

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

BRINKS GLOBAL SERVICES USA, INC,

Employer,

and

Case No. 29-RC-260969

**LAW ENFORCEMENT OFFICERS
SECURITY UNIONS LEOSU (LEOSU-PBA)**

Petitioner.

**BRINKS GLOBAL SERVICES SPECIAL EMERGENT REQUEST FOR REVIEW OF
REGIONAL DIRECTOR'S ORDER DENYING MOTION TO REOPEN THE HEARING
AND DECISION AND DIRECTION OF ELECTION AND REQUEST FOR
IMMEDIATE STAY OF MAIL BALLOT ELECTION**

Dated: July 8, 2020

Respectfully submitted,

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Pursuant to Section 102.67 of the National Labor Relation Board’s Rules and Regulations, Brinks Global Services USA, Inc. (“Brinks” or the “Company”) requests emergent review of the Regional Director for Region 2’s Order Denying Motion to Reopen the Hearing and Decision and Direction of Election dated June 25, 2020 (“the Decision”) in the above-captioned matter. The following compelling reasons require the National Labor Relations Board (“NLRB” or “Board”) to grant this Request for Review and *to immediately stay the distribution of mail ballots scheduled to commence pursuant to the Decision on July 10, 2020.*

- A substantial question of law or policy is raised because the Decision presents a departure from officially reported Board precedent. *See S.D. Gas & Elec.*, 325 NLRB 1143 (1998).¹
- A substantial question of law or policy is raised because of the absence of officially reported Board precedent to support the Regional Director’s largely unexplained and unjustified action. In ordering a mail ballot election, the Regional Director relies solely on the false assertion that manual elections “invariably require participants to come within fewer than six feet of one another,” and, despite Brinks’ safety proposals, “Board Agents and observers will likely have to interact with voters and/or Party representatives . . . carry[ing] the risk of exposure for employees at the Employer’s facility, party representatives, Board personnel, their families, and the community.” The Decision also fails to consider the following specific, relevant factors:
 - The lack of any current or recent presence of the virus at the facility;

¹ On July 6, 2020 Peter B. Robb, General Counsel issued GC Memorandum 20-10 containing suggested manual election protocols and reiterating that “the Board has the ultimate authority to make decisions on when, how and in what manner elections are conducted” (*See* GC Mem. 20-10, Attach. 1).

- The substantial and effective safety protocols in place at the facility;
 - The reopening of the state (NY) and city (NYC) in question; and/or
 - The coercive effect of the Decision on a group of essential employees who have been working uninterrupted at a Brinks' facility, which the Regional Director erroneously concluded is unsafe to vote in.
- To the extent the Order rests on valid interpretations of existing Board precedent, there are compelling reasons for reconsideration with respect to important Board rules and policy.

Concerns about COVID-19 are understandable and reasonable. The instant Request for Review is not intended to be a gratuitous critique of the Regional Director in navigating serious challenges during the current pandemic. At some point, however, the Board must reinstitute and reaffirm its precedents in representation proceedings and overturn a decision mandating mail ballots when the employer demonstrates that COVID-19 risk at a specific facility is minimal, voters have continued to report to the facility every day, and the employer is willing to institute all reasonable safety protocols, including those set forth in General Counsel Memorandum GC-20-10. This election offers that exact scenario. Indeed, Petitioner itself specifically requested a *manual* ballot upon filing the petition on May 29, 2020.

As established below, the Regional Director abused her discretion by ordering a mail ballot election despite the substantial and effective safety protocols that are and have been in effect at Brinks' facility. Moreover, the Regional Director ignored the multitude of safeguards Brinks proposed for a manual election and, in addition, wrongly denied Brinks' timely Motion to Reopen the Record to present new evidence establishing that New York City moved to the latter stages of reopening.

The Regional Director also improperly prevented Brinks from creating a full and complete record of relevant facts. Significantly, Brinks' facility and voting area are substantial in size, well-ventilated, have several access points, and the Company offered to implement practically any reasonable safety measure. Lastly the State and City of New York have significantly and successfully flattened the infection rate, and are now in the process of continual reopening.

In sum, the Regional Director's Decision represents an erroneous and unjustified departure from applicable NLRB law and policy that denies employees the right to free choice, maximum voter participation, and supervised selection of representative.

