

The Scholar Recruitment Coordinator, Program Operations Coordinator, and Volunteer and Alumni Programs Coordinators also display functional integration and regular interaction with the PCs by their regular participation in the Scholar Development Sessions, during which they are all present together with the PCs/PMs and the scholars enrolled in the program. These duties are a regular and ongoing component of all three classifications, as they are required to be present on two Saturdays per month to participate alongside the PCs during these sessions.

Although there are some community of interest factors that weigh against inclusion of the Scholar Recruitment Coordinator, Program Operations Coordinator, and Volunteer and Alumni Programs Coordinators, including 1) separate supervision of the Program Operations Coordinator; 2) less frequent interactions directly between the scholars and the Program Operations Coordinator and Volunteer and Alumni Programs Coordinators, 3) limited in person interaction between the PCs/PMs and the other three classifications and 4) disparate job prerequisites, these factors do not reflect such a disparate community of interest that a unit including these classifications would not be appropriate.

Even though the Program Operations Coordinator is separately supervised, I note that this classification is contained within the Program group, made up almost entirely of PCs/PMs. Somerfield, who supervises the Program Operations Coordinator, reports to Herrero, who directly supervises PCs in the Program group. The fact that the Program Operations Coordinator coexists in a department made up almost exclusively of PCs/PMs mitigates the fact that the direct supervisor for this classification does not actually supervise other Unit positions.

The lesser amount of interaction between the scholars and the Program Operations Coordinator and Volunteer and Alumni Program Coordinators, compared to the level of interaction between the PCs/PMs and the scholars, is the strongest factor weighing against including these two disputed classifications. However, both classifications still participate in person with scholars on Saturdays twice per month; and they are responsible for providing resources to the scholars, even if they don’t actually interact with them during that process. Additionally, the interaction between the PCs/PMs and the students is but one pillar of the case management model, which also includes tutoring, coaching and attendance at the Saturday development sessions. The other three classifications participate in the case management model.
by taking part in these other components respectively, even if they don’t provide case management directly. Moreover, although the Employer refers to case management provided by the PCs/PMs as the “core function” of the program, the record is unclear as to the amount of time that the PCs/PMs actually spend with each of their assigned scholars individually. While it is true that the scholars do clearly spend more time interacting with the PCs/PMs than with the other classifications, the record does not show that a scholar spends more time interacting with PCs/PMs than in attendance at the Saturday development sessions or with the tutors and coaches provided by the Program Operations Coordinator and Volunteer and Alumni Program Coordinators. In fact, each PC/PM must divide his or her time between 60 to 65 assigned scholars at a time, in addition to other assigned duties such as attending meetings and logging data into Sales Force.

The lack of in person interaction between the PCs/PMS and the other classifications is mitigated by the fact that the PCs/PMs actually interact with all three of these classification more often than they interact with each other, which to some extent neutralizes the significance of this factor. Moreover, there was significant testimony in the record that the PCs/PMs do sometimes work out of the central facility where the other three classifications are stationed, and that they routinely see the other classifications at the regular staff meetings and the Saturday development sessions. The difference in job prerequisites between the PCs/PMs and other classifications is mitigated by the fact that once hired, all classifications receive nearly identical pay, and the same benefits and other terms and conditions of employment.

Considering all of the above factors, and especially the departmental organization and the evidence of regular interaction and functional integration between the PCs/PMs and these three disputed classifications, the Petitioner has met its burden under the above PCC Structurals factors of substantiating that the Scholar Recruitment Coordinator, Program Operations Coordinator, and Volunteer and Alumni Programs Coordinators share a sufficient community of interest with each other and the PCs/PMs to warrant their inclusion in the Unit. A Unit that includes these classifications along with the PCs/PMs constitutes an appropriate unit encapsulating a definable group of employees within two cross functional divisions of the organization.

