

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

---

<b>HMH RESIDENTIAL CARE, INC. DBA MERIDIAN NURSING AND REHABILITATION AT SHREWSBURY,</b>	)	
	)	
<b>Employer,</b>	)	
	)	
<b>and</b>	)	<b>Case No. 22-RD-243803</b>
	)	
<b>LOUNDY SAINT LOUIS,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
	)	
<b>and</b>	)	
	)	
<b>1199 SEIU UNITED HEALTHCARE WORKERS EAST,</b>	)	
	)	
	)	
<b>Union.</b>	)	

---

**EMPLOYER’S REQUEST FOR REVIEW**

---

Joseph C. Ragaglia  
Christopher J. Murphy  
Crystal S. Carey  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA19103-2921  
(215) 963-5365  
(215) 963-5001 (fax)

Counsel for Employer,  
HMH Residential Care, Inc.

**TABLE OF CONTENTS**

	<b>Page</b>
INTRODUCTION .....	2
A.    Background .....	3
B.    The Dismissal.....	3
FACTS .....	4
A.    Timeline of Communications with the Company .....	5
B.    Timeline of Petitioner’s Interactions with the Region.....	11
ARGUMENT.....	12
A.    Standard of Review.....	12
B.    The Region’s Handling of the Petition Calls into Question its Role as a Neutral Whose Ultimate Job is To Protect Employee Free Choice and Effectuate the Purposes of the Act.....	13
1.    The Showing of Interest Filed in Case 22-RD-243025 was Sufficient and the Region Should have Utilized those Signatures to Satisfy the Showing of Interest in the Instant Petition Involving the Same Unit. ....	15
2.    The Region Improperly Failed to Return the Showing of Interest in Case 22-RD-243025 to the Petitioner in that Case Prior to Dismissing the Instant Petition. ....	19
CONCLUSION.....	20
CERTIFICATE OF SERVICE .....	21

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Weyerhaeuser Timber Co.</i> , 93 NLRB 842 (1951) .....	15
<i>Knox Glass Bottle Co.</i> , 101 NLRB 36 (1952) .....	16
<i>General Dynamics Corp.</i> , 175 NLRB 1035 (1969).....	16
<i>Collins Radio Co.</i> , 210 NLRB 3 (1974) .....	16
<i>Gaylord Bag Co.</i> , 313 NLRB 306 (1993).....	17
<i>In re King Manor Care Ctr.</i> , 303 NLRB 19 (1991).....	18
<i>Kalin Construction Co.</i> , 321 NLRB 649 (1986).....	18
<i>River City Elevator Co., Inc.</i> , 339 NLRB 616 (2003) .....	18
<i>SNE Enterprises</i> , 344 NLRB No. 81, slip op. (2005).....	18
<i>Wellington Industries, Inc.</i> , 359 NLRB. 246 (2012).....	18
<i>In re Kearney &amp; Trecker Corp.</i> , 62 NLRB 1174 (1945) .....	18
<i>Dessert Aggregates</i> , 340 NLRB 289 (2003).....	19
<b>Statutes</b>	
29 U.S.C. 157 .....	12, 18
<b>Other Authorities</b>	
Board’s Rules and Regulations Section 102.67(c).....	1, 12
Casehandling Manual Section 11020.....	12, 13
Outline of Law and Procedure in Representation Cases, Section 5-500.....	16
79 Fed. Reg. 74308 (December 15, 2014) .....	17
Casehandling Manual Section 11034.....	19

Pursuant to Section 102.67 of the National Labor Relations Board's Rules and Regulations, the Employer, HMH Residential Care, Inc. ("HMH" or the "Company"), respectfully requests review of the Regional Director's Dismissal on July 12, 2019, of Case No. 22-RD-243803 ("Dismissal"). A true and correct copy of the Dismissal is attached as Exhibit A. Compelling reasons – procedural, legal and policy-based – exist to review and reverse the Dismissal. The Regional Director dismissed the instant petition because Petitioner Loundy Saint Louis ("Ms. Saint Louis") did not submit an "original" showing of interest with her Election petition. As discussed below, the Dismissal must be reversed because at the time it was filed, the Region was *in possession* of the original showing of interest submitted in Case No. 22-RD-243025, which had been withdrawn voluntarily on June 18, 2019. That petition involved the same unit, same Union and same Employer as the instant petition.

The Dismissal rests on a hyper-technical reading of Section 11024.1 of NLRB Case Handling Manual (Part Two), Representation Cases, which provides:

. . . the petitioner must file its showing of interest at the time it files the petition. If the petition and necessary showing of interest is E-Filed or faxed, the petitioner must supply a showing of interest with original signature within 2 business days of docketing the original showing of interest unless permissible electronic signatures conforming to the Agency's requirements governing an electronic showing of interest were submitted with the E-Filed petition.

The Dismissal is improper because, even though Ms. Saint Louis did not submit an original showing of interest with her petition, the Region had in its possession the original showing of interest that had been submitted earlier in Case No 22-RD-243025, which involved the same unit, same union and same employer. Further, the Region processed the instant petition for several days in the normal course, raising no issue regarding the showing of interest. In fact, the Region processed the petition, asked Ms. Saint Louis to submit one additional signature, proof of service to the union, and negotiated with the parties for a stipulated election agreement.

The basis for this Request for Review is twofold: (1) the Dismissal raises a substantial question of law and policy as it relates to this novel issue concerning the requirement that a petitioner submit an original showing of interest in support of an RD petition when the Region is already in possession of an original showing of interest from a different RD petition withdrawn just 7 days before – a concept for which there is an absence of Board precedent; and (2) there are compelling reasons for consideration of an important Board rule or policy to ensure that employee free-choice and the right to an election is not thwarted simply because the instant issue has never been considered by the Board.

### **INTRODUCTION**

At the heart of this matter, as with all representation cases, is *employee free choice*. Here, two different petitioners (with Ms. Saint Louis the latter of the two) filed two back-to-back decertification petitions. These petitions, one filed on June 11, 2019 and the other on June 25, 2019 raise a question as to the Union’s continuing representative status for the Company’s Shrewsbury employees.<sup>1</sup> While the Company acknowledges that this case may be a case of first impression with regards to back-to-back RD petitions being supported by a common showing of interest in a decertification petition, the Company respectfully disagrees with the Region’s Dismissal, which required Ms. Saint Louis to submit an original copy of the showing of interest, when the Region *already possessed* that very document. The Board should reinstate the instant petition and accord to an RD petitioner in these unique circumstances the same rights shown to unions in RC cases, permitting the reuse of a showing of interest already in the possession of a region.