I. STATEMENT OF THE CASE

On May 29, 2020, the Law Enforcement Security Officers Union ("Union" or "Petitioner") filed a representation petition involving Brinks' facility in Springfield Gardens, New York. On June 10, 2020, a hearing was held before Sarah Hurley, a hearing officer of the National Labor Relations Board ("the Hearing"). The only issue at the Hearing was whether to conduct a manual or mail ballot election.²

Prior to the Hearing, the Hearing Officer informed the Company that no witnesses would be permitted. (*See* Tr. 41, Attach. 3).³ Further, entering the Hearing, the Company understood that the Petitioner had also requested a manual ballot, because a *manual* ballot was specifically requested in the petition itself. (*See* Pet., Attach. 4). Brinks' timely filed Statement of Position also requested a manual ballot. (*See* Company's Position Statement, Attach. 5). At the Hearing, however, the Petitioner suddenly stated that it desired a mail ballot. (*See* Tr. 55-57). No legitimate

² The stipulated bargaining unit includes:

All full-time and regular part-time drivers, messengers, vault clerks, and cashiers performing guard functions as defined by Section 9(b)(3) of the Act, employed by the Employer at and out of its facility located at 184-45 147th Avenue, Suite 101, Springfield Gardens, New York.

Order Denying Motion to Reopen the Hearing and Decision and Direction of Election. (*See* Attach. 2).

³ References to the Hearing Transcript are denoted ("Tr.").

reason was presented as to why the Petitioner changed position and the Decision fails to discuss this important and highly relevant point. (*See* Tr. 22-23).

Nevertheless, Brinks sought to present evidence that the facility was in full operation and could be made safe to conduct a manual election. (*See* Tr. 14-18). Further, the Company read into the record a detailed statement documenting, among other things: (1) why manual ballot elections are preferred, generally; and (2) why manual ballots are appropriate in this case (including Company actions, State and local government actions, critical election participation issues, and potential additional safety protocols); and (3) recent NLRB statistics establishing a record of lower voter participation in mail ballot elections (*See id.*).

Despite specifically advising Brinks' counsel that no witnesses would be permitted, and only after Brinks read its position into the record, the Hearing Officer suddenly and without notice requested extensive additional information including:

1. specifics concerning Brinks' facility, structure and usage;
2. the Company's social distancing protocols;
3. the Company's cleaning protocols;
4. the extent of Brinks drivers' contacts with customers; and
5. each and every Brinks' customer's cleaning procedures at each particular location.

(*See* Tr. 22-37).⁴

The decision to conduct the Hearing in the disjointed and patently unfair "Heads I Win-Tails You Lose" manner violated Brinks' right to due process and fundamental fairness. Without the ability to call witnesses with personal knowledge of these supposedly relevant facts, Brinks

⁴ The instant hearing was conducted remotely and the parties were required to identify all participants in advance. Given the Hearing Officers firm pre hearing directive that no witnesses would be permitted, Brinks did not plan to present witness testimony. Obviously, counsel for Brinks and Petitioner's representative had no personal knowledge of the "facts" the Regional Director belatedly determined were critical to the Decision (Tr. 41; 46).

was unable to create a complete record for the Board or a reviewing court to consider. Moreover, the Regional Director denied Brinks request to file a post hearing brief. (*See* Tr. 45-46).

Finally, compounding the abject lack of due process, the Regional Director denied Brinks' June 22, 2020 motion to reopen the record. (*See* Mot. to Reopen the Record, Attach. 6). In sum, the entire hearing process was tainted by a stunning lack of due process and a departure from typical Board hearing procedures, which both parties had the right to expect. The manner in which the hearing was conducted certainly left the impression that the Region had pre-determined to conduct a mail ballot regardless of the actual facts. Having determined that facts were necessary to the ultimate decision, it was incumbent upon the Regional Director to conduct the hearing in an appropriate manner. That is, the development of a full factual record. (Tr.).

On June 25, 2020 the Regional Director issued the *Order Denying Motion to Reopen the Hearing and Decision and Direction of Election*. (*See* Attach. 2). The entirety of the Regional Director's rationale for the Decision is:

The Board [has] found that a Regional Director may consider additional relevant factors when contemplating when to conduct a mail ballot election and that "extraordinary circumstances" could permit a Regional Director to do so. The Board has recognized that the COVID 19 pandemic presents such an extraordinary circumstance. *See, e.g., Atlas Pacific Engineering Co., [No.] 27-RC-258742 (NLRB May 8, 2020).*

