The Employer, Horizon Food Equipment, Inc. d/b/a Horizon Bradco, is a corporation based in Schenectady, New York engaged in the business of providing commercial food equipment and services. Petitioner seeks to represent a unit of all full-time and regular part-time service technicians and dispatchers employed at a facility the Employer operates in Wilmington, Massachusetts.¹ The Employer maintains that the unit should also include shop technicians and parts coordinators.

A hearing officer of the Board held a hearing in this matter on August 21, 2018² and the parties submitted memoranda of points and authorities laying out their legal arguments on August 28. As described below, based on the record and relevant Board cases, including the Board’s decision in PCC Structurals, Inc., 365 NLRB No. 160 (2017), I find that the petitioned-for unit should include shop technicians and parts coordinators.

The Employer’s Operations

_Petitioner's Organizational Chart_

Horizon Bradco sells, services, maintains and repairs commercial food equipment, such as ovens, mixers, grinders, rotisseries, and slicers. A small percentage of its business consists of the sale of spices to restaurants and other commercial customers. The company’s principal office is in Schenectady, New York, and it operates a facility in Wilmington, Massachusetts. As

¹ The parties stipulated that any unit found appropriate should include these classifications. They also stipulated that any unit found appropriate should exclude office clerical employees, guards, professional employees and supervisors as defined by the Act.

² All dates are in 2018 unless otherwise specified.
relevant here, that facility employs three shop technicians, thirty-five service technicians, eight parts coordinators, and four customer service dispatchers.

Mark Stachelski is the Vice President of Operations. He is based in Schenectady, New York, and oversees the Wilmington, Massachusetts facility, which he visits about twice a month. In Wilmington, Peter Marquis serves as Service Manager, overseeing service and shop technicians; Kathleen Palmer serves as Inventory and Procurement Manager, overseeing parts coordinators and shipping and receiving assistants; and Kathy Kersee serves as Dispatch Manager, overseeing the customer service dispatchers. They all report to Stechelski.

**Description of Employer’s Operations**

The Wilmington facility is a large, one-story building consisting of an open space with cubicles and offices; a commercial test kitchen; an office suite with a conference room, break room, kitchen, and bathrooms; and an attached warehouse. The parts coordinator and customer service dispatchers work in the cubicle area. The employees serving in the shop technician classification are based in the warehouse. Service technicians do not work out of the facility. Instead, they are dispatched from their residences to customer sites on a daily basis. Most service technicians visit the Wilmington facility a few to several times per year for training and meetings. Those who live farther away can pick-up and drop-off inventory at remote storage lockers rather than driving to the facility. Those who live closer-by may come in as frequently as once or a few times per week to pick-up and drop-off inventory.

Customer service dispatchers, service technicians, shop technicians, and parts coordinators work in concert to address customer needs. The dispatchers receive service requests generally by phone or, for bigger clients, electronically. Each night, they assign service technicians to calls for the next day based on priority, proximity, and the technicians’ levels of experience. In the field, service technicians perform diagnostic and repair work. If they lack the space necessary to do their work in the field, the equipment is taken or shipped to the facility so that shop technicians can perform the repairs.

When in the field, service technicians communicate frequently with dispatchers about the statuses of their calls. They also communicate with parts coordinators about items they need to have ordered or pulled from inventory, though they often convey their requests through customer service dispatchers. To the extent they communicate directly with parts coordinators, service
technicians have multiple avenues for contacting them, including text messages, e-mail, phone, and in-person conversations. In addition, a software program, Mobile Frame, facilitates communication between service technicians and dispatchers about the statuses of calls and requested items. In turn, Mobile Frame “talks” to another software program, Traverse, which parts coordinators use for tracking, billing, and other matters related to the ordering and inventory of parts.

Shop technicians perform repair work on equipment that was brought to the facility due to space or other constraints in the field that precluded repairs from being performed at customer sites. If they need a part, they typically reach out to parts coordinators in-person, though other avenues of communication are open to them. Shop technicians also fill-in for service technicians in the field and will communicate with dispatch and parts coordinators in the same manner as service technicians.