---

<sup>1</sup> The Company and Union were parties to a collective bargaining agreement which expired on January 31, 2019. The parties have been, and continue to bargain towards a new agreement, including meeting most recently on July 19, 2019.

**A. Background**

On June 11, 2019, Veronica Martinez (Martinez) filed a decertification petition in Case No. 22-RD-243025 seeking to decertify 1199 SEIU United Healthcare Workers East (the “Union”). The bargaining unit at issue consists of all full-time, regular part-time and per diem certified nursing aides, environmental service aides, laundry employees, cooks and dietary aides, employed by the Employer, HMH Nursing & Rehabilitation at Shrewsbury, at its facility located in Shrewsbury, New Jersey (the “Unit”). On June 18, 2019, the parties were notified that Martinez withdrew the petition. One week later, on June 25, 2019, Ms. Saint Louis filed the instant decertification petition, which is identical to the original in every respect. As detailed below, between June 25 and July 12, the Region first processed the instant petition in the normal course and then engaged in nothing short of gamesmanship in its dealings with both the Petitioner and the Company, ultimately dismissing the petition on July 12.

**B. The Dismissal**

The Dismissal was based on two premises: (1) the Petitioner failed to submit an original showing of interest to support the petition and (2) the later supplemental showing of interest, solicited by the Region, and submitted by the Petitioner was insufficient to support the petition, because it contained signatures of less than 30% of the employees in the unit. The Dismissal on both counts is unwarranted and reveals the great lengths to which the Regional Director went to dismiss the decertification petition and, thereby, thwart employee free choice.

First, the Regional Director knew that Ms. Saint Louis could not submit the original showing of interest at the time the instant petition was filed. That is because the Region possessed the showing of interest from case 22-RD-243025. Ms. Saint Louis, on June 27, told “the Board agent that she did not have the original showing of interest and that the Region should retrieve and consider the showing of interest that was submitted to this office in

connection with the a prior petition (Case 22-RD-243025) involving the same unit of employees of the Employer.” (Dis. 1-2).

Notwithstanding that knowledge, the Region began to process the instant petition in the normal course. On June 25, 2019, the Region sent a package labeled “URGENT” to the Company containing the petition, notice of hearing, a blank statement of position and a blank commerce questionnaire. The Board Agent asked the Company, through counsel, to provide an employee list to compare to the showing of interest, and engaged in discussions with the parties concerning a stipulated election agreement. At no time did the Board Agent suggest that there might be a problem with the showing of interest.

Second, the Petitioner, at the request of the Region, submitted a supplemental showing of interest on July 3. Specifically, the Board Agent requested that the Petitioner submit an original showing of interest or her petition would be dismissed, but the number of signatures Ms. Saint Louis submitted was insufficient to support the petition. As a result, 9 days later on July 12, the Regional Director dismissed the petition.

The Board should grant review to establish much needed precedent permitting the use of a recently submitted and adequate showing of interest, in the possession of the Region, by different petitioners in the decertification context, just as it permits a union to reuse a previously submitted showing of interest to support subsequent, timely filed petition that raises a question concerning representation.

### **FACTS**

The timeline establishing the Region’s normal processing of the instant petition is extremely important, as at no time until the afternoon of July 1, 2019, did the Region raise *any* issue whatsoever to the Company that the showing of interest might be in doubt. In fact, the same day that the Region notified the parties that there was a potential issue with the showing of interest, the Board Agent wrote to the undersigned that he planned to send a draft stipulated

election agreement to the parties by the end of the day. Beyond the significant legal and policy issues presented by this case, the Region's lack of transparency is entirely inconsistent with the goals and objectives of the National Labor Relations Board.

**A. Timeline of Communications with the Company**

*June 11, 2019* – 22-RD-243025 filed by Shrewsbury Team Member Veronica Martinez

*June 18, 2019* – Board Agent Eric Pomianowski notified the parties that the hearing was cancelled because the petition was withdrawn by the Petitioner – no reason was given. The Company received the formal letter approving the withdrawal on June 26, 2019.

*June 25, 2019* – 22-RD-243803 filed by Shrewsbury Team Member Ms. Saint Louis

*June 25, 2019* – The undersigned filed a Notice of Appearance.

*June 26, 2019* – Board Attorney Eric Sposito, via phone, requested that the Company provide an employee list to confirm names on signatures. The Company provided the list later that day.

---

**From:** Carey, Crystal S.  
**Sent:** Wednesday, June 26, 2019 5:32 PM  
**To:** 'Sposito, Eric B.' <Eric.Sposito@nlrb.gov>  
**Subject:** RE: 22-RD-243803 - HMH Shrewsbury

Eric:

We are working on the data pull for both the initial employee list, which must accompany the SOP, and the *Excelsior* list.

For now, as you requested, attached is a list of employees as of June 15, 2019 (the most recent payroll prior to the filing of the petition).

I look forward to speaking with you tomorrow.

Crystal

**Crystal S. Carey**  
**Morgan, Lewis & Bockius LLP**  
1701 Market Street | Philadelphia, PA 19103-2921  
Direct: +1.215.963.5309 | Main: +1.215.963.5000 | Fax: +1.215.963.5001  
crystal.carey@morganlewis.com | www.morganlewis.com  
Assistant: Jennie A. Sacca | +1.215.963.4893 | jennie.sacca@morganlewis.com

*June 27, 2019* – In the morning, Board Agent Eric Sposito notified the Company that the Petitioner allegedly failed to serve the petition on the Union. Around 2:55 p.m. Mr. Sposito notified the Company that the Petitioner provided fax confirmation for service to the Union. At around 4:09 p.m., Mr. Sposito notified the Company that the Union located the petition that was served on them, and that service was no longer an issue.

Reply Reply All Forward IM



Thu 6/27/2019 4:09 PM

Sposito, Eric B. <Eric.Sposito@nlrb.gov>

RE: Update?

To Carey, Crystal S.

You replied to this message on 6/27/2019 4:10 PM.

[EXTERNAL EMAIL]

Crystal,

The Union has notified me that they have located the petition that was served on them by the Petitioner.

Service is no longer at issue.

Thanks,

Eric B. Sposito  
National Labor Relations Board  
Region 22  
20 Washington Place, 5<sup>th</sup> Floor  
Newark, New Jersey 07102  
Office 862-229-7065  
Cell 202-322-2633  
Fax 973-645-3852



NATIONAL LABOR  
RELATIONS BOARD

*June 28, 2019* – In the morning, Mr. Sposito began to process the petition normally, without questioning the adequacy of the showing of interest. He emailed the Company a list of questions and stated: “I have begun crafting a stipulated election agreement and need your

Reply Reply All Forward IM



Fri 6/28/2019 8:51 AM

Sposito, Eric B. <Eric.Sposito@nlrb.gov>

HMH Nursing & Rehabilitation @ Shrewsbury 22-RD-243803

To Carey, Crystal S.