* * *

Despite [the Company's] proposed safety measures, I have determined that an in-person manual election under these circumstances poses significant and unnecessary risks to the health and safety of Board Agents, Party representatives, voters, observers, and the public. The conduct of an election invariably requires participants to come within fewer than six feet of one another, while social distancing guidelines provided by Federal, State and Local authorities recommend that individuals remain at least six feet apart. Under the Board's manual election procedures, Board Agents conducting the election and election observers are required to spend the duration of the polling session and ballot count process together in close proximity within a confined space. Even with the Employer's proposed efforts to encourage election participants to practice social distancing, Board Agents and observers will likely have to interact with voters and/or Party representatives who many have questions or who may wish to raise issues about

the conduct of the election. These procedures necessarily carry the risk of exposure for employees at the Employer’s facility, party representatives, Board personnel, their families, and the community.

Conducting the election in this case by mail ballot . . . significantly reduces [COVID-19-related] risks. Conducting a mail ballot election will enable Board Agents, voters, observers, and Party representatives to maintain safe social distancing throughout the polling process.

* * *

Although certain restrictions have been eased in New York City, the [state guidance] makes clear that individuals must still maintain a distance of six feet “at all times, unless safety of the core activity requires a shorter distance.” That cannot be accomplished during a manual election.

(See Attach. 2, at 2-3). The Decision offers no explanation as to how or why the existing and proposed additional safeguards, which included an offer to provide protective “haz-mat” suits to Regional personnel and implement any additional protocol that the Region suggested which are practicable, would be insufficient to ensure the safety of all involved in this particular election.

Further, the reliance on *Atlas Pacific Engineering Co.* is misplaced — a different Regional Director (Region 27, in Denver, CO) issued that decision on April 20, 2020 in the middle of most intense part of *that* State’s lockdown. The Board’s decision in that case, which predated GC Memorandum 20-10, was brief: “The Employer’s Request for Review of the Regional Director’s Decision and Direction of Election is denied as it raises no substantial issues warranting review.” *Atlas P. Engr’g Co.*, No. 27-RC-258742 (NLRB May 8, 2020) (“*Atlas Pacific*”).

Brinks acknowledges that Regional Directors have routinely ordered and the Board has upheld mail ballots over the past few months. See, e.g., *id.*; *Victory Wine Group, LLC*, Decision and Direction of Election, No. 16-RC-257874, slip op. at 5-7 (Reg’l Dir. Apr. 23, 2020) (“*Victory Wine*”). However, the “extraordinariness” of COVID-19 has significantly diminished — it is part of everyday life for employers, employees, unions and Board personnel. For eligible voters, all of whom have continued to report to Brinks’ facility every single day, a manual election would pose

“zero” additional risk. Also, and just as importantly, State lockdowns have ended, and NYC has begun the reopening process.

II. ISSUES

The principal issue in dispute is whether the Regional Director abused her discretion by ordering a mail ballot on the sole basis that COVID-19 exists.

First, the Regional Director’s ultimate conclusion that a mail ballot is necessary to ensure the health and safety of Board Agents, Party representatives, voters, observers, and the public is factually and legally erroneous and contrary to NLRB precedent and GC Memorandum 20-10.

Second, it was an error for the Regional Director to order a mail ballot election based solely on the unsupported belief that the Company could not implement an election procedure that ensured social distancing of six or more feet at all times.

Third, it was error for the Regional Director to advise the parties that no witnesses would be permitted then, after Brinks read its position into the record, inexplicably demand additional facts without allowing any witnesses with personal knowledge at the Hearing.

Fourth, it was error to deny Brinks’ timely Motion to Reopen the Record in order to place changed circumstances into the record, specifically, the Stage 2 reopening of New York City on June 8, 2020.

Accordingly, the NLRB should grant review, vacate the Decision, stay the mail ballot election, direct the Region to conduct a manual election, and/or direct the Region to reopen the hearing to create a full and complete factual record.

III. BACKGROUND

Brinks' facility at 184-45 147th Ave, Suite 101, Springfield Gardens, Queens, NY, provides security, transport, sorting, and storage for various commodities. Such services are considered essential under federal and State guidance. It is undisputed that the facility has operated uninterrupted and in a safe manner throughout the coronavirus pandemic. That is, all eligible voters report to the facility every day. Moreover, almost half of all eligible voters work at the facility for their entire work shift. (Tr. 50-54).