Description of the Classifications at Issue

Common Terms and Conditions

All Horizon Bradco employees share certain terms and conditions of employment, including the same base work schedule and fringe benefits. The Wilmington facility is open five days per week from 8:00 a.m. to 5:00 p.m. All classifications have the opportunity to perform overtime. Service and shop technicians work an average of about 46 to 50 hours per week, while customer service dispatchers and parts coordinators work between 42 and 46 hours per week. Employees all record their work time through the same software program. Pay is weekly.

As to common benefits, the company offers seven paid holidays and additional vacation days based on seniority. Employees are all eligible for health, dental, prescription drug, vision, and life insurance coverage, optional short-term disability insurance, and a 401k with company match. Employees share a common break room when they work out of the facility.

Customer Service Dispatchers

The petitioned-for unit includes four employees serving in the customer service dispatcher classification. These employees report to Dispatch Manager Kathy Kersee and earn wages from the mid- to high-twenty dollars per hour. They work in the cubicle space of the Wilmington facility, and are not required to wear uniforms or carry company-issued identification. They do not have use of company vehicles. Dispatchers work the company’s
standard hours, with one working each weekend to assist the weekend manager-on-duty, a position that rotates among service technicians who live nearby, Service Manager Peter Marquis, and a shop technician. Because dispatchers do not work in the field or purchase parts, they lack a company credit card, access to company vehicles, and company-issued identification, and are not required to wear uniforms.

Customer service dispatchers serve primarily as liaisons between clients and service technicians, and between service technicians and parts coordinators. When customer service requests come in, the dispatcher assigns the call to a service technician based on priority, proximity, and skill. The customer service dispatchers have to be familiar with client contracts to make assignments and exercise some discretion in their selection of a service technician. The dispatcher will also communicate with the parts coordinator department to obtain anything needed for a call. When the part is in, the dispatcher will dispatch a service technician accordingly. Customer service dispatchers communicate with technicians and parts coordinators by phone, email, and text, and most frequently by the Mobile Frame software program.

Although they work in close concert, there is limited interchange between dispatchers and technicians. One shop technician moved from that role to a customer service dispatch position and then back again. However, the testimony established that the inverse would not generally be possible. Customer service dispatchers lack the training and "electromechanical skill set" needed to serve as a service or shop technician.

In contrast, testimony established that on at least one occasion a dispatcher permanently transferred to the parts coordinator role, and frequently fills-in as a dispatcher to this day. The record reflects that this employee is currently spending about thirty to forty percent of her time in the dispatch role, although she continues to work primarily as a parts coordinator. In general, transferring between these roles would require some on-the-job training, but no specialized skill set creates a barrier to the transition.

**Service Technicians**

Service technicians are supervised by Service Manager Peter Marquis. Their primary role is to perform diagnosis and repair work at client locations. Each evening, customer service dispatchers provide service technicians with their call lists for the next day. Service technicians are dispatched from their residences each day and take their company vehicles home each night.
In the field, service technicians wear company uniforms and carry company identification. They communicate with dispatch throughout the day and let them know when a service call is closed. They rotate being on call for emergency requests, though shop technicians will also occasionally be on call.

Throughout the day, service technicians communicate frequently with employees in the Wilmington office. Although they have many parts in their vehicles, they sometimes need to order items required to complete a repair. In general, they will communicate what they need to customer service dispatchers who will in turn communicate with parts coordinators, and then relay order status information back to service technicians. These communications can happen through a variety of means, but frequently occur through the Mobile Frame software program.

Less frequently, though with some regularity, service technicians will communicate directly with parts coordinators about what they need or to ask questions about parts. The record contains conflicting testimony as to the frequency such contacts occur. A union witness attested that he generally communicated through dispatch, stating that he would communicate with parts coordinators once every week or two. Indeed, over the course of two months, evidence showed he e-mailed parts coordinators five times directly. Much of the information about parts is available in manufacturer manuals, and, in theory, many items can be ordered directly from the manufacturer or, if it is a basic part, purchased at a store like Home Depot. However, parts coordinators keep track of updated parts, new parts numbers, and order tracking through the Traverse software program, to which service technicians lack access.