You replied to this message on 6/28/2019 1:14 PM.

[EXTERNAL EMAIL]

Good morning Crystal,

I have begun crafting a stipulated election agreement and need your client's responses to the following questions, to the extent that you have not already answered them.

1. What is the Legal name of the Company?
2. What is the State of Incorporation Company?
3. What business does the Employer engaged in?
4. What are the accurate numbers of petitioned employees?
5. What are the employee's hours and shifts?
6. What are the numbers of employees on each shift that are petitioned for?
7. What are the additional times and dates to hold the election within 24-days from the filing of the Petition?
8. What room at the facility can be used to host the election that is not near management's office?
9. If the Employer deems not to host the Election on its premises what is the basis?
10. What are the correct titles of the included unit?
11. What are the correct titles of the excluded units?
12. What is the payroll period ENDING date?
13. Are employees paid weekly or bi-weekly?
14. What day is payday for employees?
15. How do the employees receive their form of payment?
16. Are there employees that speak foreign languages?
17. What percentage of employees speaks a foreign language? (if multiple languages, please break down each percentage);
18. Should the ballot include other languages? If other languages are needed what are the languages?
19. Will an interpreter be needed for the election?
20. From the date of filing, has the Employer discharged employees? If so, how many;
21. During the election period, will employees be scheduled to take vacation or currently be on vacation? If, so will they be out of the country;
22. Are there disabled or handicapped employees? If there are disabled or handicapped, employees please specify their disability and the number of employees.
23. Who will be the Employer's onsite representative? (Full name, job title, physical location, e-mail address, and facsimile number); and
24. Who will sign the Stipulated Agreement if both Parties are in accordance?

I can be reached today at my agency cell number if you have any questions or concerns.

client's responses to the following questions, to the extent that you have not already answered them." In the afternoon, the Company responded with preliminary answers to all questions.

*July 1, 2019* – The undersigned, via email, inquired as to the status of the stipulated election agreement. At 10:08 a.m., Mr. Sposito noted that, "I hope to have a stip out to the parties before the end of the day today." At 2:24 p.m., Mr. Sposito emailed Company and Union counsel and noted that the hearing was postponed until July 8, "to afford the Petitioner additional time to submit an original copy of a showing of interest sufficient to support the petition."



*July 3, 2019* – Mr. Sposito emailed the parties at 11:51 a.m., nine minutes before the parties' statements of position. Without providing any additional information, he informed the parties that the hearing schedule for July 8, was cancelled. The undersigned quickly contacted

Mr. Sposito to attempt to determine the status of the petition. The undersigned confirmed the conversation with Mr. Sposito, via email, moments later:

---

**From:** Carey, Crystal S. <[crystal.carey@morganlewis.com](mailto:crystal.carey@morganlewis.com)>  
**Sent:** Wednesday, July 3, 2019 12:01 PM  
**To:** William Massey <[wmassey@grmny.com](mailto:wmassey@grmny.com)>; Sposito, Eric B. <[Eric.Sposito@nlrb.gov](mailto:Eric.Sposito@nlrb.gov)>  
**Cc:** Jessica Harris <[jharris@grmny.com](mailto:jharris@grmny.com)>; [loundysaintlouis@yahoo.com](mailto:loundysaintlouis@yahoo.com)  
**Subject:** RE: HMH Residential Care 22-RD-243082

Mr. Sposito:

Confirming our conversation of moments ago - You indicated that by cancelling the hearing, the Region has not dismissed the petition.

Additionally, please confirm that the Region will communicate the new deadline for the filing of SOPs once the hearing is rescheduled.

Thank you,

Crystal

**Crystal S. Carey**  
**Morgan, Lewis & Bockius LLP**  
1701 Market Street | Philadelphia, PA 19103-2921  
Direct: +1.215.963.5309 | Main: +1.215.963.5000 | Fax: +1.215.963.5001  
[crystal.carey@morganlewis.com](mailto:crystal.carey@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)  
Assistant: Jennie A. Sacca | +1.215.963.4893 | [jennie.sacca@morganlewis.com](mailto:jennie.sacca@morganlewis.com)

Mr. Sposito responded with a single word:

---

**From:** Sposito, Eric B. <[Eric.Sposito@nlrb.gov](mailto:Eric.Sposito@nlrb.gov)>  
**Sent:** Wednesday, July 3, 2019 1:05 PM  
**To:** Carey, Crystal S. <[crystal.carey@morganlewis.com](mailto:crystal.carey@morganlewis.com)>  
**Subject:** RE: HMH Residential Care 22-RD-243082

[EXTERNAL EMAIL]  
Crystal,

Confirmed.

Eric B. Sposito  
National Labor Relations Board  
Region 22  
20 Washington Place, 5<sup>th</sup> Floor  
Newark, New Jersey 07102  
Office 862-229-7065  
Cell 202-322-2633  
Fax 973-645-3852



NATIONAL LABOR  
RELATIONS BOARD

Later on July 3, Petitioner's counsel, National Right to Work Foundation attorney Byron Andrus, notified the Company's counsel that the Petition was being dismissed.

**From:** Carey, Crystal S.  
**Sent:** Wednesday, July 3, 2019 3:03 PM  
**To:** 'Sposito, Eric B.' <[Eric.Sposito@nlrb.gov](mailto:Eric.Sposito@nlrb.gov)>  
**Subject:** RE: HMH Residential Care 22-RD-243082

Mr. Sposito:

I just received troubling news through the grapevine that the petition was dismissed.

If the petition was dismissed, which is entirely inconsistent with the below email, please provide the basis for the dismissal and when that decision was made by the Region to dismiss the petition.

Crystal

**Crystal S. Carey**  
**Morgan, Lewis & Bockius LLP**  
1701 Market Street | Philadelphia, PA 19103-2921  
Direct: +1.215.963.5309 | Main: +1.215.963.5000 | Fax: +1.215.963.5001  
[crystal.carey@morganlewis.com](mailto:crystal.carey@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)  
Assistant: Jennie A. Sacca | +1.215.963.4893 | [jennie.sacca@morganlewis.com](mailto:jennie.sacca@morganlewis.com)

July 8, 2019 - Having not heard from the Region concerning the Petition, the undersigned again attempted to contact the Region on the morning of July 8, to understand the status of the Petition.

**From:** Carey, Crystal S.  
**Sent:** Monday, July 8, 2019 9:32 AM  
**To:** 'Sposito, Eric B.' <[Eric.Sposito@nlrb.gov](mailto:Eric.Sposito@nlrb.gov)>  
**Subject:** RE: HMH Residential Care 22-RD-243082

Eric:

I hope you had a nice holiday.

