

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

TDS METROCOM, LLC

Employer

and

Case No. 18-RC-260318

COMMUNICATIONS WORKERS OF
AMERICA, DISTRICT 4

Petitioner

**EMPLOYER’S REQUEST FOR REVIEW OF THE
REGIONAL DIRECTOR’S DECISION AND DIRECTION OF ELECTION**

TDS Metrocom, LLC (“Employer”), by and through its counsel and pursuant to Section 102.67 of the National Labor Relations Board’s Rules and Regulations, hereby submits its Request for Review of the Regional Director’s Decision and Direction of Election issued May 29, 2020 (“the DDE”), attached hereto as Exhibit A.

SUMMARY OF ARGUMENT

The National Labor Relations Board (“the Board”) has repeatedly held that a manual election, with the direct supervision of a Board Agent, is the most effective way to protect employees’ right to a free and fair vote in a representation election. Indeed, the Board’s precedent and policy has created a presumption favoring manual elections. Although the Board has delegated discretion to regional directors in determining whether an election should be conducted by manual or mail ballot, such discretion “is not unfettered and is to be exercised within certain guidelines.” See *San Diego Gas & Electric*, 325 NLRB 1143, 1144 (1998).

In this case, like many other recent cases, the Regional Director ordered a mail ballot election, relying exclusively on “extraordinary circumstances” related to COVID-19, to the exclusion of the traditional factors considered by the Board to be relevant to a determination of whether the presumption in favor of manual elections may be overcome. In citing “extraordinary circumstances,” the Regional Director relied on overly broad generalizations without reference to the specific factual circumstances that apply to this election. This election involves a bargaining unit of only nine employees in a location where there is a very low incidence of positive COVID-19 cases and where the Employer has committed to providing all appropriate precautions and safeguards to ensure a safe manual election.

The Employer’s request for review for the Board to consider whether the Regional Director abused her discretion should be granted because under the unique set of underlying facts and circumstances present here, there are no “extraordinary circumstances” warranting the Regional Director’s deviation from the Board’s longstanding presumption in favor of conducting a manual election. Moreover, this case presents an appropriate opportunity for the Board to address and provide reasoned criteria for mail ballot versus manual elections, including for the period during which the COVID-19 pandemic plays out.

PROCEDURAL BACKGROUND

On May 13, 2020,¹ the Communications Workers of America, District 4 (“Petitioner”) filed a petition with Region 18 of the Board seeking to represent a unit of certain full-time and part-time employees of Employer. See Exhibit B, RC Petition. On May 20, Petitioner and Employer waived their right to a pre-election hearing and entered into a Stipulation of Record, stipulating to an appropriate bargaining unit, and further stipulating that the sole issue precluding reaching a

¹ All dates are 2020, unless otherwise indicated.

stipulated election agreement is whether the election should be conducted in-person or by mail ballot. See Exhibit C, Stipulation of Record.

The Employer argued for a manual, in-person election. See Exhibit D, Employer’s Position Statement. The Petitioner was not opposed to either a manual or a mail ballot election, stating it would defer to the decision of the Regional Director. See Exhibit E, Petitioner’s Position Statement. The DDE was issued on May 29, ordering a mail ballot election.

ARGUMENT

I. The Regional Director’s Decision Departs from Longstanding Board Precedent Favoring Manual Elections.

“[U]nder existing Board precedent and policy the applicable presumption favors a manual election, not a mail-ballot election.” *Willamette Industries, Inc.*, 322 NLRB 856, 856 (1997). Although the Board has delegated discretion to regional directors in determining whether an election should be conducted by manual or mail ballot, such discretion “is not unfettered and is to be exercised within certain guidelines.” See *San Diego Gas & Electric*, 325 NLRB 1143, 1144 (1998). “Because of the value of having a Board agent present at the election, the Board’s long-standing policy to which we adhere, has been that representation elections should as a general rule be conducted manually, either at the workplace or at some other appropriate location.” *Id.*; see also *Brink’s Armored Car*, 278 NLRB 141 (1986)(“The danger that the laboratory conditions surrounding an election may be destroyed are greater in mail balloting situations than in manual elections because of the absence of direct Board supervision over the employees' voting.”); *Thompson Roofing, Inc.*, 291 NLRB 743 at fn. 1 (1988)(“Mail ballot elections are more vulnerable to the destruction of laboratory conditions than are manual elections because of the absence of direct Board supervision over employees' voting.”).

The Board's general rule that elections be conducted manually must be adhered to unless the regional director reasonably concludes that circumstances make voting in a manual election difficult. See *San Diego Gas & Electric*, 125 NLRB at 1144; NLRB CASE HANDLING MANUAL, § 11301.2 ("The Board has ... recognized ... that there are instances where circumstances tend to make it difficult for eligible employees to vote in a manual election or where a manual election, though possible, is impractical or not easily done.") The Board has articulated three instances "that normally suggest the propriety of using mail ballots": (1) where eligible voters are "scattered" because of their job duties over a wide geographic area; (2) where eligible voters are "scattered" in the sense that their work schedules vary significantly, so that they are not present at a common location at common times; and (3) where there is a strike, a lockout or picketing in progress. *San Diego Gas & Electric*, 125 NLRB at 1145.

In reaching her decision to order a mail ballot election, the Regional Director ignored these articulated instances entirely² concluding instead that "extraordinary circumstances" related to COVID-19 compelled her to consider factors outside the traditional framework when deciding what form the election should take. Exhibit A at p. 3. The Board expects regional directors to exercise their discretion in ordering a mail ballot election according to traditional factors absent "extraordinary circumstances." *San Diego Gas & Electric*, 125 NLRB at 1145. The Regional Director's departure from officially reported Board precedent favoring a manual election, based on a complete failure to consider the traditional factors and her sole reliance on "extraordinary circumstances," yet to be fully defined and litigated before the Board, warrants review.

² Indeed, none of the factors is present here. There is no strike or lockout in progress and there is no "scattering" such that a mail ballot election is warranted. There are only nine employees in the agreed upon, appropriate bargaining unit, who all perform their duties within a limited geographic territory of 35 miles surrounding the Employer's Schofield facility within Marathon County, Wisconsin. The unit employees regularly report to a common location, the Schofield warehouse, on Tuesdays and Thursdays. Exhibit A at p. 2; Exhibit D at pp.1-2

II. The Regional Director Based Her Decision on Erroneous and Prejudicial “Factual” Findings.

The Regional Director bases her decision on “extraordinary circumstances” related to the COVID-19 pandemic, relying on overly broad generalizations without reference to the specific factual circumstances that apply to the election involving Employer’s employees.

First, the Regional Director relies on the faulty premise that because manual election procedures require personal interaction the election must be conducted by mail ballot in order to be safe. The Director fails to consider any of the proposed modifications or alternatives to procedures to limit interaction or any of the proposed precautions and measures to allow for safe interaction. The Regional Director states that observers share the same list in marking off voters, voters share the same voting booth, and voters deposit ballots in the same cardboard box. Exhibit A at p. 3. The Regional Director does not consider that observers can share a list while maintaining the recommended 6 foot social distance and with a plexi-glass barrier between them, that voters will not be within 6 feet of each other while in the voting box and that the box can be cleansed with sanitizing wipes between each voter, and that voters can apply hand sanitizer or don gloves as they exit the booth prior to depositing their ballots into the box. See Exhibit D at p. 5 for the list of safety measures and precautions proposed by Employer. The Regional Director states the Board Agent must hand ballots to each voter and at the conclusion of voting the Board Agent must conduct the count in the presence of others, which requires the agent to handle each of the paper ballots previously handled by the voters. Exhibit A at p. 3. The Regional Director does not consider that the Board Agent and voters can wear gloves while handling ballots (or that a mail ballot election also requires the Board Agent to handle ballots previously handled by voters and whoever else handles the ballots after the ballots are mailed to a voter’s residence). See Exhibit D at p. 5. Of course, attendees at the ballot count conducted at the conclusion of the election, which

can be limited to the Board Agent, two observers and two party representatives, can easily maintain a 6-foot distance between each other. See Exhibit D at p. 5. As also proposed by the Employer, the Board Agent, observers, voters and representatives would all be required to wear masks throughout the election process (see *id.*), which is yet another safeguard, recognized as appropriate by the Centers for Disease Control (CDC),³ to address the Regional Director’s reference to the risk of infection when an “infected person coughs, sneezes or talks”.⁴ See Exhibit A at p. 3. Lastly, the Regional Director fails to account for the CDC’s most recent guidance explaining the reduced risk of transmission presented by touching a surface or object with the virus on it.⁵

Second, the Regional Director assumes, without any evidence, that there will be a “considerable amount of travel by the Board Agent, potentially requiring an overnight stay.” Exhibit A at p. 4. There is no evidence in the record of the amount of travel that would be necessary for the Subregion 30 Board Agent to attend an election at the Employer’s Schofield facility. However, the distance between Subregion 30 and the Schofield facility is approximately 175 miles, with a travel time of less than 3 hours⁶, which puts into question the Director’s conclusion that considerable travel, perhaps overnight, would be required. Travel time to and from the election, to conduct an election with a one-hour voting period, does not require an overnight stay. Travel to and from the election can be accomplished without presenting any increased risk of infection or

³ See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html> (last accessed June 9, 2020).

⁴ The Regional Director also fails to consider the Employer’s proposal requiring the Board agent, all eligible voters, the observers and the party representatives to complete a health assessment the morning of the election. Any person that answers “yes” to any of the assessment questions would not be admitted to the polling place and would be provided the opportunity to submit a ballot by mail if the person’s ballot would be outcome determinative. Exhibit D at p. 5.

