

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 7**

EMERGENT HEALTH PARTNERS

Employer

and

Case 07-RC-231720

**INTERNATIONAL ASSOCIATION OF EMTS
AND PARAMEDICS (IAEP), NATIONAL
ASSOCIATION OF GOVERNMENT
EMPLOYEES (NAGE), SEIU LOCAL 5000**

Petitioner

DECISION AND DIRECTION OF ELECTION

The Employer, Emergent Health Partners,¹ provides ambulance, emergency medical technician and paramedic services in southern Michigan. The Petitioner, International Association of EMTs and Paramedics (IAEP), National Association of Government Employees (NAGE), SEIU Local 5000 filed a petition with the National Labor Relations Board under Section 9(c) of the National Labor Relations Act seeking to represent all full-time and regular part-time Emergency Medical Technicians (EMTs) and Paramedics² (EMT-Ps) employed by the Employer at eight of its Michigan facilities in Battle Creek, Coldwater, Mendon, Sturgis, Cassopolis, White Pigeon, Richland, and Sherwood (also known as Matteson Township substation) located in seven counties.

The only issue presented in this case is whether the petitioned-for unit, limited to employees at the Employer's above-referenced facilities, is an appropriate unit for bargaining, or, as the Employer contends, and whether the unit also must include employees at the Employer's other facilities described below. The parties agree that any unit found appropriate should include all full-time and regular part-time EMTs and EMT-Ps.

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. As explained below, based on the record and relevant Board law, I find that the petitioned-for unit is an appropriate unit.

¹ The Employer's name appears as amended at hearing.

² The paramedics in the petitioned-for unit are broken down into two categories: paramedics 1 and paramedics 2. Both categories of paramedics perform more advanced assessments and life-saving procedures than EMTs. The more senior paramedics 2 differ from the paramedics 1 in their ability to work independently.

I. The Employer's Operations

The Employer is a Michigan non-profit corporation engaged in providing ambulance, EMT and paramedic emergency and non-emergency care and transportation to hospitals and nursing homes in southern Michigan. The Employer's operations include facilities located in Battle Creek, Coldwater, Mendon, Sturgis, Cassopolis, White Pigeon, Richland, and Sherwood (also known as Matteson Township substation)—the petitioned-for facilities—as well as Ann Arbor, Dexter, Saline, Chelsea, Plymouth, New Hudson, South Lyon, Belleville, Wixom, New Boston, Jackson, Albion, Tecumseh, Brooklyn, Carleton, Dundee, Monroe, and Temperance, the employees of which facilities the Employer contends must also be included in an appropriate unit. There are approximately 90 employees in the petitioned-for unit, and 583 employees in the unit proposed by the Employer.

The Employer's operation is comprised of approximately 30 facilities divided into four regions in Michigan: Eastern, Central, South Central, and the so-called LifeCare Region that comprises the petitioned-for unit. The Employer provides the same services described above at all of its facilities. The Eastern Region is comprised of the counties of Wayne and Oakland with a main station in Plymouth; the Central Region is comprised of Washtenaw County and a portion of Lenawee County with a main station in Ann Arbor; and the South Central Region is comprised of a portion of the counties of Calhoun, Lenawee, and Monroe with a main station in Jackson. The Lifecare Region comprises seven counties, covers approximately 1,400 square miles, and is based in Battle Creek.

The Lifecare Region is named after Lifecare Ambulance, a not-for-profit ambulance service with which the Employer began merging on January 1, 2018; the merger is scheduled to be completed on December 16, 2018, after the close of the hearing in this matter. LifeCare Ambulance operates approximately 25 ambulances as well as approximately 25 mobility transport vehicles. The Employer operates an additional 125 ambulances and approximately 25 mobility transport vehicles, excluding LifeCare Ambulance's vehicles.