The Company is still awaiting the Region's response. The docket shows the case as [open](#).

HMH Residential Care, Inc., d/b/a Meridian  
Nursing and Rehabilitation at Shrewsbury

Case Number: 22-RD-243082      Location: Shrewsbury, NJ  
Date Filed: 06/25/2019      Region Assigned: Region 22, Newark, New Jersey  
Status: Open

Docket Activity

Date**	Document	Issued/Filed By
06/25/2019	Signed RD Petition*	NLRB - GC
06/25/2019	Initial Letter to Union in R case*	NLRB - GC
06/25/2019	Initial Letter to Petitioner in R case*	NLRB - GC
06/25/2019	Initial Letter to Employer in R case*	NLRB - GC

The Docket Activity list does not reflect all actions in this case.

\* This document may require redactions before it can be viewed. To obtain a copy, please file a request through our FOIA Branch.

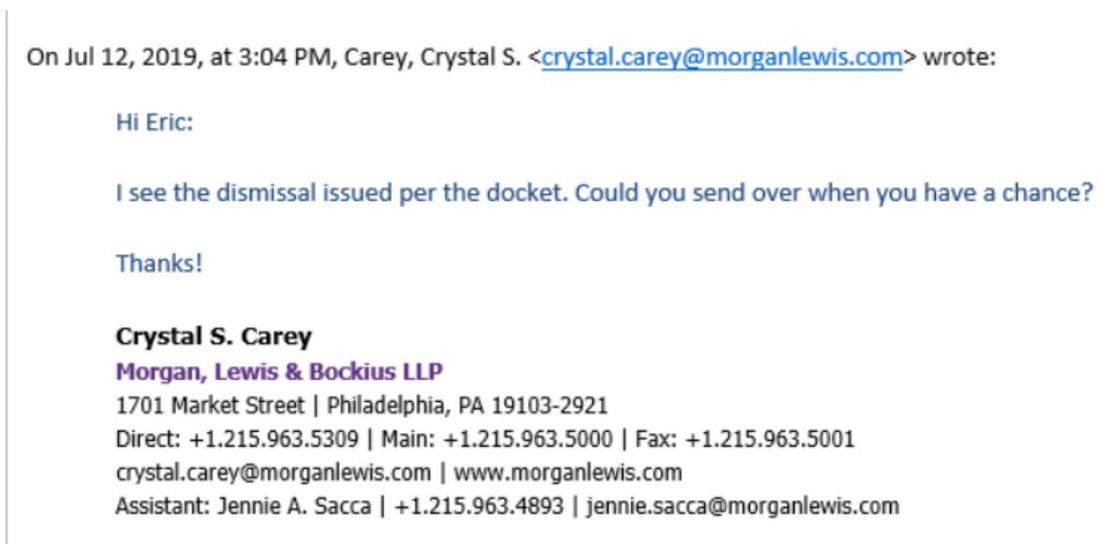
Crystal

**Crystal S. Carey**  
**Morgan, Lewis & Bockius LLP**  
1701 Market Street | Philadelphia, PA 19103-2921  
Direct: +1.215.963.5309 | Main: +1.215.963.5000 | Fax: +1.215.963.5001  
[crystal.carey@morganlewis.com](mailto:crystal.carey@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)  
Assistant: Jennie A. Sacca | +1.215.963.4893 | [jennie.sacca@morganlewis.com](mailto:jennie.sacca@morganlewis.com)

At approximately 9:33 a.m. Mr. Sposito responded:



*July 12, 2019:* Having not received the dismissal letter, the undersigned continued to monitor the docket on a daily basis. In the early afternoon of July 12, the undersigned noticed the withdrawal letter listed on the docket. The undersigned immediately reached out to Mr. Sposito at 3:04 p.m.:



Mr. Sposito responded at 3:44 p.m.:

**From:** Sposito, Eric B. <Eric.Sposito@nlrb.gov>  
**Sent:** Friday, July 12, 2019 3:38 PM  
**To:** Carey, Crystal S. <crystal.carey@morganlewis.com>  
**Subject:** Re: HMM Residential Care 22-RD-243082

[EXTERNAL EMAIL]

I'm on my way home and will not be able to access the case file until Monday morning.

I will se the dismissal letter to all parties at that time.

Sent from my iPhone

Eric B. Sposito  
National Labor Relations Board  
Region 22  
20 Washington Place  
Newark, NJ 07102  
202-322-2633

The undersigned promptly reached out to the Region's information officer who was able to timely provide a copy of the letter that day.

**B. Timeline of Petitioner's Interactions with the Region**

The Region's interactions with Ms. Saint Louis are equally as troubling and inexplicable.<sup>2</sup> Ms. Saint Louis contacted the Region prior to filing the petition to inquire whether she could file her petition based on the showing of interest that supported the withdrawn petition. "Eric" told Ms. Saint Louis that she would be permitted to do so.<sup>3</sup> (Pet. Cert at pg. 1 line 16.) Additionally, when Ms. Saint Louis initially contacted "Eric" he told her that he had reviewed the showing of interest from the prior petition and identified a duplicate signature. Therefore, on or about June 26, he asked Ms. Saint Louis to submit one additional signature to

---

<sup>2</sup> The Petitioner voluntarily provided a statement to the undersigned after receiving a *Johnny's Poultry* warning and in the presence of her counsel. The certification is attached as Exhibit B.

<sup>3</sup> Ms. Saint Louis only knew that the individual she initially spoke to prior to filing the petition was named "Eric", as was the Board Agent assigned to handle her petition.

have a sufficient showing of interest. (Pet. Cert at pg. 1, lines 20-21). Ms. Saint Louis sent “Eric” two signatures later that day. (Pet. Cert at pg. 1, lines 22-23). At no time during these interactions did the Region even suggest that there was a potential issue with the showing of interest. In fact, the Region, through “Eric”, first raised the adequacy of the showing of interest with Ms. Saint Louis on or about June 28, three days after the petition was filed, and at 6:07 p.m. on a Friday evening. At that time the Board Agent informed the Petitioner that she was required to submit an original showing of interest. (Pet. Cert at pg. 1, lines 28-32).