⁵ In its most recent guidance, the CDC has retreated from its earlier guidance concerning transmission through touching surfaces or objects. The CDC guidance states that it may be possible that a person can get COVID-19 by touching surfaces or objects that have the virus on it and then touching their mouth, nose or possible eyes, but this is not thought to be the main way the virus spreads. www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html (last accessed June 9, 2020).

⁶ See www.mapquest.com.

transmission. The trip to the facility is short enough not to require any stops; the trip from the facility is short enough not to require any stops. That means that any potential risks associated with close contact with other people or surfaces associated with travel are eliminated.

The Regional Director blindly applies general guidance from federal and state agencies about staying at home to protect against getting sick but fails to consider any of the other recommended considerations by these agencies for assessing the safety of travel away from a home community.⁷ The pertinent questions related to travel associated with the instant election illustrate how travel can be accomplished safely. For instance, as noted, there is no reason that any stops are necessary during the travel to and from the facility, so the risk of transmission is lessened. The destination, Marathon County, has a very low incidence of positive COVID-19 cases,⁸ which means the risk of getting sick is lessened. The percentage of positive cases throughout Wisconsin has shown a downward trend, remaining below 3% for the last several days.⁹ Once the Board Agent arrives, the election can be conducted with all appropriate safeguards in place, including social distancing and limiting contact between the Board Agent, observers, and voters, again lessening the risk of infection and/or transmission.

The Regional Director also fails to consider that the mail ballot election she ordered involves travel by Subregion employees. Specifically, the DDE requires ballots to be mailed to employees employed in the bargaining unit from the Subregion 30 office, located at 310 W.

⁷ See US Centers for Disease Control and Prevention, Coronavirus in the United States – Considerations for Travelers, available at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-in-the-us.html> and Wisconsin Department of Health Services, COVID-19 Travel available at <https://www.dhs.wisconsin.gov/covid-19/travel.html>.

⁸ Marathon County has had 64 positive cases, as compared to 4097 negative cases. The rate of positive cases per 100,000 people is 47.3. There has been one death. www.dhs.wisconsin.gov/covid-19/county.htm (last visited June 8, 2020)

⁹ See www.dhs.wisconsin.gov/covid-19/cases.html. The percentage of positive test results remained below 3% between June 5 and June 10. They have been below 5% for the month of June 2020.

Wisconsin Avenue, Milwaukee, and for the ballots to be counted at the Subregion 30 office.¹⁰ Exhibit A at p. 5. Board employees will be required to travel to and from the office on at least two occasions to conduct a mail ballot election. Such travel contradicts the Regional Director's reliance on the regional offices' mandatory telework directives as support for ordering a mail ballot versus a manual election. See Exhibit A at p. 5.

Third, the Regional Director too quickly discounts the risks to employees' fair and free choice of bargaining representative presented by mail balloting. See Exhibit A at p. 4. The Director ignores indications that recent experience with mail balloting in Wisconsin has indeed demonstrated some of the inherent unreliability of using this method. See Exhibit D at p. 5, n. 6. The USPS itself has acknowledged at least "minor operational impacts in the United States as a result of the COVID-19 pandemic".¹¹ The Board also very recently recognized the problems presented with mail ballot elections. See *Western Wall Systems, LLC*, Case 28-RC-247464 (April 16, 2020)("In our view, however, this is yet another case that reveals the many potential problems inherent in mail ballot elections.").

In line with the Board's presumption in favor of manual elections, the Board has acknowledged that the "voter participation rate is generally higher in elections conducted manually than in mail ballot elections." See *San Diego Gas*, 325 NLRB at 1146; see also *Cast N. Am. (Trucking) Ltd. v. NLRB*, 207 F.3d 994, 1000 n.2 (7th Cir. 2000)("The NLRB has noted that historically voter turn-out has been higher in representation elections that are conducted manually than in those conducted by mail.") The integrity of the election process and the level of voter

¹⁰ The virtual ballot count ordered by the Regional Director gives rise to another set of concerns regarding the integrity of the election process. For instance, a virtual ballot count does not allow an opportunity for reliable examination of the ballots by observers or party representatives, whether because of a connection failure, in which case observers and representatives would be unable to participate remotely at all, or because poor resolution associated with virtual programs interferes with close examination of ballots for stray markings or dual markings that would be grounds for voiding a ballot.

¹¹ See USPS Service Alert at <https://about.usps.com/newsroom/service-alerts/> (accessed June 9, 2020).

participation take on even more significance given the small size of this bargaining unit. Even one misplaced ballot lost in the mail, or the failure of one employee to timely return a mail ballot, will have a significant impact on the final results of the election. Given the importance of ensuring that all employees have the opportunity to exercise the rights guaranteed to them under the Act, including their voting rights, the risks of disenfranchisement tied to a mail ballot election cannot be overlooked.

Ordering mail ballot elections should not be a “one-size-fits-all” approach for election petitions during COVID-19 conditions. Given the unique set of underlying facts and circumstances present here, there are no “extraordinary circumstances” warranting the Regional Director’s deviation from the Board’s longstanding presumption in favor of conducting a manual election. It is incumbent upon the Board to grant Employer’s Request for Review.

III. The Instant Circumstances Present a Compelling Reason for the Board to Reconsider An Important Board Policy and Rule.

The Board has recognized there are “many potential problems inherent in mail ballot elections.” See *Western Wall Systems, LLC*, Case 28-RC-247464 (April 16, 2020). Thus, the Board has repeatedly stated, “[t]he Board is open to addressing the normal criteria for mail balloting in a future appropriate proceeding.” See, e.g., *Atlas Pacific Engineering Company*, 27-RC-258742, Order, 2, n. 1; *Seminole Electric Coop., Inc.*, 12-RC-256815, Order, 1, n. 1 (same); *Twinbrook Health & Rehabilitation Center*, 06-RC-257381, Order, 1, n. 1 (same); *2101 LLC*, 19-RC-258144, Order 2, n.1 (same). Under Section 102.67 of the Board’s Rules and Regulations, the Board will grant a request for review, among other times, when “there are compelling reasons for reconsideration of an important Board rule or policy.” 29 C.F.R. § 102.67(d)(4).

In light of the Board’s recognition of the inherent problems with mail ballots, and the proliferation of recent mail ballot elections required by regional directors due to COVID-19, the

Board has an opportunity to provide guidance on when mail ballot elections are appropriate due to COVID-19. There should not be a one-size-fits-all, pro forma approach to conducting representation elections during COVID-19, particularly given the uncertainty as to how long the public will be faced with the COVID-19 situation and regional variations in the risks of transmission.

The circumstances of the instant election, involving a small number of individuals and allowing for precautions to be taken that can ensure that a safe manual election can be conducted, present the Board with an appropriate opportunity to delineate criteria for when a manual election can be conducted against the COVID-19 backdrop, or, alternatively, criteria that must be satisfied to overcome the presumption in favor of manual elections.

CONCLUSION

For the reasons set forth herein, Employer respectfully requests the Board grant review of the Regional Director's Decision and Direction of Election.

Dated this 12th day of June, 2020.

Respectfully submitted,

s/ Michael J. Westcott

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DECISION AND DIRECTION OF ELECTION

This case is before me pursuant to a stipulated record entered between the parties on May 20, 2020.¹ The parties waived their right to a pre-election hearing and stipulated that the sole issue is whether the election should be conducted in person or by mail ballot, which is a non-litigable matter.² The Board has delegated its discretion in determining such arrangements to Regional Directors. *San Diego Electric*, 325 NLRB 1143, 1144 (1998). The Employer argues for a manual election, while Petitioner defers to my discretion on the issue. In carefully considering the arguments made by the Employer on this issue, I find that a mail ballot election is appropriate under the extraordinary circumstances presented by the COVID-19 pandemic.

CONCLUSIONS

Based upon the entire record in this matter, I conclude as follows:

1. The Employer is an employer engaged in commerce within the meaning of Sections 2(2), (6), and (7) of the Act.³

¹ All dates are in 2020, unless otherwise noted.

² See *Representation-Case Procedures*, 84 Fed. Reg. 69524, 69544 fn. 82 (Dec. 18, 2019) (citing *Manchester Knitted Fashions, Inc.*, 108 NLRB 1366, 1367 (1954)).

³ The Employer is engaged in the business of providing telecommunications services out of its Schofield, Wisconsin facility. The parties stipulated that in the last twelve (12) months, the Employer purchased and received goods valued in excess of \$50,000 directly from points located outside the State of Wisconsin. I further take administrative notice of the Employer's publicly available financial information and find that its gross annual volume of business exceeds \$100,000.

2. 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.
3. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Sections 2(6) and (7) of the Act.
4. There are no contract bars or any further bars in existence that would preclude the Region from processing the petition.
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 Field Service Technicians (FST), FST-Network, FST-Network Specialist, and Assistant-Field Services employed by the Employer at its facility in Schofield, Wisconsin; but excluding all office clerical employees, confidential employees, managerial employees, professional employees, guards and supervisors as defined in the Act, and all other employees.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by the Communications Workers of America, District 4. For the reasons described below, I have determined that a mail ballot election will be conducted in this matter.