On the other hand, the Development and Communications Coordinator works solely on marketing, media, fundraising, and other related tasks which are separate and completely distinct from the other classifications who are involved in recruitment and case management of individual scholars. This position is separately supervised. The position does not have any educational requirements comparable to the PCs/PMs and does not exercise any related skills, aside from the use of Sales Force. This classification only occasionally interacts with the other petitioned for employees at staff meetings and Scholar Development Sessions. For these reasons, and in light of the organizational factors described above, I find that there is an insufficient community of interest between the Communications and Development Coordinator and other classifications and that therefore the Employer has met its burden in showing that this classification must be excluded from the Unit pursuant to PCC Structurals.
C. Eligibility of Amanda Abraham

The Employer takes the position that Abraham, Scholar Recruitment Coordinator, is not eligible to vote because she is a temporary employee. The Employer cites EF Drew & Co., 133 NLRB 155 (1961) where the Board held that employees who were hired for “one job only” and had no substantial expectancy of continued employment were not eligible to vote.\(^{14}\)

Abraham first worked in conjunction with the Employer as an unpaid fellow through New Sector Alliance where she assisted with recruitment. Abraham then accepted a contract to work directly for the Employer during the period of July 31, 2017, through June 30, 2018, in the role of “Scholar Recruitment Coordinator.” After her first contract began, Abraham was then assigned the duties of a PC to provide case management to scholars in the Employer’s program.

Abraham approached the Employer and inquired into the possibility of subsequent work in recruitment after the expiration of that one year contract. On April 20, 2018, the Employer offered Abraham a written six month employment contract for the period of July 1, 2018, through December 31, 2018, again in the role of “Scholar Recruitment Coordinator.” The record does not clearly establish that the Employer informed Abraham that her employment would end after December 31, 2018. The Employer presented witness testimony from Trimble that Abraham was told that her employment would terminate after December 2018. Trimble’s testimony does not include any specifics or context in regard to what she told Abraham. On the other hand, Abraham testified in detail that she was not ever told that her employment would end, and that she only understood that the contract would end. In the absence of any other additional evidence, I find that the record is unclear as to whether Trimble did in fact tell Abraham that Abraham’s employment ended with her current six month contract.

The Employer now maintains that the funding for Abraham’s current six month contract was allocated specifically from funding sources related to a study they have been undertaking in conjunction with the University of Chicago and Urban Labs to compare randomized groups of students receiving services versus students not receiving services. The Employer contends that the number of recruitments into the program increased temporarily to accommodate that study, but that their recruitment levels will decrease again before the end of Abraham’s current contract.

I find that the evidence is insufficient to exclude Abraham as a temporary employee. In New World Communications, 328 NLRB 3 (1999) the Board explains that where an employee’s tenure of employment remains uncertain, they are eligible to vote. In finding the employee at issue in that case eligible the Board noted that her initial term of employment had already been extended once and that she had received more than one “date certain” for when her employment would end. In MJM Studios of New York, 336 NLRB 1255 (2001), the Board considered the alleged temporary status of a group of construction employees. The employees in that case were hired under a six month agreement but then were retained for longer. Additionally, the employees were hired to work on one specific project but then were assigned to work on other

\(^{14}\) EF Drew & Co. at 157.
projects as their employment continued. The Board found insufficient evidence that the employees’ employment would end on any approximate date certain and that they were therefore eligible employees. The Board noted that the employees were not ever told that their employment was set to terminate.

As in the above-cited Board decisions, Abraham has stayed at the Employer beyond the term of her first contract, which weakens the argument that her employment will necessarily end just because her most recent contract terminates in December 2018. Additionally, the evidence contradictory testimony in the record prevents me from clearly finding that Abraham was ever told that her employment with the Employer will actually terminate as of December 2018.

Abraham is employed under the same job title now that she was employed under at the start of her last contract, which underscores the continuing need for the recruitment work she was hired to do under both agreements. Despite the Employer’s contention that Abraham’s position is only funded through the end of December 2018 (out of funds related to the University of Chicago project set to end at that time), it is nonetheless clear that recruitment of scholars is a fundamental and sizable component of the Employer’s operation, and is a component that will undoubtedly continue beyond the end of Abraham’s current contract.