Because they work primarily in the field and are dispatched from their homes each day, service technicians do not come to the Wilmington office regularly. They may come in for meetings and specialized trainings on safety and technical work, but are not required to attend the annual meeting and can do certain trainings remotely. Those who live farther away may visit the facility a handful of times per year, while those that live closer may come in on a weekly basis or more to pick-up and drop-off inventory or to assist with shop work. A service technician called as a Union witness attested that he came to the facility about 11 times in the past year and worked 6.5 hours the past Sunday in the shop.

When in the field, service technicians’ hours are computed differently from employees working out of the Wilmington facility. If the first client of the day is more than a half hour
drive from a service technician’s residence, the first half hour of the technician’s day is docked from his hours. However, the full half hour will not be docked if the first client is closer than a half hour drive away, such that the technician will be paid for all hours actually worked at a client site. Other employees simply clock in and out when they arrive or leave for the day. Likewise, service technicians receive a half hour for lunch, while lunch is handled more flexibly for other employees. They will generally continue working on customer repairs until a job is completed, even after normal business hours, and typically accrue an average of 46 to 50 work hours total. In addition to overtime, service technicians are the only classification eligible for bonuses based on company revenue and their individual gross margins.

**Shop Technicians**

Like service technicians, shop technicians are supervised by Service Manager Peter Marquis. Both classifications earn from the mid- to high-teens per hour as a starting wage to the mid- to high-thirties per hour as they gain experience and seniority. The two classifications have a similar skill set, perform similar work, and use the same tools and equipment. Whereas service technicians perform diagnosis and repair work in the field, shop technicians perform those same functions in the shop whenever necessary due to space constraints at a customer site. Shop technicians have the same “electromechanical skill set” as service technicians that enable them to diagnose issues and repair equipment.

Indeed, shop technicians frequently fill-in for service technicians if the company is short staffed. They will also work in the field with service technicians to receive training on new equipment or if a job requires a second person. Peter Marquis attested that one shop technician has been filling in for a vacant driver position four to five times per week recently and others may fill-in or help-out an average of once or twice per week. Human Resources Manager Patrick Bresonis attested that shop technicians may fill-in for service technicians as much as ten percent of the time. Inversely, service technicians will work in the shop when repair work is backlogged, an average of two or three times per month. One service technician attested to having recently spent six and a half hours in the shop on a recent Sunday. Further, at least two

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3 Although some testimony exists that no shop technician has a gas license, which is required by some states, only four of the thirty-five service technicians have this license, such that it is not a requirement to serve in that role.
shop technicians have transferred permanently to the service technician role, and vice versa, without requiring additional training.

When in the field, shop technicians communicate with dispatchers in the same manner and with the same frequency as service technicians. They also communicate with parts coordinators in a similar capacity when in the field. When they are at the facility, shop technicians may communicate with dispatchers daily about deliveries or if they need assistance with a project. Their communications with parts coordinators when they are working in the shop may be more frequent—as much as every few hours—and more direct than service technicians, because they can have in-person discussions about parts and order statuses.

If a shop technician needs to go into the field, he has access to a company vehicle. He is not authorized to take it home, however. Like service technicians, shop technicians wear uniforms and have company-issued identification. They also receive the same safety and skills training and make the same salary range. They are not eligible for company bonuses, however, and, with the exception of one shop technician, are not generally required to be on-call for after hour and weekend emergencies. They also have access to the company break room, which service technicians do not when they are in the field, and have greater flexibility about the duration of their lunch break.

*Parts Coordinators*

Parts coordinators are supervised by Inventory and Procurement Manager Kathleen Palmer. They share the cubicle space with the separately-managed customer service dispatchers, with no set area specific to either classification. They typically earn in the low- to mid-twenty dollars per hour.

Parts coordinators are responsible, primarily, for placing and tracking orders for parts that service and shop technicians request. They receive relayed requests for parts from dispatchers, or use Mobile Frame, e-mail, text, and phone messages to communicate with technicians directly. They track orders using Traverse, a program only they have access to. They also use Traverse for billing and keeping track of inventory on vans and in-house. Parts coordinators do not generally interface with clients as the other classifications do. Their focus, instead, is on the supply-side, ordering and tracking parts, and keeping tabs on inventory in-house. A small part of Horizon Bradco’s business is providing spices to restaurants and independent markets; it has a
sales account representative whose responsibility is to obtain spice orders. Parts coordinators may receive orders directly from customers for spices. However, as with requested parts, parts coordinators primarily handle order placement, tracking, and billing matters with respect to spices.