1. Employer Operations

The Employer maintains a facility in Schofield, located in Marathon County, Wisconsin. The Employer employs nine employees in the proposed bargaining unit. Those employees primarily work within a 35-mile area within Marathon County, performing internet, television and phone installation, repair and related services. Employees work both inside and outside of customer homes. Employees report to the Employer's facility in Schofield periodically to pick up supplies and to clean their vehicles.

2. The Employer's Position

The Employer argues for a manual election. It asserts that none of the traditional factors favoring a mail ballot as identified in *San Diego Electric*, 325 NLRB 1143 (1998), are present in this matter given that employees regularly report on certain days to the Employer's facility. It points out that manual elections are normally favored by the

Board. Additionally, the Employer cites to various safety measures it has implemented to protect its field employees who must, by virtue of their work, come into regular contact with customers. This includes promoting social distancing, daily employee health and COVID-19 exposure self-assessments, requiring employees wear masks when not able to maintain physical distance, and promoting important hygiene practices, such as regular handwashing. The Employer points out that in Marathon County, where the Employer is located, there have been a limited number of cases compared to other parts of the state. Finally, the Employer also suggests various safety measures which could be implemented for the manual election to reduce the risk of COVID-19.

3. Under the Extraordinary Circumstances Presented by COVID-19, I Find that a Mail Ballot Election Is Appropriate.

I have carefully considered the Employer's position in this matter. COVID-19 is an "extraordinary circumstance" which compels me to consider factors outside the traditional framework when deciding the form an election should take. In *San Diego Gas and Electric*, above, the Board set forth guidelines that should generally be used in determining whether to conduct an election by mail, including the extent of employee dispersion, whether it be geographically or by work schedule, and the presence of striking or locked out employees. However, the Board recognized that it would not expect Regional Directors to consider these factors in "extraordinary circumstances." I find the COVID-19 pandemic to be an extraordinary circumstance based on the ongoing federal, state and local health guidance and the fact that the Regional Offices remain on mandatory telework.

A manual election requires the physical presence of a Board Agent, voters, observers for each party and party representatives. Manual election procedures require personal interaction. Observers share the same list in marking off voters, voters share the same voting booth and deposit ballots in the same cardboard box. The Board Agent hands ballots to each voter and at the conclusion of voting, the Board Agent conducts the count in the presence of others which requires the agent to handle each of the paper ballots previously handled by the voters. Directing a manual election in this matter would run in direct contradiction to guidance issued by the U.S. Center for Disease Control and Prevention (CDC), which recommends "limit[ing] in-person contact as much as possible."⁴ The CDC explains that COVID-19 is primarily spread from person to person and that a person may become infected when an "infected person coughs, sneezes or talks" or by "touching a surface or object that has the virus on it, and then by touching your mouth, nose or eyes." Given the availability of a mail ballot

⁴ U.S. Center for Disease Control and Prevention, COVID-19 Guidance Documents, Coronavirus disease 2019 (COVID-19) Factsheet – CDC, *What you should know about COVID-19 to protect yourself and others* (available at: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/2019-ncov-factsheet.pdf>)

election, ordering a manual election under the circumstances would be in direct contradiction to federal guidance.

Furthermore, the considerable amount of travel by the Board Agent, potentially requiring an overnight stay, would also contravene outstanding guidance. Locally, Marathon County's Order #1 recommends compliance with CDC and Wisconsin Department of Health Services guidance. The CDC continues to maintain that "[b]ecause travel increases your chances of getting infected and spreading COVID-19, staying home is the best way to protect yourself and others from getting sick" (emphasis in original).⁵ The State of Wisconsin specifically directs against such travel: "COVID-19 is still spreading across our Wisconsin communities. Staying home is the best way to protect yourself and others from getting sick. We recommend Wisconsinites cancel or postpone all travel, including travel within the state."⁶ This guidance merits special weight given the recent record-breaking uptick in COVID-19 deaths and confirmed COVID-19 cases in Wisconsin.⁷ Finally, the Region's two offices remain under mandatory telework, which is based on the Agency's assessment of current COVID-19 pandemic conditions in the local area.

I further find that a mail ballot election would meet the procedure and safeguards necessary to insure the fair and free choice of bargaining representatives by employees. I note that neither party has argued that the petitioned-for employees would be unable to understand the mail balloting procedure. There is no contention that the addresses of the eligible employees are not known and up to date. Any mail ballot election, held at any time under any circumstances, includes procedures by which an employee who has not received a ballot in a timely manner may receive a duplicate. There is no evidence that the mail service in Wisconsin, the state in which the mail ballots will be sent and received, has been disrupted. Additionally, I note the mail ballot procedure would allow each eligible employee equal opportunity to vote even if they are quarantined due to exposure to COVID-19.

There is no known date at which the guidance and circumstances, I have described above will change. As a result, a mail ballot election in this matter will allow for holding of the election "at the earliest date practicable" consistent with the Board's Rules and Regulations Section 102.67(b).

While I have carefully considered each of the safety precautions suggested by the Employer, the safest course at this time is to follow accepted guidance to limit in-

⁵ U.S. Center for Disease Control and Prevention, Coronavirus in the United States- Considerations for Travelers available at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-in-the-us.html> (accessed May 28, 2020)

⁶ Wisconsin Department of Health Services, COVID-19 Travel available at <https://www.dhs.wisconsin.gov/covid-19/travel.htm> (accessed May 28, 2020).

⁷ Piper, Matt, *Wisconsin sees new single-day records in coronavirus deaths, cases and tests*, USA TODAY NETWORK-Wisconsin (May 28, 2020).

person contact and travel within the state. Mail balloting provides no additional risk to Board Agents, parties, voters, or the public and is consistent with current guidance of limiting in-person contact and travel. Even in the midst of this pandemic, the Region has already successfully conducted mail ballot elections. Although an in-person count may be infeasible, arrangements can be made for a virtual remote count that provide all the safeguards of a traditional count.

For the above reasons, at this time, a mail ballot election is the appropriate course of action in this matter under the extraordinary circumstances presented by COVID-19.

ELECTION DETAILS

I have determined that the election will be conducted through mail ballot. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit from the office of the National Labor Relations Board, Subregion 30, on June 5, 2020, at 4:30 p.m. Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Subregion 30 office by close of business at 4:30 p.m. on June 19, 2020. The mail ballots will be counted at the Subregion 30 office located at 310 W. Wisconsin Avenue, Suite 450W, at 3:00 p.m. on June 25, 2020.

To help avoid the untimely return of a ballot, any person who has not received a ballot by June 11, 2020, or otherwise requires a duplicate mail ballot kit, should contact the Subregion 30 office in order to arrange for another mail ballot kit to be sent to that employee.

To ensure the safety of the Board Agent and the public, the count shall be conducted virtually. Additional instructions will follow.

VOTING ELIGIBILITY

Eligible to vote are those in the unit who were employed during the payroll period ending May 23, 2020, 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.

VOTER LIST

As required by Section 102.67(I) 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 cellphone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the Regional Director and the parties by June 2, 2020.⁸ 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.

⁸ Petitioner waived eight days of the ten-day period in order to proceed with an election on June 5, 2020.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

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.

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.

TDS Metrocom, LLC
Case 18-RC-260318

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: May 29, 2020



JENNIFER A. HADSALL
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 18
Federal Office Building
212 Third Avenue South, Suite 200
Minneapolis, MN 55401-2657

Attachments

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE	
Case No. 18-RC-260318	Date Filed May 13, 2020

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. **The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.**

2a. Name of Employer:
TDS Metrocom

2b. Address(es) of Establishment(s) involved (Street and number, City, State, ZIP code):
7208 Synergy Ct., Suite B, Schofield, WI 54476

3a. Employer Representative - Name and Title:
Charles Beatty, Area Manager

3b. Address (if same as 2b - state same):
Same

3c. Tel. No.
715-841-9666

3d. Cell No.
715-899-0743

3e. Fax No.

3f. E-Mail Address
Charles.beatty@tdstelecom.com

4a. Type of Establishment (Factory, mine, wholesaler, etc.)
Telecommunications

4b. Principal Product or Service
Telecommunications Products and Servi

5a. City and State where unit is located:
Synergy, WI

5b. Description of Unit Involved:
Included:
See Attachment
Excluded:
See Attachment

6a. Number of Employees in Unit:
8

6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes No

Check One: **7a. Request for recognition as Bargaining Representative was made on (Date) 5-13-2020 and Employer declined recognition on or about (Date) No reply (If no reply received, so state).**
 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent (If none, so state)

8b. Address:

8c. Tel. No.

8d. Cell No.

8e. Fax No.

8f. E-Mail Address

8g. Affiliation, if any:

8h. Date of Recognition or Certification

8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)

9. Is there now a strike or picketing at the Employer's establishment(s) involved? No If so, approximately how many employees are participating? _____
(Name of Labor Organization) _____, has picketed the Employer since (Month, Day, Year) _____

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)
None

10a. Name

10b. Address

10c. Tel. No.

10d. Cell No.

10e. Fax No.