The Employer's executive and administrative offices, including its human resources department and maintenance shop, which service its operations throughout Michigan, are located in Ann Arbor. The Employer has one President and Chief Executive Officer (CEO) who works out of the Employer's Ann Arbor office and oversees all of the Employer's operations. The Chief Operating Officer (COO) reports to the President and CEO and also works out of the same office. The Employer's Regional Vice Presidents³ report to the COO; the Operations Manager reports to the Lifecare Regional Vice President;⁴ and the five Lifecare Regional Supervisors report to the Operations Manager. Beneath the Operations Manager in the LifeCare Region are facility supervisors who are the immediate supervisors of the EMTs and paramedics working in their respective facilities. In the LifeCare Region, four supervisors are responsible for the day-to-day operations at the facilities in Battle Creek, Coldwater, Richland, and Sherwood (also known as Matteson Township substation), while one supervisor is responsible for the day-to-day

³ The record does not reflect how many Regional Vice Presidents the Employer employs.

⁴ The record does not reveal whether the Operations Manager serves all of the Employer's regions, or only the Lifecare Region.

operations at Cassopolis, White Pigeon, Mendon, and Sturgis. The LifeCare Regional supervisors regularly travel between the facilities in their assigned areas.⁵

II. Board Law

The Board has held that in order for a unit to be appropriate for the purposes of collective-bargaining within the meaning of the Act, the unit need not be the only appropriate unit or the most appropriate unit; it need only be an appropriate unit. *Barron Heating and Air Conditioning, Inc.*, 343 NLRB 450, 452 (2004), citing *American Hosp. Ass'n v. NLRB*, 499 U.S. 606, 610 (1991); *Overnite Transportation Co.*, 322 NLRB 723 (1996). Thus, in determining whether a unit is appropriate, the Board first examines the petitioned-for unit and, if the petitioned-for unit is an appropriate unit, the inquiry ends. *Bartlett Collins Co.*, 334 NLRB 484, 484 (2001). If it is not an appropriate unit, the Board then examines whether an alternative unit suggested by the parties or another unit not suggested by the parties is appropriate. *Overnite Transportation Co.*, 331 NLRB 662, 664 (2000).

When a union petitions for a multi-location bargaining unit, the presumption in favor of a single facility unit has no applicability. *Capital Coors Co.*, 309 NLRB 322, 322 fn. 1 (1992). Instead, the Board applies its traditional community-of-interest analysis. Thus, where a union petitions for a unit that is greater than a single location, but less than chain-wide (or district-wide) in scope, the Board considers a variety of factors to determine whether the employees in the petitioned-for unit share a community of interest distinct from the employees at the excluded facilities. Specifically, the Board considers the functional integration of business operations, including employee interchange and contact; similarity of employee skills, duties and working conditions; centralized control of management, supervision and labor organizational grouping of the employer's operations; geographic cohesiveness and proximity; and collective-bargaining history. *Bread of Life, LLC*, 361 NLRB 1236, 1236 fn. 1 (2014); *Bashas', Inc.*, 337 NLRB 710, 711 (2002); *Alamo Rent-A-Car*, 330 NLRB 897, 897 (2000).

In support of its position, the Employer cites to centralized control over labor relations, common benefits and policies for employees, and similarity of employee skills, duties and working conditions.

III. Application of Board Law to this Case

Under the circumstances of this case, therefore, the question presented is whether the petitioned-for EMTs and EMT-Ps in the Employer's Battle Creek, Coldwater, Mendon, Sturgis, Cassopolis, White Pigeon, Richland, and Sherwood (also known as Matteson Township substation) facilities share a sufficient community of interest distinct from EMTs and EMT-Ps working in the rest or other of the Employer's Michigan facilities. Based upon a careful review of the record evidence and analysis of relevant Board principles, I find that the Battle Creek, Coldwater, Mendon, Sturgis, Cassopolis, White Pigeon, Richland, and Sherwood (also known as Matteson Township substation) EMTs and EMT-Ps share a distinct community of interest to find

⁵ The record does not reveal whether the Employer's other regional facilities have supervisors.

that a unit limited to these employees would be an appropriate unit for purposes of collective-bargaining. In reaching this conclusion, I rely on the following analysis and record evidence.