With respect to parts, in a typical scenario, a parts coordinator will place an order requested by a technician and have it shipped to the customer site, the Wilmington facility, or to the technician’s home. When a shipment arrives at the facility, the parts coordinator will relay this information to the dispatcher, who will dispatch a service technician back to the customer site to complete the repair. The record reflects that service and shop technicians will also work directly with parts coordinators to bounce ideas off each other, identify the correct parts, get updates on order statuses and shipments, and check on the availability of inventory in vans and in-house. Testimony reflects that approximately twenty percent of a parts coordinator’s day is updating and clarifying the status of parts for technicians. Although technicians could technically perform some of this work themselves, as they have company credit cards and can contact manufacturers directly, the balance of the record reflects that parts coordinators perform most of this work. In turn, parts coordinators will reach out to service and shop technicians for more information about a part or to discuss the situation where a part has been superseded by a new model or kit or has a new manufacturer number.

Though they communicate frequently, there is limited evidence of interchange between parts coordinators and technicians. Like customer service dispatchers, parts coordinators lack the specialized training to perform repair and diagnostic work that service and shop technicians perform. Although parts coordinators have to be familiar with client contracts, equipment, and parts to do their jobs, they lack the service and shop technicians’ skill set to perform diagnostic and repair work. As a result, they are never dispatched into the field or required to work on-call. They likewise do not have regular access to company vehicles, wear uniforms, or carry company identification. And, although they are eligible for overtime, their hours are lower than service and shop technicians’ hours. They are also not eligible for bonuses the service technicians receive. Their hours are more akin to those of customer service technicians; both work two to six hours of overtime per week. Nonetheless, the record reflects that at least two parts coordinators have transitioned into shop technician roles. To make the change, they were
required to perform job testing, go through a standard interview process, and receive on-the-job training.

In contrast, parts coordinators and customer service dispatchers can move between roles more seamlessly. One employee in particular regularly fills in for dispatchers because she previously worked in that role. She presently spends from thirty to forty percent of her time as a customer service dispatcher, although her primary role is in the parts department. Other parts coordinators could also fill in for dispatchers with only some on-the-job training required. They would have to develop some familiarity with service technicians’ skill level and customer needs, but could learn on the job. The inverse is also true. Customer service dispatchers can fill-in temporarily or permanently transfer into a parts coordinator role with minimal training. The record reflects one example of this happening, with a customer service dispatcher moving into the parts coordinator role following peer and supervisor-lead on-the-job training. No significant training or skills-based barriers exist to transfer between the parts coordinator and dispatcher roles.

Board Law

In *PCC Structural*®, the Board returned to a traditional community of interest analysis for assessing whether a petitioned-for unit should include additional classifications. 365 NLRB No. 160 (2017). In recent years, the Board had moved away from the traditional community of interest analysis in favor of applying the “overwhelming community of interest” standard established in *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB 934 (2011). The overwhelming community of interest standard required, first, an analysis of whether the petitioned-for unit was appropriate and, second, a showing by the employer that other employees it wished to include in the unit shared an overwhelming community of interest with those the petitioner sought to represent. In overturning *Specialty Healthcare*, the Board did away with the initial question of the unit’s appropriateness and the second-prong’s burden-shifting to the employer to show an overwhelming community of interest between excluded and included employees. *See PCC Structural*, 365 NLRB No. 160 at *13.

Under the reintroduced traditional standard, the Board now requires an assessment of whether the employees in a petitioned-for group share a community of interest sufficiently
distinct from employees excluded from the group such that the included employees constitute a separate appropriate group. *Id.* at *6. This analysis turns on a multi-factor test which:

requires the Board to assess 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.