10f. E-Mail Address

11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election: 6-8-2020

11a. Election Type:
 Manual Mail Mixed Manual/Mail

11b. Election Date(s):
6-8-2020

11c. Election Time(s):
11:00AM-1:00PM

11d. Election Location(s):
Employer address

12a. Full Name of Petitioner (including local name and number):
Communications Workers of America, District 4

12b. Address (street and number, city, State and ZIP code):
20525 Center Ridge Rd., Suite 700, Cleveland, OH 44116

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state):
Communications Workers of America

12d. Tel. No.
440-333-6363

12e. Cell No.
812-797-7345

12f. Fax No.
440-333-1491

12g. E-Mail Address
jhawkins@cwa-union.org

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title:
Justin Hawkins, Senior Campaign Lead

13b. Address (street and number, city, State and ZIP code):
2629 Waterfront Parkway East Dr., Suite 365, Indianapolis, IN 46214

13c. Tel. No.
317-297-3047

13d. Cell No.
812-797-7345

13e. Fax No.
317-297-3051

13f. E-Mail Address
jhawkins@cwa-union.org

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print)
Justin Hawkins

Signature


Title
Senior Campaign Lead

Date
5-13-2020

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS
BOARD REGION 18**

TDS METROCOM, LLC

Employer

and

**COMMUNICATIONS WORKERS OF AMERICA,
DISTRICT 4**

Petitioner

Case 18-RC-260318

STIPULATION OF RECORD

We stipulate and agree that:

1. On May 13, 2020, Communications Workers of America, District 4 (herein referred to as “the Petitioner”) filed its original petition seeking to represent certain employees of TDS Metrocom, whose correct legal name is TDS Metrocom, LLC (herein referred to as “the Employer”). This petition is attached as Exhibit 1. On this same date, the Region served the petition on the parties and issued a Notice of Hearing in this matter. A copy of this Notice of Hearing and the Affidavit of Service for the Notice of Hearing and petition is attached as Exhibit 2.
2. To the extent the formal documents in this proceeding do not correctly reflect the names of the parties, the formal documents are amended to correctly reflect the names as set forth above.
3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act.
4. The Employer is engaged in the business of providing telecommunications services out of its Schofield, Wisconsin facility. In the last twelve (12) months, the Employer purchased and received goods valued in excess of \$50,000 directly from points located outside the State of Wisconsin.
5. The Employer is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

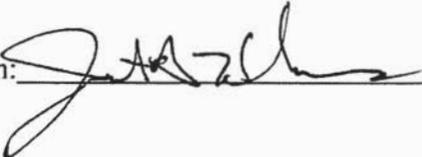
6. There are no contract bars or any further bars in existence that would preclude the Region from processing the petition.
7. A bargaining unit that includes all full-time and regular part-time Field Service Technicians (FST), FST-Network, FST-Network Specialist, and Assistant-Field Services employed by the Employer at its facility in Schofield, Wisconsin; but excluding all office clerical employees, confidential employees, managerial employees, professional employees, guards and supervisors as defined in the Act, and all other employees *is an appropriate unit. 05/20/2020 MJW*
8. The Employer's payroll period is for a period of two weeks. The Employer's payroll periods end on Saturday of each week. The most recent payroll eligibility ending date at the time of the signing of this stipulation was May 9, 2020. The most recent payroll eligibility ending date prior to the date of direction of election will be May 23, 2020.
9. The sole issue that precludes reaching a stipulated election agreement in this case is whether or not the election should be conducted in-person or by mail ballot.
10. The Employer and Petitioner will each e-file on the NLRB's website their position in writing (herein "written statement") on the method of election issue by the close of business (4:30 p.m. CT) on Friday, May 22, 2020; the written statement should also be served on the other party by the same deadline. In addition to outlining the party's position on the appropriateness of a manual or mail ballot election, if a party is a proponent of a manual election, the written statement must also describe: 1) if and when a manual election could be safely held; and 2) a proposal for how a manual election could be conducted to ensure the safety and health of all participating, including whether there would be masks, gloves, and hand sanitizer available for all participants.
11. The parties have been informed of the procedures at formal hearing before the National Labor Relations Board by service of the Statement of Standard Procedures

with the Notice of Hearing. By entering into this stipulation, the parties waive their right to a pre-election hearing before a Hearing Officer in this matter.

12. This stipulation, its exhibits, and each party's written statement will constitute the entire record for this matter. The Regional Director will make a determination solely on the basis of the stipulated record, its exhibits, and the parties' written statements.
13. The parties retain the right to file, limited to the method, date, time, and place of election ordered, a request for review of the Regional Director's decision with the Board.

Signed:

For Employer:  on 05/20/2020

For Union:  on 5-20-2020



MICHAEL J. WESTCOTT
608.283.6722
mwestcott@axley.com

May 22, 2020

Via E-file

Jennifer A. Hadsall
Regional Director, Region 18
National Labor Relations Board
Federal Office Building
212 Third Avenue South, Suite 200
Minneapolis, MN 55401-2657

Re: RC Petition; Case No. 18-RC-259116
Employer: TDS Metrocom, LLC
Petitioner: Communications Workers of America, District 4
Our File: 10984.84718

Regional Director Hadsall:

This written statement, with exhibits, setting forth the position of TDS Metrocom, LLC (“Employer”) is submitted to supplement the Stipulation of Record in Case 18-RC-260318, executed by the Employer and the Communications Workers of America, District 4 (“Petitioner”) on May 20, 2020. It is the Employer’s position that the election in this case should be conducted manually, in-person, at the Employer’s location, 7208 Synergy Court, Suite B, Schofield, Wisconsin, 54476.

Factual Background: The Employer’s Operations

The Employer employs nine (9) employees in the proposed bargaining unit in the capacity of Field Service Technician (FST), FST-Network, FST-Network Specialist, and Assistant-Field Services (collectively FSTs). The FSTs work out of a warehouse facility maintained by the Employer located in Schofield, Wisconsin. Schofield is located in Marathon County.

FSTs perform Internet, TV and phone installation, repair and related services in the field. FSTs are dispatched to customers’ premises, performing their work both inside and outside customers’ dwellings. Their combined territory comprises an area of approximately 35 miles within Marathon County. FSTs, including those who are dispatched from their homes to customer sites, regularly report to the Schofield warehouse at least two to three times per week to pick up supplies or clean their vehicles. In recent months in connection with the COVID-19 situation, supply pick-up at the warehouse has been scheduled for Tuesdays and Thursdays.

Legal Analysis and Argument

The Employer's position is that Region 18 should conduct a manual election, according to the Board's longstanding and preferred method for conducting representation elections, and that Region 18 can do so in a manner that ensures the safety and health of all those participating.

1. The traditional factors favoring a mail ballot election are not present in this case.

The traditional factors favoring a mail ballot election are set forth in *San Diego Electric*, 325 NLRB 1143 (1998), including: (1) where eligible voters are "scattered" because of their job duties over a wide geographic area; (2) where eligible voters are "scattered" in the sense that their work schedules vary significantly, so that they are not present at a common location at common times; and (3) where there is a strike, a lockout or picketing in progress. None of these factors is present here. There is no strike or lockout in progress and there is no "scattering" such that a mail ballot election is warranted. There are a small number of FSTs within the agreed upon, appropriate bargaining unit, who all perform their duties within a limited geographic territory surrounding the Schofield facility within Marathon County. They regularly report to a common location, the Schofield warehouse, on Tuesdays and Thursdays.

There is no reason to deviate from the Board's longstanding policy of conducting the election manually. See *NLRB Casehandling Manual, Part 2, Representation Proceedings*, at ¶ 11301.2 ("The Board's longstanding policy is that representation elections should, as a general rule, be conducted manually".) As long recognized by the Board, there is value to having a Board agent present at an election to protect its integrity and ensure that voters may freely exercise their Section 7 rights. See *Brink's Armored Car*, 278 NLRB 141(1986)("The danger that the laboratory conditions surrounding an election may be destroyed are greater in mail balloting situations than in manual elections because of the absence of direct Board supervision over the employees' voting."); *Thompson Roofing, Inc.*, 291 NLRB 743 at fn. 1 (1988) ("Mail ballot elections are more vulnerable to the destruction of laboratory conditions than are manual elections because of the absence of direct Board supervision over employees' voting."). A manual election is the only way to involve a Board agent in the election process and to afford that protection to the eligible voters in this election.

2. Consideration of the "extraordinary circumstances" connected with the COVID-19 pandemic does not require the Regional Director to exercise her discretion to require a mail ballot election.

The Employer recognizes the rather extraordinary circumstances presented by the COVID-19 pandemic but posits that the Regional Director must consider the current status of the situation specific to the location of this election, as well as the small size of the bargaining unit, when considering these circumstances.

Schofield is located in Marathon County, Wisconsin. Fortunately, Marathon County has not had many positive cases of COVID-19. As of May 21, 2020, Marathon County has had 35 positive cases, as compared to 1839 negative cases. The rate of positive cases per 100,000 people is 25.9.

There has been one death. www.dhs.wisconsin.gov/covid-19/county.htm (last visited May 22, 2020 at 8:30 a.m.)

Access to testing has increased throughout the state, including Marathon County.¹ There is a drive-through community testing site available to Marathon County residents operating at the North Central Technical College campus in Wausau. Testing is conducted from 11 a.m. to 7:00 p.m. www.dhs.wisconsin.gov/covid-19/testing.htm (last visited May 21, 2020 at 11:30 a.m.) Additional local testing sites are listed by the Marathon County Health Department at www.co.marathon.wi.us/Departments/HealthDepartment/COVID19.aspx.

Marathon County is not an identified “hot spot” for the virus. Positive cases have been and remain relatively low, even as access to testing has increased. Conducting an election in rural Marathon County does not present the same set of circumstances as in other areas of the country, or even some parts of Wisconsin, where there is higher incidence of positive COVID-19 cases among residents.

3. A properly conducted manual election does not contravene any state emergency order and can be conducted consistent with local Marathon County recommendations under its current order, as Wisconsin starts to “re-open”.