1. Functional Integration of Business Operations

The Employer's LifeCare Region is headquartered in Battle Creek and had been a stand-alone entity operated by LifeCare Ambulance until January 1, 2018, at which point the Employer acquired LifeCare Ambulance as a wholly-owned subsidiary and began to integrate LifeCare Ambulance into its business operations. The merger process was underway at the time of the hearing in this matter and is scheduled to be completed on December 16, 2018, at which point the LifeCare regional employees will begin receiving paychecks from the Employer, rather than LifeCare Ambulance, and ostensibly will be integrated into the Employer's centralized administrative and labor relations systems. After the completion of the merger, however, LifeCare Ambulance will not be dissolved, but rather will continue to operate as a wholly-owned subsidiary of the Employer and continue to do business as LifeCare Ambulance in the same region. Moreover, LifeCare regional employees will continue to wear uniforms and drive ambulances with LifeCare Ambulance logos and insignias that distinguish them from the Employer's other employees.

The Employer centralizes the purchasing and assignment of equipment and ambulances to all facilities through its Ann Arbor office. New ambulances arrive at the Ann Arbor shop where the Employer installs common equipment, including driver monitoring systems, before deploying them to their assigned facilities.

The record contains limited evidence regarding the interchange of equipment between regions. Although the Employer maintains that equipment is occasionally exchanged among its 30 facilities, for example during special events, there is no evidence that this happens on a regular basis. On the contrary, the Union's witness testified that the ambulances in the LifeCare Region were serviced exclusively by the LifeCare Region's mechanic garage.

2. Employee Interchange and Contact

The record contains no evidence demonstrating that interchange of employees between the LifeCare Region and the Employer's other regions has occurred as of the date of the hearing. In fact, the Petitioner's witness testified that she has never had any contact with employees of the Employer outside of her assigned LifeCare Region. Although the Employer's witness testified that LifeCare Region employees will be eligible to work side-by-side other regions' employees at certain special events after the completion of the merger, there was no probative evidence presented that this will, in fact, occur. Also, the Employer's witness was unable to think of any instances where LifeCare Region employees have interacted with employees from other regions.

There is some evidence of employee interchange among employees in the Employer's other regions, excluding the LifeCare Region. The Employer's witness testified that in 2018, 10 to 15 percent of the Employer's approximately 493 employees in the other three regions regularly picked up shifts in regions other than their assigned regions, and were then supervised

by the facility's supervisor where they were assigned. In addition, the Employer's witness testified in 2018, there were approximately 12 permanent, inter-regional transfers among the approximately 493 employees in its three other regions, excluding the LifeCare Region. The Employer further maintains that after the merger is completed, all its employees in its LifeCare Region will have the ability to crossover with the Employer's other facilities by picking up shifts and/or permanently or temporarily transferring between its 30 facilities pursuant to a common policy. However, the Employer admits that this sort of crossover of LifeCare Region employees has not yet occurred as of the date of the hearing in this matter.

The evidence also disclosed that LifeCare Region employees are separately dispatched by LifeCare Region dispatchers. The Employer's witness testified, however, that after the merger, the Employer's centralized dispatch center will dispatch LifeCare employees in the same manner as its other employees in its other regions are dispatched. The Employer further asserts it routinely dispatches employees in its three other regions to take calls outside of their assigned facilities. The Employer, however, offered no documentary or other relevant probative evidence in support of these assertions. Further, there was no evidence presented as to how often this type of alleged employee interchange occurs among employees stationed at facilities outside of the LifeCare Region. Within the LifeCare Region, employees frequently take calls in other LifeCare areas, e.g., a Mendon unit may take a call in Sturgis if the Sturgis unit is unavailable, or Richland station employees may take calls from the Battle Creek station several times a day. It is speculative, however, whether employees in the LifeCare Region will take calls outside of their region after the merger is complete, and if so, how often. In sum, there is no evidence of employee interchange among employees of the LifeCare Region and the Employer's other regions, and any evidence of future employee interchange among employees of the LifeCare Region and other regions is speculative.

3 . Similarity of Employee Skills, Duties and Working Conditions

The parties stipulated that the nature of the work performed and the skills utilized by the Employer's EMTs and EMT-Ps, respectively, is the same at all of the Employer's facilities. In addition, employees at all of the Employer's facilities are required to meet the same job qualifications for their respective positions and operate the same types of equipment. As for the petitioned-for LifeCare Region EMTs and EMT-Ps, the parties agree that they have the same respective skills and duties; use the same equipment; require the same level of education, training, and experience, respectively; are subject to the same respective wage structure; receive the same benefits; utilize the same timekeeping methods; work under similar conditions; spend a similar amount of time in the field in relation to that spent at the employer's facilities; and wear the same LifeCare uniforms.