*Id.* at *6, 13. The Board elaborated that the question is never whether the employees in the sought unit have interests in common with each other. Rather, the question is, first and foremost, whether excluded employees have interests “sufficiently distinct from those of other employees to warrant the establishment of a separate unit.” *Id.* at *6 (citing Wheeling Island Gaming, 355 NLRB 642, 642 fn. 2 (2010) (quoting Newton-Wellesley Hospital, 250 NLRB 409, 411-412 (1980)) (emphasis in Wheeling Island Gaming)).

**Application of Board Law to the Facts of This Case**

**Shop Technicians Should Be Included in the Unit**

The record evidence includes ample evidence that shop technicians should be included in the petitioned-for group under a traditional community of interest standard. They work in the same department, have common supervision, are eligible for the same wages, and have the same skills and training as service technicians. Indeed, the two technician classifications fundamentally perform the same work and regularly fill-in for and assist each other. Shop technicians complete work on equipment that service technicians cannot perform due to space constraints in the field and often accompany service technicians on jobs that require an extra person. Service technicians, in turn, assist with back-logged work in the shop. When in the field, shop technicians are in communication with dispatchers to the same extent as service technicians, and likewise regularly communicate with parts coordinators as service technicians do, though they are more likely to do so in-person because they are based in the same facility. Like service technicians, shop technicians have access to company vehicles, although they do not take them home, wear uniforms, and have company-issued identification.

The principal differences between the classifications are the location where their work is performed, with service technicians in the field and shop technicians primarily working in the
facility. Service technicians also have some differences in how their pay is calculated given that they are dispatched from home such that a half-hour for commute time is generally deducted unless a client location is closer than a half hour’s drive from their homes. In addition, service technicians are uniquely eligible for bonuses.

On balance, however, these differences do not justify excluded shop technicians from the unit under a traditional community of interest standard. Their work is far more similar than different such that service technicians do not form a sufficiently distinct group to justify exclusion of their in-house counterparts, shop technicians, from the unit. *PCC Structural*, 365 NLRB No. 160 at *6.

**Parts Coordinators Should Be Included in the Unit**

Whether parts coordinators share a community of interest with the petitioned-for group is not clear cut. On one hand, parts coordinators work in a separate department from dispatchers and technicians, have their own supervision, make lower average wages than the other classifications, and do not work weekends or on-call. They also lack the specialized training of technicians and cannot transfer seamlessly into a technician role as a result. In addition, they have distinct job functions that do not overlap with either the technician or dispatcher classifications. Moreover, whereas the other classifications at issue are customer-facing roles, the parts coordinators’ communications are nearly entirely on the supply-side or internal.

On the other hand, the evidence reflects significant functional integration between parts coordinators, technicians, and dispatchers. Parts coordinators receive requests for parts that dispatchers relay from service technicians as well as requests directly from technicians. They are the only classification with access to the Traverse software which tracks orders. As a result, technicians and dispatchers must rely on parts coordinators for information about the status of orders. Further, parts coordinators spend approximately twenty percent of their time on “clarification” issues for technicians. Specifically, they help technicians identify necessary parts and answer a range of questions about parts, from changes in serial numbers to manufacturer offerings. The evidence suggests that some technicians may rely on parts coordinators more than others, and that some may not communicate with them directly on a daily basis. For example,

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4 The evidence is clear that Traverse and Mobile Frame “talk” to each other, such that technicians and dispatchers will know when an order is in. However, Mobile Frame does not appear to have access to order tracking data.
one service technician testified that he communicated his parts needs primarily through dispatch and relied more on fellow technicians to answer questions, speaking to parts coordinators directly five times in a two month period. However, the weight of the evidence suggests he may be an outlier in his degree of contact with parts coordinators given the extent of time the coordinators spend on clarification matters. Regardless, nearly the entirety of coordinators’ job is to obtain parts technicians need to complete their work.

Moreover, even if parts technicians do not communicate directly with technicians, they do communicate regularly with dispatchers who relay requests to them. They also share a common workspace and break room with dispatchers, as well as many terms and conditions of employment. None are required to wear uniforms, carry company identification, or have access to company vehicles. There is also evidence of temporary and permanent interchange between the two classifications. Such transfers require some on the job training, but no specialized skills create a barrier to the transition. Indeed, one parts coordinator spends about thirty to forty percent of her time working as a dispatcher, a role she previously occupied. The record reflects that other parts coordinators have also filled in for dispatchers and includes one example of a dispatcher moving into the parts coordinator role.