Wisconsin’s Safer At Home order is no longer in effect. See *Wisconsin Legislature v. Andrea Palm*, 2020AP765 (May 13, 2020)(invalidating Emergency Order 28 effective immediately). Wisconsin continues to monitor, and meet, certain of the criteria established nationally for purposes of re-opening the economy, leaving it to county health departments to establish their own guidelines for re-opening locally.

On May 14, 2020, Marathon County issued COVID-19 Order #1 (attached as Exhibit A). Its recommendations for businesses is to implement strategies and practices for re-opening as recommended by entities like the Wisconsin Economic Development Corporation, the Centers for Disease Control, and the Wisconsin Department of Health Services, and to consult with the Marathon County Health Department for additional information about safely resuming business activities. Under Order #1, “mass gatherings” are not restricted by any numerical limit, rather, the recommendation is for businesses to modify physical spaces to ensure adequate physical distancing for customers and staff and reduce capacity if need be to ensure adequate distancing.

This election, *in total*, will involve no more than thirteen individuals – a Board agent, nine eligible voters, which will likely include the two observers, and two to three party representatives.² Of this total, there will be, at most, 4-6 individuals present in the same room, at least six feet apart

¹ Wisconsin residents also have access to an online health screening assessment through Wisconsin Health Connect at www.wihealthconnect.com. The assessment tool is available 24/7 and offers a response by a licensed health care practitioner within one hour.

² The Employer’s election observer is one of the eligible voters and it is typical for a labor organization’s observer to likewise be selected from among the eligible voters.

from each other, at any one time.³ The facility is not open to the public so there will not be any other persons present in the facility during the voting period. There is physical space within the Schofield facility that allows for the recommended physical distancing of six feet between persons. These types of numbers do not contravene the Marathon County Order, which has no numerical limit on gatherings, and are also well within the limits being used by other counties in Wisconsin for purposes of re-opening.⁴ Scheduling the election on a Tuesday or Thursday, when FSTs must otherwise be at the facility for purposes of performing their duties, will mean that no more travel than necessary will be required. As set forth below, additional safety precautions, consistent with recommendations adopted by Order #1, will be taken for the protection of the Board agent, observers, voters and representatives.

It is also important to note all of the safety practices and policies that have already been instituted by the Employer to keep its employees, customers and the public safe during the COVID-19 pandemic. Employees working at facilities and in the field, like the FSTs, are required to comply with guidelines for daily health assessment monitoring, social distancing, wearing masks and personal protective equipment, and good hygiene practices (handwashing, hand sanitizing, and cough/sneeze etiquette). See Policy 908: COVID-19 Policy to Support the Health of TDS Telecom's Employees and Customers, attached as Exhibit B. Field services employees, like the FSTs, have been subject to specific policies aimed at protecting their safety and the safety of their customers and the public, including a COVID-19 Customer-Facing Policy (Exhibit C) and daily on-line logging of their COVID-19 Symptom Self-Assessment Tool (Exhibit D). These are in addition to a number of policies for reducing possible exposures within customer homes, such as the use of a Limited Customer Contact Pre-Installation Questions and Post-Installation Checklist and Limited Contact Installation Guidelines (see Exhibit E showing links to these and other policies).

Unlike the situation even a few weeks ago, current orders and guidance allow for limited in-person contact,⁵ provided social distancing and other protective measures are used.

³ During the election, there will be a Board agent, the two observers, and one voter present. After the election, during the ballot count, there will be a Board agent, two observers, and two party representatives.

⁴ , See, e.g., Milwaukee County COVID-19 Public Health Emergency Phased Re-Opening Guidance for Milwaukee County Services and Facilities, Administrative Order 20-13v1, issued May 13, 2020 (up to 10 people in a closed space with social distancing); Forward Dane, Phased Reopening Plan for Dane County During the COVID-19 Pandemic, issued May 18, 2020 (allowing for 25% capacity for office spaces during phase one re-opening).

⁵ The CDC has noted that while data is currently insufficient to precisely define the duration of time that constitutes a prolonged exposure, an operational definition of 15 minutes of close exposure can be used for purposes of measuring the risk of transmission, noting that brief interactions are less likely to result in transmission. See Public Health Recommendation for Community-Related Exposure at www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html (last visited May 21, 2020 at 4:17 p.m.) In its most recent guidance, the CDC has also retreated somewhat from its earlier guidance concerning transmission through touching surfaces or objects. The CDC guidance states that it may be possible that a person can get COVID-19 by touching surfaces or objects that have the virus on it and then touching their mouth, nose or possible eyes, but this is not thought to be the main way the virus spreads. www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html (last visited May 22, 2020 at 10:43 a.m.)

4. A manual election can be conducted in a manner that ensures the safety of the Board agent, party representatives, voters and the public.

The Employer submits the following proposal for conducting a manual election to ensure the safety and health of all those participating.

Location: The election will be conducted in the warehouse where the physical space allows for social distancing of at least six (6) feet between the Board agent, observers and voters. Six foot increments can be marked off with tape to remind participants of social distancing requirements.

Cleaning/Disinfecting: The voting area will be cleaned and disinfected consistent with CDC/Wisconsin DHS guidance before the election. Sanitizing wipes will be made available for use during the election for purposes of wiping down the election booth between voters and wiping down any other shared surfaces during the election.

Handwashing/Hygiene Measures: Restrooms with sinks/soap/disposable towels are available on-site for handwashing. Hand sanitizer will be available throughout the facility, including in the area where voting will take place. Disposable tissues to be used for cough/sneeze etiquette will also be available throughout the facility and the voting area.

Gloves and Writing Utensils: Disposable gloves will be available for use by the Board agent, observers and voters for purposes of handling ballots, the ballot box and the voting booth. Voters will each be supplied their own pen or pencil for purposes of marking ballots. Election observers will also each be supplied with an appropriate colored pencil for purposes of marking the voter list.

Masks: All participants will be required to wear a mask. Employees may use the masks that have already been provided by the Employer. The Employer will also have available disposable masks for use by the Board agent or any other participant who does not have a mask or otherwise appears at the polling place without a mask.

Physical Barriers: Plastic barriers will be erected to separate the Board agent and voters and to separate the election observers from each other and from the voters. Ballots can be handed to voters through an opening at the bottom of the barriers.

Health Assessment: The Board agent, all eligible voters, the observers and the party representatives will be required to complete a health assessment the morning of the election. Any person that answers "yes" to any of the assessment questions will not be admitted to the polling place/election and will be provided the opportunity to submit a ballot by mail if the person's ballot would be outcome determinative.

Conducting a manual election using these precautions protects employees' rights to exercise their Section 7 rights, as well as their physical health and safety. Conducting a manual election eliminates the risk of disenfranchisement that presents itself in mail ballot elections. This risk is real. Recent experience with mail balloting in Wisconsin has demonstrated some of the inherent

unreliability of using this method.⁶ The Board has also very recently recognized the problems presented with mail ballot elections. See *Western Wall Systems, LLC*, Case 28-RC-247464 (April 16, 2020) (“In our view, however, this is yet another case that reveals the many potential problems inherent in mail ballot elections.”)

Conclusion

For the reasons set forth herein, the Employer believes that a manual election is appropriate and can be conducted in a safe manner, and, respectfully requests that the Regional Director direct that a manual election be conducted.

Sincerely,

AXLEY BRYNELSON, LLP



Michael J. Westcott
Enclosures

cc: Mr. Justin Hawkins (w/ exhibits)
Mr. Charles Beatty (w/o exhibits)

⁶ See Marley, Patrick, *Thousands of absentee ballots in Wisconsin weren't counted because of mailing problems and tech glitches* (“Nearly 2,700 absentee ballots in Milwaukee were not sent and about 1,600 in the Fox Valley were not processed because of computer glitches and mailing problems, according to the most comprehensive account yet of what went wrong in the April 7 election.”) Milwaukee Journal Sentinel (May 19, 2020).

Health Department
1000 Lake View Drive, Suite 100
Wausau, WI 54403-6797



Tel/TDD: 715-261-1900
Fax: 715-261-1901
www.co.marathon.wi.us

DATE: May 14, 2020,

Contact: Judy Burrows, Public Information Officer, 715-261-1905

For Immediate Release: Marathon County Issues COVID-19 Order #1

On Wednesday May 13, the Wisconsin State Supreme Court issued a decision invalidating the Safer at Home Order. In response to the Court's ruling, Marathon County has worked to develop a plan to prevent further spread of COVID-19. The attached order is the first step in that plan.

"This order demonstrates our trust in residents and businesses to continue to practice the behaviors that have been so successful thus far. We all have a part in fighting the spread of COVID-19 and as the situation evolves, I am confident that our community can continue to adapt to confront the challenge." said Joan Theurer, Health Officer for Marathon County Health Department.

We can all recognize the important steps we have taken to control the spread of COVID-19 in our community. The order embodies our continued common goal of minimizing harm. Theurer explains that "In drafting the order, I am guided by the principles of protecting public health and safety, trusting residents and businesses to contribute to the wellbeing of all, and a collective responsibility to protect each other."

The practices of physical distancing and preventative measures have been effective tools in controlling the spread of disease. We will need to continue to use these strategies to ensure we are protecting the public health and the prosperity of our community.

"Our businesses recognize the need to reopen in a way that is safe and responsible. We appreciate that the Health Department has confidence in their commitment to the health and safety of our community." David Eckmann, President/CEO, Greater Wausau Chamber of Commerce.