4 . Centralized Control of Management, Supervision and Labor Relations

As discussed above, each LifeCare Region's facility's supervisor is responsible for the day-to-day operations of his or her facility. Specifically, the Employer's witness testified that facility supervisors address any problems that arise during their shifts, either with employees or customers, and assist employees with challenging calls. Supervisors have the independent

authority to discipline employees, whereas terminations are subject to mandatory review by the President and CEO or COO. Facility supervisors also conduct employee evaluations and cover shifts when employees call in sick.

The Employer's administrative and human resources functions and personnel are centralized and located in its Ann Arbor office, where human resources personnel track employee discipline and employee benefits for employees in all four regions. All of the Employer's financial, payroll, and bookkeeping systems, insurance services, accounting services, legal services, advertising services, procurement of supplies and equipment, and employee training programs are centralized. At the time of the hearing, personnel records for employees in the petitioned-for unit were kept at the Employer's Battle Creek station, though the Employer maintains that many of those records will be kept at the Employer's Ann Arbor office after the merger. Employees at all four regions are covered by the same corporate-wide health insurance, life insurance, disability insurance, pension plans, employee handbook and policies, work rules, job descriptions, seniority list, and have access to the same flexible spending accounts, and paid vacation and holiday benefits. Wage rates are established by personnel in the Ann Arbor office, though wages rates and hours of work vary by facility, even within the same region. The Employer handles all workers' compensation and unemployment benefit issues through a single office. To select their work shifts, all of the Employer's employees have access to the same scheduling software maintained in the Employer's Ann Arbor office and are subject to the same timekeeping system.

The Employer's hiring and job posting procedures are also centralized. The hiring process is governed by requirements determined by human resources personnel in the Ann Arbor office, though local supervisors are involved in the hiring process. Job applicants utilize a centralized system to apply for positions. Interviews are conducted at the Employer's offices in Ann Arbor and Battle Creek. The Employer maintains a centralized intranet system for the posting of job vacancies, including promotional opportunities. Though LifeCare Region employees are currently ineligible to utilize the centralized intranet system and have historically had their own intranet for the posting of job vacancies, the Employer contends they will also use the centralized intranet for job vacancies after the merger is completed.

5. Geographic Cohesiveness and Proximity

The record establishes the following distances among the LifeCare Region's main station in Battle Creek and the main stations of the three other regions based on travel time:

Battle Creek to Ann Arbor (Central Region)	1 hour 15 minutes
Battle Creek to Jackson (South Central Region)	45 to 50 minutes
Battle Creek to Plymouth (Eastern Region)	1 hour 45 minutes
Battle Creek to Cassopolis	1 hour 20 minutes

The record does not disclose the distance based on travel time between Battle Creek and Coldwater, Richland, Mendon, White Pigeon, Cassopolis, Sherwood, or Sturgis. The record discloses that the facilities at issue are located at the following addresses: 1200 State Cir., Ann

Arbor, MI 48108; 429 Ingham St., Jackson, MI 49201; 1270 Gold Smith, Plymouth, MI 48170; 330 Hamblin Ave., Battle Creek, MI 49017; 24 Wright St., Coldwater, MI 49036; 118 Burr Oak St., Mendon, MI 49072; 68834 Broadus St., Sturgis, MI 49091; 6367 Brick Church Road, Cassopolis, MI 49031; US-12 and Lutz Rd., White Pigeon, MI 49099; 12086 State Highway 89, Richland, MI 49083; 1003 West Colon Rd., Sherwood, MI 49089. I take administrative notice of “Google maps” that the distances among the facilities based on miles is as follows:⁶

Battle Creek to Ann Arbor (Central Region)	84 miles
Battle Creek to Jackson (South Central Region)	48 miles
Battle Creek to Plymouth (Eastern Region)	98 miles
Battle Creek to Cassopolis	73 miles
Battle Creek to Coldwater	41 miles
Battle Creek to Richland	12 miles
Battle Creek to Mendon	32 miles
Battle Creek to Sturgis	44 miles
Battle Creek to White Pigeon	51 miles
Battle Creek to Sherwood	28 miles

6. Collective-Bargaining History

There is no evidence of a history of bargaining at or among any of the facilities at issue and the Petitioner or any other labor organization.