## **ARGUMENT**

### **A. Standard of Review**

Under the Board’s Rules and Regulations Section 102.67(c), a Request for Review will be granted where “compelling reasons” exist, including upon either of the following two grounds present in this case: (1) the Decision raises a substantial question of law and policy because of the absence of Board precedent; and (2) there are compelling reasons for consideration of an important Board rule or policy to address the absence of precedent on this issue. Based on these facts, the Regional Director’s Dismissal of this case strikes at the very core of the National Labor Relations Act (“NLRA”) and thwarts employee free choice in a situation where there is no common sense basis to question the showing interest. Further, the result here is inconsistent with the Board’s practice of allowing a union to use the same showing of interest in connection with multiple petitions. The Regional Director failed to cite a single Board decision in support of his action, relying solely on Section 11024.1 of NLRB Case Handling Manual (Part Two), Representation Cases, which is purely advisory. As the CHM notes itself:

The Manual *is not a form of binding authority*, and the procedures and policies set forth in the Manual do not constitute rulings or directives of the General Counsel or the Board. The Manual is also not intended to be a compendium of either substantive or procedural law, nor can it be a substitute for a knowledge of the law.

CHM “Purpose of the Manual” (emphasis added).

The manual also notes:

Although it is expected that the Agency's regional directors and their staffs will follow the Manual's guidelines in the handling of cases, it is also expected that in their exercise of professional judgment and discretion, there will be situations in which they will adapt these guidelines to circumstances. Thus, the guidelines are not intended to be and should not be viewed as binding procedural rules. Rather, they provide a framework for the application of the Board's decisional law and rules to the facts of the particular situations presented to the regional directors and their staffs, consistent with the purposes and policies of the Act.

Id.

The Company's research has not identified any precedent in the Board's Rules and Regulations or in its decided cases that controls the outcome here. Additionally, the Dismissal, based on a mechanistic and inflexible application of the showing of interest standard, requires the Board to consider important Board rules and policies to permit a RD petitioner to rely on the valid showing of interest in an earlier filed RD case, where the second petition is filed very close in time to the first, an adequate showing of interest supported the first petition and the union, employer and unit are identical. Such a result would put an RD petitioner in same position as a petitioning union, which is permitted to rely on a single showing of interest in serial cases. *See cases Section C infra.*

**B. The Region's Handling of the Petition Calls into Question its Role as a Neutral Whose Ultimate Job is To Protect Employee Free Choice and Effectuate the Purposes of the Act.**

As noted above, the Region continued processing the instant petition in the normal course of business with the Company from June 25, 2019 until July 1, 2019. From June 25 (and even before when she contacted "Eric" prior to filing) until June 28, the Region assured Ms. Saint Louis that she could rely on the showing of interest from the earlier petition including: reviewing the showing of interest from the original petition and informing Ms. Saint Louis that she needed a single, additional vote to move the petition forward (which she provided) and requesting that Ms. Saint Louis provide proof of service to the Union. Based on these normal petition-processing activities, the Region's July 1, 2019, 2:24 p.m. email rescheduling the hearing "to

afford the Petitioner additional time to submit an original copy of a showing of interest sufficient to support the petition” came as a complete shock to the Company. Prior to receiving the Region’s email, the Region and the undersigned had numerous interactions, as detailed above, regarding the regular processing of this RD petition and the negotiation of a stipulated election agreement. The Region’s apparent about-face on this basic, threshold issue is even more troubling given the numerous interactions with the Petitioner. Specifically, the Region advised the Petitioner that she could rely on the showing of interest submitted by the initial petitioner and, after discovering a duplicate signature in that showing of interest, the Region asked the current Petitioner to submit an additional signature, which she did. Obviously, there would have been no reason to interact with the current Petitioner in this manner if the Region believed that she should be required to “re-present” the showing of interest that you previously received in connection with Case 22-RD-243025.

An issue with the showing of interest is typically resolved immediately upon the filing of the petition, even prior to the scheduling of a hearing. (CHM Part II, 11020). Here, the Region not only did not question the showing, it affirmatively acknowledged its adequacy. The Region then carried on for several day on that basis, interacting with the Company and Ms. Saint Louis (and the Union, presumably) as if the hearing and election were imminent. The Region’s actions were reasonable and appropriate, since the two RD petitions are identical in all material respects, except that Ms. Saint Louis’ was filed a week after the first petition was withdrawn.

Additionally, the Region *possessed* the original showing of interest submitted in support of the first petition. So, one can imagine the Company’s surprise when six days after Ms. Saint Louis filed her petition, and after many conversations regarding a stipulated election agreement and the exchange of information related to the matter, the Region without notice unilaterally postponed the hearing and indicated for the first time that the showing of interest was not sufficient.

In that regard, the Region noted that because the petition was not supported by an *original* showing of interest submitted by Ms. Saint Louis, the hearing would be postponed until July 8, 2019 to provide the petitioner with more time to present an original showing of interest. Moreover, the Region noted that while the Petitioner could submit the *exact* same showing of interest used by the prior petitioner, the Region still possessed those original signatures! Additionally, the Region’s notice came on the eve of the July 4th holiday and was timed (whether intentionally or not) to make obtaining original signatures virtually impossible because of the number of employees, understandably, on leave from work.

The Region’s actions raise two significant concerns: 1) the Region admits that the showing of interest filed in the prior petition would constitute a sufficient showing of interest if it had been submitted with the current petition and 2) prior to the Dismissal the Region had not returned the original showing of interest to the prior petitioner making it impossible for the current petitioner to obtain that sufficient showing of interest to support the new petition.

**1. The Showing of Interest Filed in Case 22-RD-243025 was Sufficient and the Region Should have Utilized those Signatures to Satisfy the Showing of Interest in the Instant Petition Involving the Same Unit.**

Ms. Saint Louis requested that the Region consider the valid, recently obtained signatures from Case 22-RD-243025 as the showing of interest to support her RD petition. The Region (through “Eric”) advised her that it would do so.<sup>4</sup> While the Company is unaware of any reported authority in the RD context, it is well-settled that signatures used to support a RC

---

<sup>4</sup> The Company notes that the Board permits the substitution of petitioners in a variety of circumstances. For example, in *Weyerhaeuser Timber Co.*, 93 NLRB 842 (1951) found that “where a petitioner becomes a supervisor after the filing of a petition the process is not abated, **as the petitioner is only a representative of the employees who are interested in a vote on continuing representation.**” (emphasis added). While the instant case does not involve a straight substitution as the first petition was withdrawn prior to the current Petitioner expressing interest in taking over the effort, the Board’s contention that in a decertification election the petitioner is merely a representative, and it is the signatures of the employees that raise the question concerning representation that drive towards the secret-ballot election.

petition that is subsequently withdrawn can be “reused” by the same union in the same unit with the same employer to establish a showing of interest.