This situation continues to evolve rapidly. For the latest information, visit the CDC's coronavirus website, the [Wisconsin Department of Health Services website](#), or the [Marathon County Health Department](#) webpage or follow us on [Facebook](#).

END



MARATHON COUNTY COVID-19 ORDER #1

We recognize that the State of Wisconsin and Marathon County have made great progress in controlling the spread of the COVID-19. Marathon County is issuing this order as part of its continued commitment to control the transmission of the virus throughout our communities and its goal of being the Healthiest, Safest, and Most Prosperous county in Wisconsin. We further recognize that this situation will continue to evolve and may require future orders to protect the public's health and safety.

In making those future decisions Marathon County will be guided by the following principles:

- Protecting public health and safety are our primary responsibility.
- Continuation and resumption of business and personal activity is essential to the well-being of our community.
- Scientific data and local information must guide our public health decision-making.
- Any orders issued will be consistent with established legal authority granted to Local Health Officers, pursuant to Wis. Stat. § 252.03(1) & (2).
- Any orders issued will strive to avoid inequity amongst the individuals, businesses, and communities impacted.
- Gathering perspectives from local stakeholders is valuable.
- We trust that residents and businesses will follow recommendations and guidance from Public Health authorities to protect each other.

Pursuant to Wis. Stat. § 252.03(1) & (2), the undersigned Health Officer recommends the following within Marathon County:

Individuals and Families:

- Practice Physical Distancing and Protective Measures, including the following:
 - o Maintaining physical distancing of six (6) feet between people not residing in a single living unit or household;
 - o Washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer;
 - o Covering coughs or sneezes (into the sleeve or elbow, not hands);
 - o Regularly cleaning high-touch surfaces;
 - o Not shaking hands;
 - o Use of a mask or cloth face covering when physical distancing is impractical;
 - o Limiting travel to reduce the potential for virus transmission;
 - o Following all other public health recommendations issued by the State of Wisconsin Department of Health Services, Marathon County Health Department, and the U.S. Centers for Disease Control and Prevention
- Stay home if you are sick and seek appropriate medical care.

Health Department

Businesses, Non-Profits, and other Entities:

- Implement the strategies and practices provided in the Wisconsin Economic Development Corporation Reopening Guidelines at <https://wedc.org/reopen-guidelines/>, the Centers for Disease Control at <https://www.cdc.gov/coronavirus/2019-ncov/index.html>, and the State of Wisconsin Department of Health Services at available at <https://www.dhs.wisconsin.gov/covid-19/index.htm>
- Consult with your local Chamber of Commerce and the Marathon County Health Department to gather additional information to safely resume business activities.

Mass Gatherings:*

- Individuals – avoid situations where you are unable to exercise appropriate physical distancing with non-household members.
- Businesses, Non-Profits, and other Entities – reduce capacity and modify physical spaces to ensure adequate physical distancing for customers and staff.

*At this time, the term “Mass Gatherings” is not specifically defined given the wide variation of spaces and uses governed by this order.

Enforcement. This order provides recommendations and does not provide for enforcement via civil or criminal penalty.

Supremacy. This order, and the recommendations within it, does not supersede any other applicable local health order, state law, or other applicable rule or regulation.

Duration. This order shall become effective immediately. This order shall remain in effect until revoked or superseded by subsequent order.

It is so ordered by the Health Officer of Marathon County.



Joan Theurer, RN, MSN

5/14/2020 | 4:45 PM

Date Time

Policy Issued:
4/23/20

Last Revised:
5/20/20

Contact Information:

If you have questions about our Company policies please contact:

Human Resources

[Jodie Berg](#)
608-664-9175

If you have questions about any of our Safety policies, please email the [Safety Team](#).

Printing Policies:

For a printer-friendly version of this policy, please utilize the browser's printing function.

Related Links:

[Safety Home Page](#)

TDS Telecom Employee Handbook

Policy 908: COVID-19 Policy to Support the Health of TDS Telecom's Employees and Customers

Version 1 - In effect April 23, 2020 until further notice.

Version 2 – In effect June 1, 2020 until further notice.

Purpose

On March 11, 2020, the World Health Organization (WHO) declared the outbreak of a novel coronavirus, known as COVID-19, to be a global pandemic. The purpose of this policy is to protect the safety and health of the company's employees, its customers, and the general public and to comply with guidance from the [Centers for Disease Control \(CDC\)](#), [Occupational Safety and Health Administration \(OSHA\)](#) and applicable state-specific "stay at home" orders.

This policy applies to all employees but it is understood that certain business units may adopt more specific or more stringent guidelines and expectations based on specific positions and job responsibilities. For example, customer-facing employees may be required to wear certain Personal Protective Equipment (PPE) and log/submit their temperature daily.

TDS Telecom continues to make workplace modifications as the COVID-19 situation evolves and changes. Policy revisions effective June 1, 2020 until further notice, appear in green font.

Scope

This policy applies to all company employees. To ensure all situations are accounted for, even full-time employees working remotely, must acknowledge this policy and agree to its guidelines.

Guidelines for All Employees

Employees who are able to work remotely (at home) are expected to do so until notified further by the company.

Guidelines for Employees Working at TDS Facilities and/or in the Field

Employees who enter any TDS facility, use company vehicles, and/or physically interact with other individuals (employees, contractors, customers, etc.) during the course of their work for TDS must comply with the guidelines below.

Current Health Assessment

Employees must ask themselves the following questions on the day they wish to enter a TDS facility, use a company vehicle, and/or physically interact with other individuals (employees, contractors, customers, etc.) during the course of work for TDS. If the response to any question is "Yes", **the employee may only conduct work on behalf of the company remotely as previously approved by their Supervisor**. If remote work has not been previously approved, the employee should contact their Supervisor.

1. Please take your temperature today using a reliable thermometer. Is the result over 100 degrees Fahrenheit?
2. In the last 7 days, have you experienced any symptoms consistent with those of COVID-19 (e.g., fever over 100 degrees, cough, shortness of breath/difficulty breathing, chills/repeated shaking with chills, fatigue, muscle pain, bluish lips or face, aches and pains, new loss of taste or smell, runny nose, sore throat, headaches)?

In the last 14 days, have you or anyone in your household/facility:

3. Been in close contact* with anyone diagnosed with COVID-19 or showing symptoms of COVID-19?
4. Visited a location with a higher risk of exposure to COVID-19, such as a hospital, urgent care clinic, or airport?

If the response to any question above is "Yes", you are not approved to enter a TDS office/facility and/or physically interact with other work-related individuals while performing work for TDS. If you are feeling up to it and you are already approved to work remotely (from home), please do so. If not, please follow your department's absence notification guidelines. If there is a critical

need for something to be cared for at a TDS facility and/or if you need to retrieve something from a TDS facility immediately, please contact your Supervisor for further direction.

New Masking/Face Coverings and Social Distancing Guidelines

- **Social Distancing!** All employees need to comply with social distancing requirements by staying at least 6 feet away from other individuals which includes not shaking hands – no physical contact!
- All employees interacting with customers, at a TDS facility, or physically interacting with other individuals while conducting work are required to wear face masks/coverings when unable to maintain a six-foot distance from other individuals. This requirement has been made to align with guidance from the CDC and local governments in many of our markets. While this is a significant workplace change, the company believes this is in the best interest to help ensure the safety of our employees and customers.

I am required to wear a mask/face covering...	I am not required to wear a mask/face covering...
<ul style="list-style-type: none"> • When physically interacting with a customer • When walking to and from my workstation, going to the restroom, breakroom, any location other than my assigned workspace • When unable to socially distance (6 feet apart) from other individuals while conducting work or while at a TDS facility (TDS employees, contractors, visitors, customers, vendors, etc.) • While entering or leaving the TDS facility for any reason 	<ul style="list-style-type: none"> • When alone at own workstation • When working behind a health guard • If driving a company vehicle with no passengers

Employees who do not have a mask/face covering are not approved to enter a TDS office/facility or physically interact with other individuals while performing work for TDS. Each team member who requests them will be provided with two reusable masks/face coverings and due to very limited inventory levels, employees must remember to bring them each day. Employees may instead prefer to use their own disposable personal mask/face covering as long as it is work-appropriate and adequately covers their mouth and nose and follows the CDC’s five criteria for “cloth face coverings,” which include:

- Fit snugly but comfortably against the side of the face;
- Be secured with ties or ear loops;
- Allow for breathing without restriction;
- Include multiple layers of fabric;
- Be able to be laundered and machine-dried without damage or change to shape.

Best Practices Acknowledgement

If the response to all health assessment questions is "No" and you will be entering a TDS facility and/or physically interacting with other work-related individuals during the course of your work for TDS, you must agree to adhere to the following best practices:

- **Good Hygiene!** I agree to practice good hygiene with frequent hand-washing (with soap and water for at least 20 seconds); if soap and water are not available, I will use an alcohol-based hand sanitizer with at least 60% alcohol. I will cover my mouth and nose with a tissue when I cough or sneeze or use the inside of my elbow. I will avoid touching my face, especially eyes, nose, or mouth with unwashed hands or un-sanitized gloves.
- **PPE!** I will use all available Company-provided PPE necessary for my position (e.g., for customer-facing employees: mask, gloves, shoe covers, eye protection, etc.). I will use hand-sanitizer frequently even when I am wearing gloves.
- **Social Distancing!** I will comply with social distancing requirements by staying at least 6 feet away from other individuals. I will not shake anyone's hand – no physical contact!

