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May 7, 2020

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Via E-Filing at [www.nlrb.gov](http://www.nlrb.gov)

Office of the Executive Secretary  
National Labor Relations Board  
1015 Half Street, S.E.  
Washington, D.C. 20570-0001

Re: AvalonBay Communities, Inc.  
Case No. 02-RC-238385

Dear Sir or Madam:

Our office represents Petitioner International Union of Operating Engineers Local 30, AFL-CIO ("Local 30") in connection with the above-captioned matter and we submit this correspondence in opposition to the request of AvalonBay Communities, Inc. ("Employer") for a 14-day extension of time to file its request for review of the Regional Director's Decision and Certification of Representative ("RD's Decision").

To begin with, this office (which has been closed just like every other non-essential business due to the Executive Order of New York State Governor Andrew Cuomo) also received the RD's Decision by mail on May 5, 2020.<sup>1</sup> Accordingly, had Local 30 needed to file a request for review with the Board, the remaining nine (9) days available to do so would have been more than enough time for the undersigned to prepare and submit my client's request and not required an application for an extension as sought by the Employer and its counsel. Although the situation surrounding the pandemic has been trying on all parties, it has now been approximately seven (7) weeks since the Governor's stay-at-home order was issued and I am confident that the Employer and its counsel, much like Local 30 and this office, have found ways to continue to

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<sup>1</sup> Procedures have been implemented by the undersigned's office in order to retrieve mail on a daily basis and I actually retrieved the firm's mail on May 5th which included the RD's Decision.

perform their necessary business functions despite, as in the case of the undersigned's office, while working from home.

As relating to the Employer's position concerning the length of the hearing, the size of the transcript as well as the Hearing Officer's Report on Objections and the RD's Decision, and the purported complexity of the issues at hand, it is respectfully submitted that the Employer's preparation of its request for review will be based upon the same evidence, arguments and case law that it has already articulated in several filings before Region 2 as well as the Board. Further, as for the need to access physical copies of the hearing materials, the Board should be aware that that purchase of the transcripts was made available electronically and I presume that the Employer's attorney, as did the undersigned, purchased the transcripts in this fashion and received them as email attachments from eScribers Reporting. Accordingly, I have access to the transcripts as pdf files on my computer despite not being physically present in my office. Finally, with regard to the Employer's contention that its representatives must meet to consult with its counsel in order to prepare the request for review, I would respectfully suggest that this process, if even necessary, can be achieved through telephonic or video conferencing technologies.

For each of the reasons outlined herein, Local 30 respectfully requests that the Board deny the Employer's request for an extension of time to file its request for review.

Thank you for your attention to this matter.

Very truly yours,

*ls/ James M. Steinberg*

James M. Steinberg

cc: Regional Director John H. Walsh, Jr. (via email)  
Donald S. Krueger, Esq. (via email)  
Corey P. Argust, Esq. (via email)  
Mr. William Lynn  
Mr. Vincent Fiorentino

**CERTIFICATE OF SERVICE**

I, James M. Steinberg, certified that on May 7, 2020, I caused a copy of the attached opposition to Employer's Request for Extension of Time to File Request for Review of Regional Director's Decision and Certification of Representative, to be filed with the National Labor Relations Board's Office of the Executive Secretary by e-filing at [www.nlr.gov](http://www.nlr.gov) and upon Counsel for the Employer and the Regional Director for Region 2 by electronic mail at the following addresses:

Avalon Bay Communities, Inc. c/o  
Donald S. Kruger, Esq. & Corey Argust, Esq.  
Epstein Becker & Green, P.C.  
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cargust@ebglaw.com

-and-

John J. Walsh, Jr.  
Regional Director, Region 2  
john.walsh@nlrb.gov

Dated: Tarrytown, New York  
May 7, 2020

*/s/ James M. Steinberg*

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James M. Steinberg, Esq.