For example, in *Knox Glass Bottle Co.*, 101 NLRB 36, fn.1 (1952), the Board rejected, as “without merit the Employer’s contention that the Petitioner’s failure to submit a showing of interest after the filing of the instant petition constituted a fatal defect.” Regarding the continuing validity of the showing of interest for both petitions, the Board was unequivocal: “An adequate and sufficiently current showing of interest was already on file with the Board in ***connection with a previous petition of the Petitioner (which was withdrawn) filed about 1½ months before the present petition.***” Id. See also *Collins Radio Co.*, 210 NLRB 3 n.1 (1974) (holding Regional Director properly denied employer’s challenge to authorization cards that were submitted in a prior case); *General Dynamics Corp.*, 175 NLRB 1035 n.9 (1969) (holding signatures submitted in support of prior petition not stale); Outline of Law and Procedure in Representation Cases, Section 5-500.

The premise in this line of cases is that a sufficient percentage of valid and current signatures of unit employees expressing a desire to unionize or de-unionize raises a question concerning representation that must be adjudicated by the Board through a secret ballot election. In other words, the showing of interest is interchangeable between the old and new petitions because: 1) the same union is at issue, 2) the signatures are not stale and the sentiments of the employees have likely not changed in the short period of time between the filings, 3) the unit composition has not changed or is not challenged, and 4) the same employer is involved. Here, the exact same facts exist – same union, recent signatures, same unit, and the same employer. Signature cards in RC petitions typically state the following:

*I, [name of employee], authorize [the union] to act as my collective bargaining agent with the company for wages, hours and working conditions.*

Stated otherwise, it is not the petitioner or the petition that raises a question concerning representation – it is the *employees’ signature on the cards* that raises the question. In this context, the employees’ signatures establish that they wish to be recognized by a union, raising a question concerning representation and empowering the NLRB to hold an election.

The same analysis must apply in the RD context. Here, the first petition was filed on June 11, 2019 and the showing of interest submitted with it was determined by the Region to be adequate. That petition was withdrawn on June 18, 2019. One week later, Ms. Saint Louis filed the instant petition. While the petitioners are different, everything else was identical – union, unit and employer. The signatures in the Region’s possession were not stale or invalid. Those signatures (regardless of the name of the petitioner) reflected the same purpose – a sufficient number of employees had indicated that they no longer wished to be represented by the Union.

Decertification cards often state the following terms and have a signature line for employees that agree with the statement:<sup>5</sup>

*PETITION TO REMOVE UNION AS REPRESENTATIVE*

*The undersigned employees of \_\_\_\_\_ (employer name) do not want to be represented by \_\_\_\_\_ (union name), hereafter referred to as “union”.*

As with the example RC cards, the signatures on the decertification cards are directed at the same union. Regardless of the petitioner in the RD petition, the same showing of interest supports the same question concerning representation with regards to the same union.

As explained in the Election Rules, 79 Fed. Reg. 74308 at 74421 (December 15, 2014), “the purpose of the showing of interest on the part of labor organizations and individual petitioners that initiate or seek to participate in a representation case is merely to determine

---

<sup>5</sup> The Company has not been privy to the method in which signatures were collected in the instant case, and uses this example for illustrative purposes only.

whether there is sufficient employee interest in selecting, changing or decertifying a representative to warrant the expenditure of the agency's time, effort, and resources in conducting an election." See also Casehandling Manual Section 11020. Further, in *Gaylord Bag Co.*, 313 NLRB 306, 306-307 (1993), the Board explained:

The Board consistently has held that the showing of interest is a matter for administrative determination, and is not litigable by the parties. It is exclusively within the Board's discretion to determine whether a party's showing of interest is sufficient to warrant processing a petition. The purpose of a showing of interest is to determine whether the conduct of an election serves a useful purpose under the statute – that is, whether there is sufficient employee interest to warrant the expenditure of time, effort, and funds to conduct an election. Whether the employees desire representation is determined by the election, not by the showing of interest.

Here, the Region acknowledged that the original showing of interest, which it had in its possession, was sufficient to process the first petition. Further, that same showing of interest would have been sufficient to process the second petition had the Petitioner submitted it. Finally, at the time Ms. Saint Louis filed her petition, the Region still possessed the valid and current employee signatures. Thus, at the time that petition was filed, “[a]n *adequate and sufficiently current showing of interest was already on file with the Board in connection with a previous petition.*” *Knox Glass Bottle Co.*, supra. There is unquestionably “sufficient employee interest” raising a question concerning representation at the Shrewsbury location as back-to-back decertification petitions were filed within one week of each other. The Region had that showing of interest on file and has acknowledged that the showing of interest for the first petition was sufficient.

Section 7 of the Act, 29 U.S.C. 157, gives employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. (emphasis added). By permitting unions to rely on a showing of interest “on file” with a Region in connection with serial petitions, but preventing employee petitioners from doing the same, especially where, as here, the serial petitions were filed within a week of each other, undermines

the purposes of the Act and arbitrarily thwarts employee free choice. See *SNE Enterprises*, 344 NLRB No. 81, slip op. at 2 (2005)(A bedrock policy embodied in the Act is the protection of employee free choice in the election of a bargaining representative).<sup>6</sup>

**2. The Region Improperly Failed to Return the Showing of Interest in Case 22-RD-243025 to the Petitioner in that Case Prior to Dismissing the Instant Petition.**

The Case Handling Manual provides that “Evidence of interest in all types of petitions should be retained until the case has been closed, at which time it should be returned.” See CHM 11034. Additionally, GC 10-04 provides for the prompt return of showing of interest documents as well:

Return Showing of Interest Documents. The identity and number of card signers is sacrosanct in an R case file. By the close of the case, the file should not contain the showing of interest or any similar documents submitted by a petitioner or intervenor containing the names or the number of signers.

Given these facts and the valid and current showing of interest that the Region had in its possession, the Company requests that the Board reverse the Regional Director’s decision to dismiss Ms. Saint Louis’ petition and to direct him to resume processing of the instant petition. The Regional Director’s Dismissal derogates it’s the Region’s obligation to safeguard and promote the employee free choice mandated by the Act. See *Dessert Aggregates*, 340 NLRB 289, 294 (2003) (The Board must also be mindful of the important congressional policy

---

<sup>6</sup> See also *Wellington Industries, Inc.*, 359 NLRB. 246 (2012) (finding that a “real adverse impact on employees’ free choice will be the deprivation of their immediate right to vote”); *Kalin Construction Co.*, 321 NLRB 649 (1986) (stating that disruptions to the election process should be curtailed in order to encourage employee free choice); *In re Kearney & Trecker Corp.*, 62 NLRB 1174 (1945) (“The best method of determining whether or not the Engineers represents the employees in the unit it seeks is to conduct an election among those employees”); *River City Elevator Co., Inc.*, 339 NLRB 616 (2003) (“In sum, based on the foregoing reasons, we conclude that the most accurate, fair, and efficient way to resolve the question concerning representation originally raised in this case is simply to continue with the Board’s practice of conducting another election without requiring a new showing of interest. This best permits the employees to choose whether they wish to organize or to refrain therefrom.”); *In re King Manor Care Ctr.*, 303 NLRB 19 (1991) (finding that, “It is axiomatic, however, that the purpose of, and reasons for, the election process is to allow employees to exercise freely their right to determine whether a labor organization will represent them” and “the free choice of employees is paramount”).

underlying the Act which favors employee free choice of a bargaining representative through a secret-ballot election conducted under the Board's auspices).