Return to Work Procedures After COVID-19 Symptoms, Diagnosis or Exposure

Employees who have experienced COVID-19 symptoms, been diagnosed with COVID-19, or been in close contact with someone showing COVID-19 symptoms or diagnosed with COVID-19 must immediately communicate that fact to the Company by calling our confidential HR COVID-19 Reporting line at (608) 664-1321 or via email at covid-19@tdstelecom.com, in addition to following your team's standard absence notification procedures. Such employees are not authorized to enter any company facility or customer premises until the following has occurred:

- The employee provides the company with written certification from their health care provider confirming they are not contagious. It is understood that during this pandemic, our healthcare workers and facilities may not have the capacity to see patients immediately, submit paperwork authorizing them to return or have testing capabilities. With this, an employee may not return to the TDS location until each of the following has happened:
 1. They have had no fever for at least 72 hours (this is three full days of no fever without the use of medicine that reduces fevers)

AND

 2. Other symptoms have improved (for example, cough and shortness of breath are improved)

AND

3. At least ten days have passed since the symptoms first appeared.

The following are some examples of actions the Company may take to further protect the safety and health of employees in the workplace:

- Placing employees on an unpaid leave of absence after exposure to COVID-19;
- Requiring a health care provider's return to work certification confirming that an employee is not contagious with COVID-19;
- Exploring the possibility of a temporary work from home arrangement to the extent an employee's job duties can be performed safely from home without the kind of team interaction and direct supervision only available at a TDS facility.

Applicable Federal, State & Local Law Compliance

The company remains committed to full compliance with applicable laws, including but not limited to OSHA and federal, state, and local fair employment laws. Employees who need assistance to perform their job responsibilities due to any medical condition, or for questions about any rights under the federal or state family and medical leave laws, Mike Shinee, Sr. Administrator – Safety or the applicable [HR Business Partner](#) should be contacted. The company also continues to prohibit all forms of unlawful discrimination, harassment, and retaliation in the workplace including but not limited to on the basis of any disability or perceived disability. The guidelines outlined within this policy are designed to meet the company's obligations under the law to provide a safe and healthy workplace, and any information gathered will be used solely for that purpose. To the extent permitted by law, all information disclosed by an employee to the company pursuant to this policy will be treated as confidential and disclosed within the organization only on an as-needed basis. Failure to comply with the requirements and expectations outlined in this policy may result in disciplinary action.

* Close contact means being within about 6 feet of an infected person while not wearing recommended PPE. Close contact also includes instances where there is direct contact with infectious secretions while not wearing recommended PPE. Close contact generally does not include brief interactions, such as walking past a person.

COVID-19 Customer-Facing Policy in effect April 8, 2020 until further notice.

Purpose & Scope

In order to protect the safety and health of our employees, our customers and the general public, along with guidance from the [Centers for Disease Control \(CDC\)](#) and the [Occupational Safety and Health Administration](#) relating to the global pandemic involving COVID-19, the company currently requires all customer-facing employees to follow this policy and associated processes effective April 8, 2020 and until further notice.

Prior to the start of an employee's shift, all customer-facing employees are required to be in compliance with this policy and associated processes before engaging in any work on behalf of TDS.

Current Health Assessment

Each morning before conducting any work, you must ask yourself the following 5 questions which certifies that the information is true and accurate. If your response is Yes to any question, **you must contact your Supervisor immediately and before conducting any work on behalf of TDS:**

1. Have you or anyone in your household/facility tested positive for or otherwise been diagnosed with COVID-19?

Yes

No

2. In the last 14 days, have you or anyone in your household/facility been in contact with anyone who has tested positive for or otherwise been diagnosed with COVID-19?

Yes

No

3. In the last 14 days, have you or anyone in your household/facility experienced any of the following symptoms consistent with those of COVID-19 (e.g., fever of 100.4 degrees F or greater, cough, shortness of breath, fatigue, bluish lips or face, aches and pains, runny nose, sore throat, headaches)? If yes, have you or anyone in your household facility experienced any such symptoms **in the last 72 hours** without the use of fever-reducing medicine?

Yes

No

4. In the last 14 days, have you or anyone in your household/facility cared for anyone with symptoms consistent with those of COVID-19?

Yes

No

5. In the last 14 days, have you or anyone in your household/facility visited a location with a higher risk of exposure to COVID-19, such as a hospital, urgent care clinic, or airport?

Yes

No

Best Practices Acknowledgement

I acknowledge and agree to adhere to each of the following best practices for all work conducted on behalf of the company:

- **Not Feeling Well!** I will take my temperature each morning before work and keep a daily log. If the temperature result is a fever of 100.4 degrees F or higher, I will immediately contact my Supervisor. Further, if at any time during my workday I experience any of the COVID-19 potential symptoms (e.g., fever of 100.4 degrees F or greater, cough, shortness of breath, fatigue, bluish lips or face, aches and pains, runny nose, sore throat, headaches), I will immediately leave the customer/facility premises and privately contact my Supervisor.

I understand I should not share this personal information with any customer as it is TDS' responsibility to ensure we are adhering to all applicable federal and state-specific regulations related to COVID-19. In short, if I am feeling sick or caring for someone who is sick, I will stay home!

- **Good Hygiene!** I agree to practice good hygiene with frequent hand-washing (with soap and water for at least 20 seconds; if soap and water are not available, I will use an alcohol-based hand sanitizer with at least 60% alcohol). I will cover my mouth and nose with a tissue when I cough or sneeze or use the inside of my elbow.
- **PPE!** I will use the available Company-provided personal protective equipment for my position (e.g., mask, gloves, etc.) and I will avoid touching my face, especially eyes, nose, or mouth with unwashed hands. I will use hand-sanitizer frequently.
- **Feeling Un-Safe!** Before entering any home/facility I will evaluate the risk of exposure, and I understand I have the ability to back away from in-home work if I deem the situation un-safe. Although each customer previously responded to screening question(s), please ask the question(s) on the *Limited Customer Contact Pre-Installation Questions & Post-Installation Checklist* verbally before entering the home/facility to ensure you have all pertinent details. This also will ensure you have the most up-to-date information since situations can change frequently.
- **Social Distancing!** I will comply with social distancing requirements of at least six (6) feet from other individuals. I will politely and professionally let the customer know that our policy is to ask customers to wait in another room of the home while we are conducting our work. I will not shake others' hands!
- **Returning Home!** I will remove my work boots before entering my home and will change/clean work clothes after work hours.

Applicable Federal, State & Local Law Compliance

The Company remains committed to complying in all respects with the laws that apply to it including but not limited to the OSH Act and federal, state, and local fair employment laws. If you believe that you are in need of any assistance to perform the duties of your position due to any medical condition, or if you have questions about any rights under the federal or state FMLA laws, please contact Mike Shinee, Sr. Administrator – Safety or your [HR Business Partner](#). This shall also confirm that the Company strictly prohibits all forms of unlawful discrimination, harassment, and retaliation in the workplace including but not limited to on the basis of any disability or perceived disability. The Company does not perceive or regard an individual infected with COVID-19 as an individual with a disability. Rather, the Company is taking appropriate action to meet its obligations under the law to provide a safe and healthy workplace.

By acknowledging this policy electronically I certify that I have read, understand and agree to comply with the guidelines and expectations and failure to do so could result in disciplinary action.

Employee Name (Printed)

Employee Signature

Date



COVID-19 Symptom Self-Assessment Tool – Employee Instructions

Please follow the steps below:

1. Navigate to the [COVID-19 Symptom Self-Assessment Tool](#) online form.

COVID-19 Symptom Self-Assessment Tool

Employee

Hooker, Michelle ×

Please record your temperature this morning.*

Please indicate if you are currently experiencing **OR** have experienced any of the following symptoms in the past 24 hours: fever (100F*/38°C or higher), cough, difficulty breathing/shortness of breath, increased fatigue/muscle aches, runny nose, loss of smell, and/or sore throat.*

Yes
 No

Save Cancel

2. Indicate your response for both statements.
3. Click “Save”.
4. View your submitted response in the “Assessment List”. Your responses are secured and confidential, viewable only by your first level and second level leader.

TDS Telecom Symptom Assessment EDIT LINKS

Assessment

+ new item or edit this list

Default All Items Find an item

Employee	Please Record Your Temperature This Morning	Please indicate if you have/are you experiencing any of the below symptoms in the past 24 hours	Created	Manager_Claims	Second_Level_Manager_Claims
<input type="checkbox"/> Hooker, Michelle	100.5	No	2 hours ago	<input type="checkbox"/> Kreul, Dustin	<input type="checkbox"/> Jacoboski, Kristen K.
<input type="checkbox"/> Hooker, Michelle	100.4	Yes	2 hours ago	<input type="checkbox"/> Kreul, Dustin	<input type="checkbox"/> Jacoboski, Kristen K.
<input type="checkbox"/> Hooker, Michelle	100.9	Yes	About an hour ago	<input type="checkbox"/> Kreul, Dustin	<input type="checkbox"/> Jacoboski, Kristen K.
<input type="checkbox"/> Hooker, Michelle	100.6	Yes	About an hour ago	<input type="checkbox"/> Kreul, Dustin	<input type="checkbox"/> Jacoboski, Kristen K.
<input type="checkbox"/> Hooker, Michelle	100.3	Yes	About an hour ago	<input type="checkbox"/> Kreul, Dustin	<input type="checkbox"/> Jacoboski, Kristen K.

Please note, a response that indicates a fever over 100°F and/or a “Yes” response to symptoms will automatically generate an email notification to your first level and second level leader.