7. Analysis

I conclude that the petitioned-for unit of EMTs and EMT-Ps in the Employer’s Battle Creek, Coldwater, Mendon, Sturgis, Cassopolis, White Pigeon, Richland, and Sherwood (also known as Matteson Township substation) facilities is an appropriate unit. The petitioned-for employees share a community of interest that is distinct from employees in the Employer’s other regions. The Employer has failed to establish that these facilities, comprising the Employer’s LifeCare Region, have been so effectively merged or functionally integrated with other Employer facilities that they have lost their separate identity.

The record shows that the Employer has sought to consolidate many aspects of its statewide operations and thereby standardize EMTs’ and EMT-Ps’ performance. The record evidence of that consolidation and standardization, however, leads me to conclude that despite the Employer’s efforts in this regard, the LifeCare Region’s operation is not functionally integrated with the other operations statewide. Thus, the LifeCare Region’s employees in the petitioned-for unit work exclusively within their region. Following completion of the merger, LifeCare Ambulance will not be dissolved, but rather will continue to operate as a wholly-owned subsidiary of the Employer and continue to do business as LifeCare Ambulance in the same geographic region. LifeCare regional employees will continue to wear uniforms and drive ambulances with LifeCare Ambulance logos and insignias that distinguish them from the

⁶ *Bud Antle, Inc.*, 359 NLRB 1257, 1257 fn. 3 (2013), reaffd. 361 NLRB 873 (2014).

Employer's other employees. Additionally, any exchange of equipment between the LifeCare Region and other regions is sporadic at best. Moreover, the LifeCare Region's ambulances are serviced exclusively by the mechanic garage in that region. Thus, the record shows, and I conclude, that the LifeCare Region EMTs and EMT-Ps operate independently of the other statewide operations and as a separate and distinct unit with its own community of interest. See, e.g., *Bashas', Inc.*, 337 NLRB at 712.

Employee interchange also does not weigh in favor of a statewide unit. The record contains no evidence of interchange between employees of the LifeCare Region and the Employer's other regions. The Employer contends that after completion of the merger, LifeCare Regional employees will be able to crossover with employees in its other regions by picking up shifts, working side-by-side other regions' employees under limited circumstances, such as special events, and/or transferring between facilities. However, there is no evidence that any such employee interchange has happened, and it is speculative whether, or to what degree in the future, there will be any interchange among the LifeCare region's employees and employees in the Employer's other three regions. On the other hand, the record demonstrates that EMTs and EMT-Ps in the LifeCare Region experience significant interchange within the LifeCare Region. LifeCare Region employees are separately dispatched by LifeCare Region dispatchers, and frequently take calls in other LifeCare Region areas outside of their assigned facility. The degree of regular interchange among the LifeCare Region EMTs and EMT-Ps (and the lack of interchange among the LifeCare Region EMTs and EMT-Ps and the Employer's other employees) supports my conclusion that the petitioned-for unit is an appropriate unit. See, e.g., *New Britain Transportation Co.*, 330 NLRB 397, 398 (1999).

It is generally undisputed that the EMTs and EMT-Ps working in the LifeCare Region possess similar skills, perform the same duties, and have generally the same working conditions as employees working for the Employer elsewhere in the state. Thus, this factor, alone, does not demonstrate that the LifeCare Region EMTs and EMT-Ps share a community of interest distinct from other regions' employees.

The evidence discloses that the Employer has attempted to consolidate as many of its administrative functions as possible, including payroll, record-keeping, hiring, and daily scheduling. The Employer has also taken measures to centralize its management and human resources functions on a statewide basis. All of the Employer's employees share the same insurance benefits, pension plans, paid vacation benefits, and work rules. Thus, the record evidence concerning these factors fails to establish that the LifeCare Region employees are a group distinct from other EMTs and EMT-Ps. However, LifeCare Region EMTs and EMT-Ps have common day-to-day supervision that remains local and unique to them.