**CONCLUSION**

For the foregoing reasons, the Board should grant the Request for Review and reverse the Regional Director's Dismissal and resume processing of the petition utilizing the showing of interest that it had in its possession since at least June 11, 2019, and permit the employees of Shrewsbury to exercise their statutory right to a secret-ballot election in order to voice their opinions on the status of the Union as their bargaining representative.

Dated: July 26, 2019



---

Joseph C. Ragaglia  
Christopher J. Murphy  
Crystal S. Carey  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
(215) 963-5365  
(215) 963-5001 (fax)  
*Counsel for the Employer*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 26, 2019, I caused a true and accurate copy of the foregoing Request for Review filed by the Company to be served electronically on the following:

Byron Andrus  
Alyssa Hazelwood  
*Counsel to Petitioner*  
[bsa@nrtw.org](mailto:bsa@nrtw.org)  
[akh@nrtw.org](mailto:akh@nrtw.org)

Loundy Saint Louis  
*Petitioner*  
[loundysaintlouis@yahoo.com](mailto:loundysaintlouis@yahoo.com)

William Massey  
Jessica Harris  
*Counsel to the Union*  
[wmassey@grmny.com](mailto:wmassey@grmny.com)  
[jharris@grmny.com](mailto:jharris@grmny.com)

David Leach  
Eric Sposito  
*Region 22 National Labor Relations Board*  
[David.leach@nlrb.gov](mailto:David.leach@nlrb.gov)  
[Eric.sposito@nlrb.gov](mailto:Eric.sposito@nlrb.gov)



---

Joseph C. Ragaglia  
Christopher J. Murphy  
Crystal S. Carey  
MORGAN, LEWIS & BOCKIUS  
LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
(215) 963-5365  
(215) 963-5001 (fax)

Dated: July 26, 2019

*Counsel for the Employer*

# **EXHIBIT A**



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 22  
20 WASHINGTON PL  
FL 5  
NEWARK, NJ 07102-3127

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (973)645-2100  
Fax: (973)645-3852

July 12, 2019

BYRON ANDRUS, STAFF ATTORNEY  
NATIONAL RIGHT TO WORK LEGAL  
DEFENSE FOUNDATION, INC.  
8001 BRADDOCK ROAD  
SPRINGFIELD, VA 22160

Re: HMH Residential Care, Inc., d/b/a Meridian  
Nursing and Rehabilitation at Shrewsbury  
Case 22-RD-243803

Dear Mr. Andrus:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

***Decision to Dismiss:*** As a result of the preliminary investigation, I find that further proceedings are unwarranted and I am dismissing the petition for the reasons set forth herein.

The investigation revealed that the Union, 1199 SEIU United Healthcare Workers East, is the duly recognized exclusive representative for purposes of collective bargaining of a bargaining unit consisting of all full-time, regular part-time and per diem certified nursing aides, environmental service aides, laundry employees, cooks and dietary aides, employed by the Employer, HMH Nursing & Rehabilitation at Shrewsbury, at its facility located in Shrewsbury, New Jersey (the Unit). This recognition has been embodied in a series of collective-bargaining agreements between the Employer and the Union covering the terms and conditions of employment of the Unit, the most recent of which was effective by its terms from February 1, 2015 to January 31, 2018.

On June 25, 2019, your client, Loundy Saint Louis (Petitioner), filed the instant petition via facsimile seeking an election among employees in the Unit in order to determine whether a majority of employees wish to continue to be represented by the Union. In the facsimile transmission, Petitioner included a copy of a showing of interest consisting of signatures of employees who desire to remove the Union as their bargaining representative. Section 11024.1 of NLRB Case Handling Manual (Part Two), Representation Cases, requires that "...the petitioner must supply a showing of interest with *original signatures* within 2 business days of docketing of the original showing of interest..." (*emphasis added*). Thus, on June 27, 2019, shortly after the filing of the petition, Petitioner was informed by the assigned Board agent of her unqualified obligation to promptly provide an original showing of interest and that failure to do so would result in dismissal of the petition. Petitioner informed the Board agent that she did not have the original showing of interest and that the Region should retrieve and consider the

showing of interest that was submitted to this office in connection with a prior petition (Case 22-RD-243025) involving the same unit of employees of the Employer. It is undisputed that the petition in Case 22-RD-243025 was filed by a different petitioner, and not by Ms. Saint Louis. The petitioner in Case 22-RD-243025 subsequently submitted a withdrawal request, and the case was closed by this office on June 18, 2019. I note that the Petitioner in Case 22-RD-243025 did submit an original showing of interest in support of that petition. Moreover, this office has received no instructions or request from the Petitioner in Case 22-RD-240325 that the showing of interest submitted by that individual may be transferred to your client to utilize in connection with the instant petition.

Thereafter, on June 27, Petitioner herein supplemented her showing of interest with additional evidence submitted to the Region, again, via facsimile transmission notwithstanding the Board agent's guidance that it was necessary for Petitioner to submit an original showing in a timely fashion in order for the Region to continue processing the petition. Thus, on July 1, 2019, the Board agent (1) left Petitioner a voice mail message reiterating her obligation to provide the Region with an original version of a sufficient showing of interest, and (2) sent Petitioner an email confirming the foregoing and further informing Petitioner that if she failed to submit the showing of interest by the close of business on July 2, 2019, it could result in dismissal of the instant petition.

On July 2, 2019, Petitioner informed the Board agent that she did not have an original version of the showing of interest. The next day, July 3, Petitioner submitted a showing of interest consisting of original, dated signatures. However, the number of original signatures that were submitted is insufficient to support the petition. In this regard, Section 11023.1 of the Board's Representation Casehandling Manual is clear: "A petitioner, in order to justify further proceedings, must demonstrate designation by at least 30 percent of the employees in the unit it claims appropriate." The submitted original Showing of Interest was insufficient by this required measure.

To date, Petitioner has not provided the Region with an original showing of interest sufficient to support the petition and I am, therefore, dismissing the petition.