COVID-19 Intranet Site

Coronavirus Information

The health and safety of our employees is of the utmost importance to the Company. With this, we will keep this site updated to reflect the most current information on the coronavirus. If you have any questions or concerns, please reach out to your [HR Business Partner](#), or contact our confidential HR reporting line at (608) 664-1321 or email COVID-19@tdstelecom.com.

Updates:

Employee Communications:

- April 22, 2020 (New COVID-19 Policy Action Item & Working at Home Update)
- April 17, 2020 (Benefits Updates Due to COVID-19)
- April 10, 2020 (COVID-19 Safety Update from Jim Butman)
- April 7, 2020 (Benefits Changes and Resources Due to COVID-19)
- April 2, 2020 (TDS is Giving Back)
- March 27, 2020 (Update from Jim Butman)
- March 23, 2020 (State Shelter-in-Place Initiatives)
- March 20, 2020 (MIP Phone and Remote Work)
- March 20, 2020 (New Confidential HR Reporting Line & COVID-19 Employee Options)
- March 18, 2020 (Update from Jim Butman)
- March 18, 2020 (A message from Ted Carlson)
- March 17, 2020 (New Yammer site, Office Cleaning, and Keep the Momentum)
- March 16, 2020 (Remote Capability Survey and Inventory Control Form)
- March 16, 2020 (Impacted Employees to WAH)
- March 13, 2020 (COVID-19 Update From Jim Butman)
- March 12, 2020 (TDS Statement Regarding COVID-19 Preparedness)
- February 26, 2020 (CDC International Travel Notice)
- February 5, 2020 (WHO Declares COVID-19 Global Health Emergency)
- January 23, 2020 (CDC Flu Update)

Benefits:

- Benefits Coronavirus Resources
- TDS Plan Changes (Treatment, Telehealth, Testing) Last updated on 4/10/20
- Investing and COVID-19 Webinar Recording from - March 19th

Work At Home:

- Instructions for Accessing the TDS Network Remotely
- Using Teams Via Remote Desktop Connections
- EAP - Webinar Recording - Navigating Your Work From Home Transition Due to COVID-19
- WAH Policy Modified for COVID-19
- TDS Equipment to Home Inventory
- Remote Workforce Yammer Site
- Skillsoft WAH Resources

Resources:

Recently Added Information:

- **New - May 15, 2020 (COVID-19 Update: Re-Entry to ourWorkplaces)**
- **New - May 12, 2020 (COVID-19 Update from Jim Butman)**
- **New - Essential Employees Video Part 1**

Policies:

- COVID-19 Policy FAQ's
- Confidential HR Reporting Line & COVID-19 Employee Options
- Essential Service Form Letter
- COVID-19 (Coronavirus) Travel Policy
- Policy 906 - Highly Infectious Diseases
- Policy 206 - Facility Closings & Severe Weather
- Wisconsin's Safer at Home Order
- Wisconsin Safer at Home Order FAQ's (in effect Ba 4-24thru Bam 5-26)
- Gov. Evers Directs DHS to Extend Wisconsin's Safer at Home Order

Instructions/Guidelines:

- FST PPE Safety Video
- Coronavirus Guidelines for America
- How to Cancel Existing Business Travel Plans
- Field Services Guidelines for Entering a Customer Premise Containing the Flu
- Field Services COVID-19 Sharepoint Site
- Prevent Exposure to Coronavirus (COVID-19)
- Badger Bounce Back

Other Information Source:

- COVID-19 Impact - TDS Footprint
- State Specific COVID-19 Information
- EAP - Webinar Recording - Coping With Uncertainty About The Coronavirus
- Conference Calls Using Microsoft Teams
- Centers for Disease Control and Prevention
- World Health Organization
- Coronavirus U.S. Digital Toolkit
- Public Health Management Decision Making
- Johns Hopkins - COVID-19 Case Count
- Wisconsin DHS (COVID-19 Outbreaks)
- Coronavirus Healthy Living Resources

Frequently Asked Questions:

EXHIBIT E

Field Service COVID Actions

NonEssential Dispatches to Pause

Note: these do not impact in flight orders

- Orders for Cable equipment upgrades on existing services (residential) except for GPON, Phone customers if upgrading modem/EMTA, and CatchTV/Alpha customers if upgrading their Gateway. (Equipment can be shipped to customer instead) (4.10.20)
- Orders for Moving a Modem/Phone/Digital Box/STB to a different location, adding additional STB's
- Orders for Wallfish outlets, adding new telephony outlets, inside wiring
- Troubles for Issues with STB, DVR, Video on Demand, Modem Setup, CallerID/Feature, Voicemail, Remote Control
- Troubles for Video Pixelation, Audio/Video Quality issues or channels missing when isolated to single channels
- Troubles for Slow speed Calls - not for RF levels out of spec by 2-3dB, Reduced minimum speeds require further remote troubleshooting before dispatching
- Troubles for Wireless Connectivity/Wireless Setups or can't connect a specific device to wireless. example: printers, cell phone, certain TVs
- Troubles for Noisy Line - situational depending on usability, if NID is on inside.

Communication

- [COVID Questionnaire - Phone Script](#)
- [COVID Questionnaire - Business Customer Healthcare Script](#)
- Website updated with Limited Contact Policy
- [Reporting absence related to COVID-19](#)
- [Click Completion Form - COVID Update](#) (4.17.20)

Reducing Techs Exposure Within Homes

- [Limited Contact Installation Guidelines](#)
- [Installation Scenarios](#)
- [Expanded Job Durations](#)
- [Limited Customer Contact Pre-Installation Questions](#) (Updated 4.9.20)
- [Non-Essential Dispatch Advisor Script](#)
- [PPE Safety guidelines](#)
- [PPE Order Form](#) (4.10.20)
- [Safety Training Videos-COVID-19](#) (4.10.20)
- [TechSee Field Service Site](#) (4.22.20)

FAQ's

Have a question? [Fill out the FAQ Form](#)

[View All FAQs Here](#)

Question	Created
Is it possible to request our customers wear masks or a face covering also when entry is required into a home or business?	... May 05
We are required to complete the COVID-19 Symptom Self-Assessment Tool every day. Are the other people that are still working in our office required to fill out the same form?	... May 05
If we can obtain masks of better quality, seal and filtration than those provided by TDS can we use those in lieu of company provided masks?	... May 05
When does the Free-60 day internet offer end?	... April 22
Will CAA Site Visits be considered non-essential?	... April 22

1 - 5

**Communications
Workers of America**
AFL-CIO/CLC
district4.cwa-union.org

2629 Waterfront Parkway E. Drive, Suite 365
Indianapolis, Indiana 46214
317/297-3047
317/297-3051 Fax

Linda Hinton
Vice President - District 4
Illinois, Indiana, Michigan, Ohio and Wisconsin
LHINTON@CWA-UNION.ORG



May 22nd, 2020

VIA Efile

Ms. Jennifer A. Hadsall
Regional Director, Region 18
National Labor Relations Board
Federal Office Building
212 Third Avenue South, Suite 200
Minneapolis, MN 55401-2657

Re: RC Petition; Case No. 18-RC-259116
Employer: TDS Metrocom, LLC
Petitioner: Communications Workers of America, District 4

Dear Ms. Hadsall:

This letter is meant to be the Position Statement of Communications Workers of America, District 4, AFL-CIO

I. INTRODUCTION

The Communications Workers of America, AFL-CIO, CLC ("CWA" or "International") is an international labor organization. CWA District 4 is a regional subdivision of CWA, the International. CWA District 4 is part of the International.

II. FACTS

The Position of CWA remains that we are not opposed to either a manual or a mail ballot method of election. CWA will defer to the decision of the Regional Director and if a manual ballot is determined to be the best option we would want assurances of the safety of all parties to the process.

III. CONCLUSION

CWA will accept the decision of the Regional Director as to the method of election and further requests the Regional Director to direct an election be held as soon as possible with whichever method is determined.

Very truly yours,

A handwritten signature in black ink, appearing to read "Justin Hawkins", with a long, sweeping underline that extends to the right.

Justin Hawkins
CWA District 4 Senior Campaign Lead
2629 Waterfront Parkway East Dr. Suite 365
Indianapolis, IN 46214
Cell: (812)-797-7345
Email: jhawkins@cwa-union.org

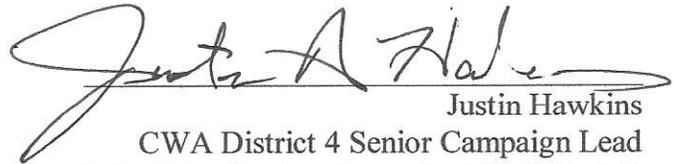
cc: Michael J. Westcott, Attorney

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, pursuant to the terms of the Stipulation of Record entered into between the parties on May 20, 2020, a copy of the foregoing was served upon the following parties via email this, the 22nd day of May, 2020.

Mr. Michael J. Westcott
Attorney
TDS Metrocom
Email: mwestcott@axley.com

Ms. Jessica Gibson, NLRB Field Agent
310 West Washington Avenue, Suite 450W
Milwaukee, WI 53203-2246
Email: Jessica.gibson@nlrb.gov

A handwritten signature in black ink, appearing to read "Justin A. Hawkins", with a long horizontal flourish extending to the right.

Justin Hawkins
CWA District 4 Senior Campaign Lead
2629 Waterfront Parkway East Dr. Suite 365
Indianapolis, IN 46214
Cell (812)-797-7345
jhawkins@cwa-union.org