Applying the above-cited Board precedent, Abraham’s eligibility turns on whether there is evidence of uncertainty about Abraham’s tenure. The weight of the evidence supports a finding that Abraham’s tenure is in fact uncertain, but with a substantial expectancy of continued employment, given that she continued beyond the date when her last contract in the same position came to an end and the lack of clear evidence that she was ever told that the termination of her contract and employment would occur contemporaneously.

For the above reasons, I find that Abraham is an eligible voter.

CONCLUSIONS

Based upon the entire record in this matter and in accordance with the discussion above, I direct an election in the following unit.  

All full-time and regular part-time Program Coordinators, Senior Program Coordinators, Apprenticeship Coordinators, Senior Career Advancement Coordinators, Program Managers, Volunteer & Alumni Coordinators; Volunteer & Alumni Programs Coordinators, Program Operations Coordinators, and Scholar Recruitment Coordinators, employed by the Employer at or out of its central Chicago, Illinois facility; excluding all other employees, guard, managers and supervisors as defined by the Act.

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15 During the hearing, the Petitioner indicated on the record that it would be willing to proceed to an election in any unit found appropriate by the Regional Director; and the Petitioner waived the 10 day requirement for receipt of the voter list.
DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by Community Colleges of Chicago Teachers Union, Local 1600.

A. Election Details

The election will be held on Monday, September 24, 2018 from 8:30 a.m. to 10:30 a.m. at the Employer’s downtown facility located at 180 North Wabash Avenue, Chicago, Illinois.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending August 31, 2018, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

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 that 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.

C. Voter List

As required by Section 102.67(l) of the Board’s Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be received by the regional director and the parties by September 12, 2018. The list must be accompanied by a certificate of service showing service on all parties. The region will no longer serve the voter list.

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a
file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee’s last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency’s website at www.nlrb.gov. Once the website is accessed, click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board’s Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution.

Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board’s Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 14 days
after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board’s Rules and Regulations.

A request for review may be E-Filed through the Agency’s website but may not be filed by facsimile. To E-File the request for review, go to www.nlrb.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board’s granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Dated: September 10, 2018

/s/ Peter Sung Ohr
Peter Sung Ohr
Regional Director
National Labor Relations Board
Region 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027
PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by SECRET ballot under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Electioneering will not be permitted at or near the polling place. Violations of these rules should be reported immediately to an NLRB agent. Your attention is called to Section 12 of the National Labor Relations Act which provides: ANY PERSON WHO SHALL WILLFULLY RESIST, PREVENT, IMPEDE, OR INTERFERE WITH ANY MEMBER OF THE BOARD OR ANY OF ITS AGENTS OR AGENCIES IN THE PERFORMANCE OF DUTIES PURSUANT TO THIS ACT SHALL BE PUNISHED BY A FINE OF NOT MORE THAN $5,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off, and also include employees in the military service of the United States who appear in person at the polls. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are not eligible to vote.

SPECIAL ASSISTANCE: Any employee or other participant in this election who has a handicap or needs special assistance such as a sign language interpreter to participate in this election should notify an NLRB Office as soon as possible and request the necessary assistance.

PROCESS OF VOTING: Upon arrival at the voting place, voters should proceed to the Board agent and identify themselves by stating their name. The Board agent will hand a ballot to each eligible voter. Voters will enter the voting booth and mark their ballot in secret. DO NOT SIGN YOUR BALLOT. Fold the ballot before leaving the voting booth, then personally deposit it in a ballot box under the supervision of the Board agent and leave the polling area.

CHALLENGE OF VOTERS: If your eligibility to vote is challenged, you will be allowed to vote a challenged ballot. Although you may believe you are eligible to vote, the polling area is not the place to resolve the issue. Give the Board agent your name and any other information you are asked to provide. After you receive a ballot, go to the voting booth, mark your ballot and fold it so as to keep the mark secret. DO NOT SIGN YOUR BALLOT. Return to the Board agent who will ask you to place your ballot in a challenge envelope, seal the envelope, place it in the ballot box, and leave the polling area. Your eligibility will be resolved later, if necessary.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the voting place and at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.
NOTICE OF ELECTION

ONE MILLION DEGREES
CHICAGO, IL

VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:
Those eligible to vote are: All full-time and regular part-time Program Coordinators, Senior Program Coordinators, Apprenticeship Coordinators, Senior Career Advancement Coordinators, Program Managers, Volunteer & Alumni Coordinators; Volunteer & Alumni Programs Coordinators, Program Operations Coordinators, and Scholar Recruitment Coordinators, employed by the Employer at or out of its central Chicago, Illinois facility; during the payroll period ending August 31, 2018.

