

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

PERSPECTA,)
STRATEGIC DATA SYSTEMS, INC.,)
G CORP CONSULTING,)
STRATAS CORP,)
RENDER SECURITY ENGINEERING LLC,)
FREEDOM STAFFING, AND)
APEX SYSTEMS LLC)

Employers,)

and)

Case No. 28-RC-261225

INTERNATIONAL ASSOCIATION OF)
MACHINISTS AND AEROSPACE)
WORKERS, LOCAL LODGE SC 310,)
INTERNATIONAL ASSOCIATION OF)
MACHINISTS AND AEROSPACE)
WORKERS, AFL-CIO)

Petitioner.)

**MOTION TO POSTPONE REPRESENTATION HEARING AND FOR
AN EXTENSION OF TIME TO FILE EMPLOYER’S STATEMENT OF POSITION**

Apex Systems, LLC (“Apex”), by counsel, pursuant to 29 C.F.R. §§102.63(a), 102.63(b) and 102.65, hereby moves the Regional Director to reschedule the Representation Hearing in the above-captioned matter to the original date of Wednesday, June 24, 2020. Additionally, the Employer moves for an extension of time to submit its Statement of Position, to 12:00 p.m. MST on June 19, 2020. In support of this motion Apex states as follows:

1. Special circumstances warrant the postponement of the R Hearing and a brief extension of time to file the Statement of Position.
2. On June 4, 2020, the Region sent a Letter and Notice (“Notice”) of Representation Hearing (“R Hearing”) to Apex. However, the person to which the letter was directed is not, and was never, an employee of Apex Systems. The Notice informed Apex that the R Hearing had been

scheduled by Region 28 of the National Labor Relations Board (“Region”) for 10:00 a.m. MST on Wednesday, June 24, 2020. Additionally, the Notice set a deadline of 12:00 p.m. MST on June 16, 2020 for Apex to submit its Statement of Position with respect to the election and R Hearing.

3. Then on June 5, 2020, the Region sent an email to counsel for Apex soon after the Notice of Appearance was filed, which modified the original deadline for Position Statement and date for the R-Hearing to earlier dates.

4. First, the undersigned counsel was not officially retained until June 5, 2020 which will hinder the time to prepare a Statement of Position, as well as for the R Hearing on the newly scheduled date. Counsel for Apex respectfully requests that the R Hearing be re-instated to the original June 24, 2020 date and time.

5. Second, more importantly, a brief review of the petition suggests to Apex and the undersigned counsel that the petitioned for unit may be impermissible under Section 2(2) of the National Labor Relations Act (“NLRA”). Thus, the original dates set forth by the Region will have the additional benefit of permitting the Region, the Union and the Employers to ascertain whether an election is permissible in this matter.

6. Counsel for the Employer further requests that the time to submit its Statement of Position also be extended from June 16, 2020 to 12:00 p.m. MST on June 19, 2020.

7. On Monday, June 9, 2020, counsel for Apex contacted the representative for the Union, Jason Hardwick (“Mr. Hardwick”), to ascertain the Union’s position as to this continuance motion. Mr. Hardwick informed counsel for Apex that he does not oppose the short continuance of the R Hearing to the original scheduled date. Mr. Hardwick further informed counsel for Apex that he does not oppose an extension of time for Apex to submit its Statement of Position.

8. On Monday, June 8, 2020, counsel for Apex attempted to contact the representatives for the employers listed to ascertain the position of each to this continuance motion.

The representative from Perspecta informed counsel for Apex that he does not oppose the relief requested in the motion. Counsel for Apex attempted to contact the other representatives listed on the Region's Letter, but had received no response as of the time of filing the instant motion.

9. Apex has made no prior requests for an extension in this matter.

Therefore, for the reasons set forth herein, Apex Systems, LLC respectfully requests these extensions.

Respectfully submitted,
APEX SYSTEMS, LLC

By: _____


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CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2020, a true copy of the foregoing MOTION TO POSTPONE REPRESENTATION HEARING AND FOR AN EXTENSION OF TIME TO FILE EMPLOYER'S STATEMENT OF POSITION was filed via the NLRB electronic filing system to:

Cornele A. Overstreet, Regional Director
National Labor Relations Board, Region 28
2600 North Central Avenue -Suite 1400
Phoenix, AZ 85004-3099

and served via email on:

Jason Hardwick
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