Accordingly, I am dismissing the petition in this matter.

***Right to Request Review:*** Pursuant to Section 102.67 of the National Labor Relations Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. The request for review must contain a complete statement of the facts and reasons on which it is based.

***Procedures for Filing Request for Review:*** A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5 p.m. Eastern Time**) on **July 26, 2019**, unless filed electronically. If filed electronically, it will be considered

July 12, 2019

timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time on July 26, 2019.**

**Consistent with the Agency's E-Government initiative, parties are encouraged, but not required, to file a request for review electronically.** Section 102.114 of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the Efiling system on the Agency's website at [www.nlr.gov](http://www.nlr.gov). Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Very truly yours,



David E. Leach III  
Regional Director

cc: Office of the Executive Secretary (by e-mail)

MEGAN SPALTHOFF, ADMINISTRATOR  
HMH NURSING & REHABILITATION AT  
SHREWSBURY  
89 AVENUE OF THE COMMONS  
SHREWSBURY, NJ 07702

CRYSTAL S. CAREY, ESQ.  
MORGAN, LEWIS & BOCKIUS, LLP  
1701 MARKET STREET  
PHILADELPHIA, PA 19103-2921

LOUNDY SAINT LOUIS  
105 MCCABE AVENUE, APARTMENT 209  
BRADLEY BEACH, NJ 07720

JESSICA E. HARRIS, ESQ.  
WILLIAM S. MASSEY, ESQ.  
GLADSTEIN, REIF & MEGINNISS, LLP  
817 BROADWAY, FL. 6,  
NEW YORK, NY 10003

1199 SEIU UNITED HEALTHCARE WORKERS  
EAST  
555 ROUTE ONE SOUTH, 3RD FLOOR  
ISELIN, NJ 08830

## **EXHIBIT B**

Prior to answering any questions, Ms. Carey stated her name that she represented HMM and she would like to ask me some questions about the Petition I filed to decertify the union. She also informed me that I was not obligated to speak to her and that if I chose to speak with her, it was entirely voluntary, that my job would not be affected in anyway whether I spoke with her or not, and that regardless of whether I spoke to her there would be no prejudice or benefit to me. Ms. Carey also informed me that I could terminate the conversation at any time without penalty. Ms. Carey reiterated that there would be no penalties, retaliation or benefit of any kind based on my decision to speak, or not speak, to her. Ms. Carey asked that if I answered her questions I should only tell the exact truth as opposed to what I thought she would want me to say. Finally, Ms. Carey noted that she did not want to know my personal thoughts on the union, but rather only wanted to discuss the facts surrounding the petition. My attorney, Alyssa Hazelwood, was also on the call.

1 My full name is Loundy Saint Louis.

2 I am currently employed by Hackensack Meridian Health ("HMH") Shrewsbury Nursing and  
3 Rehabilitation located at 89 Avenue of the Commons, Shrewsbury, NJ 07702 as a cook.

4 I found out that the first petition to get rid of the union was filed by a co-worker, Veronica, because I  
5 saw it on the wall in the breakroom and it had her name on it. I was happy because I was at this location  
6 for 15 years and did not want to be a part of the union anymore. I did not know that Veronica was  
7 asking for signatures and did not sign the first petition. In the kitchen I do not come in contact with a lot  
8 of the other employees while I am working.

9 There was a lot of pressure on Veronica from the union, and she decided to back down. When I found  
10 out that she was backing down I spoke with her. She told me that the person at the labor board, Eric,  
11 was putting a lot of pressure on her. She said the union was also pressuring her to withdraw the petition  
12 and she could not take it anymore. I told her I would like to take over and she said that if I could handle  
13 all of the pressure, I should go for it.

14 I decided to call the labor board and tell them that I was taking over for Veronica. I saw the name of the  
15 agency on the paperwork on the bulletin board. I looked up the labor board online and got the phone  
16 number. I asked for Eric. When I spoke with Eric, I told him I was taking over the petition for Veronica  
17 and asked him if I could she use Veronica's signatures. After speaking with Veronica I knew that she had  
18 met the threshold of 30% for the petition so I wanted to just use her signatures. Eric said that I could  
19 reuse the signatures, but that I needed to submit the petition form which was online. I went online and  
20 got the form, filled it out and sent it to the labor board with a cover sheet restating that I wanted to use  
21 Veronica's signatures.

22 On about Tuesday, June 26th Eric, the Board agent, called me at 8 am and at 7 pm. Eric told me that he  
23 had reviewed Veronica's signatures and that I was one short, because someone had signed twice. He  
24 told me I had 24 hours to get the signature. I realized that I had not signed so I sent my signature and  
25 also one additional signature from a co-worker. I sent him the signatures that day. He told me all he  
26 needed was one more signature and I sent him two more.

27 On Thursday morning, June 27, Eric texted me and asked me to call him. I called him and he said that the  
28 union told him that they never got the petition from me. He asked me if I sent it to them. I told him that  
29 I did and that I faxed it. He asked me to send him the confirmation. I did that. He then said that the  
30 union notified him that they found the petition that I had sent to them.

31 On Friday, June 28, Eric called me at 607 pm. I was at work. He said I am telling you now I want you to  
32 get the original signatures from Veronica or your petition will be dismissed. I asked him why he didn't

1 tell me this to start with. He said well I am telling you now. You have to get the original signature or the  
2 petition will be dismissed. I told him he knows I do not have the original signatures because they are  
3 with Veronica's case. He said I had to get the signatures.

4 The next week Eric told me that there was going to be a hearing and that I could come and say my  
5 peace, but that the petition was being dismissed if I did not send the original signatures.

6 I reached out to the people that were helping Veronica at Right to Work and I did not talk to Eric  
7 anymore.

8 When I was at work that week everything that Eric had said to me on the phone the union people  
9 already knew about when I got to work. They were saying the same things to me that Eric said to me. I  
10 went to work and the union people were talking about the signatures. They said that I was missing  
11 signatures that I was required to have. This made me mad because I thought Eric was supposed to help  
12 me - I took this step myself - I stand up for my rights. Eric has a problem with this, and wants to help  
13 the union. The labor board is against me.

14 I spoke with Veronica about the signatures and she told me that she did not have the signatures and  
15 that the NLRB still had them. I am still unsure as of today whether the signatures were returned to  
16 Veronica or whether the Region still has them in its possession.

17

18 I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing  
19 statements made by me are willfully false, I am subject to punishment.

20

21

22

A handwritten signature in black ink, consisting of a large, stylized initial 'E' followed by a horizontal line.

Signature

A handwritten date '7-26-19' in black ink, with a horizontal line underneath the numbers.

Date