UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SEMINOLE ELECTRIC COOPERATIVE, INC.
Employer

12-RC-256815

and

INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL 108, AFL-CIO
Petitioner

ORDER

The Employer’s Request for Review of the Regional Director’s Decision and Direction of
Election is denied as it raises no substantial issues warranting review. The Employer’s request
for extraordinary relief is denied as moot.

JOHN F. RING, CHAIRMAN

MARVIN E. KAPLAN, MEMBER

1 In denying review, we further note that the Board’s decision in San Diego Gas &
Electric, 325 NLRB 1143, 1145 (1998), recognizes that Board elections should, as a general rule,
be conducted manually and specifies well-settled guidelines for determining whether a mail-
ballon election would normally be appropriate. Under normal circumstances, this would almost
certainly not be an election where a mail ballot would be considered. But in San Diego Gas &
Electric, the Board also recognized that “there may be other relevant factors that the Regional
Director may consider in making this decision” and that “extraordinary circumstances” could
permit a Regional Director to exercise his or her discretion outside of the guidelines set forth in
that decision. Id.

In finding that a mail-ballot election is warranted in this case, we rely on the
extraordinary federal, state, and local government directives that have limited nonessential travel,
required the closure of nonessential businesses, and resulted in a determination that the regional
office charged with conducting this election should remain on mandatory telework. Mandatory
telework in the regional office is based on the Agency’s assessment of current Covid-19
pandemic conditions in the local area. Under all of the foregoing circumstances, we are satisfied
that the Regional Director did not abuse his discretion in ordering a mail-ballot election here.

Furthermore, we note that the Employer’s request for review raises concerns about
potential disenfranchisement of voters if the ballots are delayed in the mail. While such concerns
could be relevant to whether a mail-ballot election is appropriate, the circumstances presented
here fail to establish that the Regional Director abused his discretion. Any party is free to
present evidence of any actual disenfranchisement of voters, if applicable, in post-election
objections.

The Board is open to addressing the normal criteria for mail balloting in a future
appropriate proceeding.
WILLIAM J. EMANUEL, MEMBER