EMPLOYEES NOT ELIGIBLE TO VOTE:
Those not eligible to vote are: All other employees, guard, managers and supervisors as defined by the Act.

DATE, TIME AND PLACE OF ELECTION

<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>PLACE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, September 24, 2018</td>
<td>8:30 am - 10:30 am</td>
<td>Employer's Downtown Facility 1801 South Wabash Avenue, Chicago, IL</td>
</tr>
</tbody>
</table>

EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN.

UNITED STATES OF AMERICA
National Labor Relations Board
13-RC-224554

OFFICIAL SECRET BALLOT
For certain employees of
ONE MILLION DEGREES
Do you wish to be represented for purposes of collective bargaining by
COMMUNITY COLLEGES OF CHICAGO
TEACHERS UNION, LOCAL 1600?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES

NO

DO NOT SIGN THIS BALLOT. Fold and drop in the ballot box.
If you spoil this ballot, return it to the Board Agent for a new one.
The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.
NOTICE OF ELECTION

RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with your employer on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities
- In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- Threatening loss of jobs or benefits by an Employer or a Union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or the mail ballots are dispatched in a mail ballot election
- Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a Union or an Employer to influence their votes

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (312)353-7570 or visit the NLRB website www.nlrb.gov for assistance.

WARNING: This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board, and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government, and does not endorse any choice in the election.
INSTRUCTIONS TO ELECTION OBSERVERS

The role of observers in an NLRB election is an important one. You are here to see that the election is conducted in a fair and impartial manner, so that each eligible voter has a fair and equal opportunity to express him or herself freely and in secret. As official representatives of the parties in this election, you should undertake your role with a fair and open mind. Conduct yourself so that no one can find fault with your actions during the election. The NLRB appreciates your assistance in this democratic process.

PRINCIPAL FUNCTIONS

- Monitor the election process.
- Help identify voters.
- Challenge voters and ballots.
- Assist Board Agent in the conduct of election.

DUTIES

- **BE ON TIME:** Observers should report one-half hour before the polls open.
- Identify voters.
- Check off the name of the person seeking to vote. One check before the voter's name is made by one party's observer. One check after the name is made by the other party's observer.
- See that only one voter occupies a booth at any one time.
- See that each voter deposits the ballot in the ballot box.
- See that each voter leaves the voting area immediately after depositing the ballot.
- Report any conflict regarding an individual's right to vote to the Board Agent at your table before the individual votes.
- **Challenge of Voters:** An observer has the right to challenge a voter for cause. A Board Agent may also question the eligibility of a voter. Any challenge must be made before the voter's ballot has been placed in the ballot box.
- Report any unusual activity to the Board Agent as soon as you notice it.
- Wear your observer badge at all times during the election.
- Remain in the voting place until all ballots are counted in order to check on the fairness of the count. If the ballots are not counted immediately after the polls close, you will be informed as to when and where the ballots will be counted.

DO NOT

- Keep any list of individuals who have or have not voted.
- Talk to any voter waiting in line to vote, except as instructed by the Board Agent. (Greeting voters as they approach to vote is acceptable.)
- Give any help to any voter. Only a Board Agent can assist the voter.
- Electioneer at any place during the hours of the election.
- Discuss or argue about the election.
- Leave the election area without the Board Agent's permission.
- Use any electronic media or device, including cell phones, laptop computers, personal digital assistants (PDAs), mobile e-mail devices, wired or wireless data transmission and recording devices, etc. (Please turn off or disable these devices before entering the polling area).