The record discloses that the LifeCare Region EMTs and EMT-Ps deal directly with their facility's supervisor. Indeed, the Employer's witness testified that at each LifeCare Region facility the supervisor is responsible for the day-to-day operations of his or her facility, addresses any problems that arise in their facilities with employees or customers, and assists employees in the performance of their duties. Each supervisor is also responsible for evaluating employees and issuing discipline and is involved in terminations. In these circumstances, I conclude that

the evidence regarding the LifeCare Region employees' common, local day-to-day supervision shows that they operate as a distinct unit within the LifeCare Region and, therefore, supports my conclusion that they constitute an appropriate unit for purposes of collective-bargaining.

By virtue of their distance from other regional headquarters in the state, and its limited service area, I conclude that the LifeCare Region facilities operate within a geographically cohesive area, in relatively close proximity to each other. Battle Creek and the facilities in the LifeCare Region are relatively close together as compared to Battle Creek and the other regional headquarters cities, especially Plymouth and Ann Arbor. In these circumstances, the geographic cohesiveness and the relative proximity of the Employer's LifeCare Region operations support my conclusion that the petitioned-for unit is an appropriate unit for purposes of collective-bargaining.

There is no evidence of a history of bargaining at or among the facilities at issue and the Petitioner or any other labor organization. Thus, the fact that there is no bargaining history in this matter does not support nor does it negate the appropriateness of the unit sought by Petitioner.

IV. Conclusion

In determining that the multi-facility unit sought by Petitioner is appropriate, I have carefully considered the record evidence and weighed the various factors that bear on the determination of whether the petitioned-for unit is appropriate. In particular, I rely on the lack of interchange between the LifeCare Regional operations and the other regional operations to support my finding. Further, the Employer's LifeCare Region's operations cover a geographically cohesive unit of employees working within a relative proximate area and working relatively independently of the Employer's operations outside of the LifeCare Region. Moreover, unit employees' separate day-to-day supervision further highlights critical separation from the rest of the Employer's operations. In sum, the petitioned-for unit covers an appropriate unit for the purposes of collective-bargaining.

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

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.

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 purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time Emergency Medical Technicians (EMTs) and Paramedics (EMT-Ps) employed by the Employer at its Battle Creek, Coldwater, Mendon, Sturgis, Cassopolis, White Pigeon, Richland, and Sherwood (also known as Matteson Township substation), Michigan facilities; but excluding dispatchers, instructors, wheelchair drivers, administrative professionals, human resources employees, community relations employees, communications liaisons, scheduling specialists, administrative assistants, office clerical employees, professional employees, and guards and supervisors as defined in the Act.

V. 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 International Association of EMTs and Paramedics (IAEP), National Association of Government Employees (NAGE), SEIU Local 5000.

A. Election Details

I have determined that a mail ballot election will be held because of the number of locations, the different shifts worked by the unit employees, and in consideration of Board resources. Specifically, the eligible voters involved herein are “scattered” because of their job duties over a wide geographic area and in the sense that their work schedules vary significantly. See *NLRB Casehandling Manual, Representation Procedures*, Section 11336; *San Diego Gas*, 325 NLRB 1143 (1998). The ballots will be mailed to employees employed in the appropriate collective-bargaining unit. At 4:15 p.m. on January 7, 2019, ballots will be mailed to voters from the National Labor Relations Board, Region 7 office, at 477 Michigan Avenue, Room 300, Detroit, Michigan 48226. 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 January 17, 2019, should communicate immediately with the National Labor Relations Board by either calling the Region 7 office at (313) 226-3200 or our national toll-free line at 1-844-762-NLRB (1-844-762-6572).

All ballots will be commingled and counted at the National Labor Relations Board, Region 7 Resident Office, located at Gerald R. Ford Federal Building, 110 Michigan St., NW,

Room 299, Grand Rapids, Michigan, 49503 on Monday, January 28, 2019, at 1:00 p.m. In order to be valid and counted, the returned ballots must be received in the Region 7 Resident Office prior to the counting of the ballots.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **December 15, 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 **December 26, 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.nlr.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.nlr.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.

VI. 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.nlr.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 at Detroit, Michigan, this 20th day of December, 2018.



Terry Morgan, Regional Director
National Labor Relations Board, Region 7
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