Ultimately, the question is whether the technician and dispatcher classifications have a community of interest “sufficiently distinct” from parts coordinators to justify the exclusion of parts coordinators from the group. Horizon Bradco argues that the Petitioner is seeking a fractured unit given that the petitioned-for group already includes two classifications from distinct departments, with separate supervision, work locations, compensation structures, and access to vehicles, among other differences in work terms and conditions. See Odwala, 357 NLRB 1608, 1612 (2011) (finding fractured unit under “overwhelming community of interest” standard). Indeed, the work performed by parts coordinators is as integrated and functionally distinct from the work of technicians as is the work of customer service dispatchers, who are included in the petitioned-for unit. The only basis for excluding parts coordinators from the unit while including dispatchers is that, like technicians, dispatchers are client-facing while parts coordinators are not. However, the degree of functional integration between the petitioned-for classifications and the parts coordinator classification and the many factors that dispatchers and coordinators share support the conclusion that, on balance, a community of interest exists that
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warrants inclusion of parts coordinators in the unit. The fact that most of the factors distinguishing coordinators from technicians are also distinguishing factors for dispatchers supports the finding that excluding parts coordinators would fracture the unit.  

Accordingly, I conclude that parts coordinators should be included in the petitioned-for unit.  

Based upon the entire record in this matter and in accordance with the discussion above, I conclude and find as follows:  

1. The rulings 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.  

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.  

5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:  

All full-time and regular part-time service technicians, shop technicians, customer service dispatchers, and parts coordinators employed by the Employer at its facility located at 12 Waltham Street, 01887 Wilmington, Massachusetts but excluding all other employees, including managers, supervisors, and guards as defined in the Act.  

DIRECTION OF ELECTION  

In off-record discussions, the Union represented that it wished to proceed to an election with the larger unit. Accordingly, an election by secret ballot will be conducted by the undersigned among the employees in the unit found appropriate in this Decision on the dates,
times, place and manner set forth in the Notices of Election issued herewith. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 25.

A. Election Details

Based on the parties’ stipulation on the record that a mixed manual/mail ballot election will be held, I direct an election with the following arrangements:

Manual Balloting:

The manual balloting will be conducted on **Friday, September 21, 2018 from 7:30 a.m. to 8:30 a.m.** in the Conference Room of the Employer’s facility located at 12 Waltham Street, Wilmington, Massachusetts for the shop technician, parts coordinator, and customer service dispatcher classifications.

The manual ballots will be impounded, and commingled with the mail ballots and counted on **Friday, October 5, 2018 at 11:00 a.m.** at the office of the National Labor Relations Board, Region 1, 10 Causeway, 6th Floor, O’Neil Federal Building, Boston, Massachusetts 02222.

Mail Balloting:

The ballots will be mailed to employees serving in the service technician classification. On **Thursday, September 20, 2018**, ballots will be mailed to such voters from the National Labor Relations Board, Region 3, 130 South Elmwood, Suite 630, Niagara Center, Buffalo New York, 14202. Voters must return their mail ballots so they are received in the National Labor Relations Board, Region 1 office at 10 Causeway, 6th Floor, Boston, MA, 02222 by **Thursday, October 4, 2018**. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by **Thursday, September 27, 2018**, should communicate immediately with the National Labor Relations Board by either calling the Region 1 Office at (617) 565-6700 or our national toll-free line at 1-866-667-NLRB (1-866-667-6572).

In order to be valid and counted, the returned ballots must be received at the National Labor Relations Board, National Labor Relations Board, Region 1, 10 Causeway, 6th Floor, O’Neil Federal Building, Boston, Massachusetts 02222 by **Friday, October 5, 2018**, prior to the counting of the ballots.

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5 The parties stipulated on the record that service technicians will vote by mail ballot. All other classifications in the unit will vote in-person.
B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending Sunday, August 26, 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(1) 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 Wednesday, September 5, 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: Friday, August 31, 2018

/s/Paul J. Murphy

PAUL J. MURPHY
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 01
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465