The facility functions in full accordance with and in excess of all Center for Disease Control ("CDC") guidelines. All of the following precautions (and others) have been in place at the facility:

- ❖ Increased employee-wide communications regarding health and safety protocols;
- ❖ Additional cleaning resources and enhanced cleaning schedules to ensure sanitation;
- ❖ Additional cleaning supplies and sanitizers across the facility;
- ❖ High-touch surfaces repeatedly cleaned;
- ❖ Staggered and revised start, break, and lunch periods;
- ❖ Seating and/or common areas revised or closed;
- ❖ Physical markings on floors to maintain proper social distancing;
- ❖ Mandatory adherence to handwashing protocols;
- ❖ Provision and mandatory use of face masks;
- ❖ Pre-shift screening procedures;
- ❖ Revised truck guidelines to ensure social distancing as much as possible.

(Tr. 15; 19).

Consistent with these substantial mitigation efforts, Brinks' facility has not had any recent COVID-19 infections or work-related exposures. The Company has put its facility and its personnel in a position of safety and success with strict, mandatory protocols.

IV. THE REGIONAL DIRECTOR'S FINDINGS

Without discussion of any specific factors upon which the Decision is based, the Regional Director ordered a mail ballot election. In reaching a determination that a mail ballot election was necessary based on broad "safety" concerns, including the entirely unfounded assertion that the Company would be unable to ensure social distancing during an election, the Regional Director failed to address Brinks' relevant points regarding established and potential safety controls, as well as the trend of government and economic reopening. **The Decision also inexplicably ignored undisputed empirical evidence presented at the Hearing, which established low voter participation in mail ballot elections.**

V. APPLICABLE LEGAL STANDARDS AND ANALYSIS

A. The Regional Director Erred in Ordering a Mail Ballot Election.

The Regional Director's actions rewrite Board precedent by misapplying the holding of *San Diego Gas & Electric* and the NLRB's *Casehandling Manual Part Two: Representation Proceedings* ("*Casehandling Manual*"), section 11301.2 ("Manual or Mail Ballot Election: Determination").

San Diego Gas & Electric establishes that mail ballots should be taken into consideration in at least three situations: scattered voters, scattered schedules, and strike or lockout situations. The Board left open the possibility that other extraordinary circumstances may be relevant to election-type decisions. *S.D. Gas & Elec.*, 325 NLRB at 1145, n.6. Recently, regional directors have interpreted the "extraordinary" language to encompass the current COVID-19 pandemic.

See, e.g., Atlas Pacific; Victory Wine. However, regional director decisions have frequently been devoid of any significant analysis and, instead, reliant upon the fact that COVID-19 exists, as well as baseless assertions that employers cannot implement sufficient safety measures to ensure a safe manual election.

The refusal of regional directors to analyze unique case-specific factors misapplies Board precedent. Regional directors should analyze all of the factors that the Board has previously determined are within their discretion: employee free choice of representative, maximum voter participation, supervision of selection of representative, and voter safety at a particular location subject to additional relevant facts. Here, the Director refused to permit the creation of a record and neglected to perform any specific analysis. This approach turned the Board-mandated fact-specific analysis of determining election method into a self-fulfilling rubber-stamping of a mail ballot election.

Board precedent in representation cases is based upon the threshold consideration of which method of election best advances employee choice (voter turnout, ease of participation, etc.). Mail or mixed ballot voting only exists when necessary to “enhance the opportunity of all to vote.” *Casehandling Manual*, section 11301.2. *San Diego Gas & Electric* stands for the same: “[e]xtraordinary circumstances” mandating a mail ballot election may occur when the regional director “might reasonably conclude that [voters’] opportunity to participate in the election would be maximized by utilizing mail or mixed ballot election methods. *Id.* at 1145. Specifically, a regional director’s exercise of discretion, even in cases of extraordinary circumstances, must be tied to the Board’s proper role in ensuring employee participation and free choice. *Id.* at 1145 n.10 (“A Regional Director should, and does, have discretion, utilizing the criteria we have outlined, to

determine if a mail ballot election would be both more efficient and likely to enhance the opportunities for the maximum number of employees to vote.”).

B. Mail Ballot Elections Result in Reduced Voter Turnout

Recent data definitively and empirically demonstrate that mail ballot elections significantly **diminish** turnout. During the week of March 7 to 13, 2020, more than 93% of manual ballots had a participation rate above 80% — only two out of thirty elections (6.7% of manual elections) resulted in lower rates. *See Wainfleet Co.*, No. 03-RC-256434 (63% rate); *Growing Seeds at Crystal Springs, Inc.*, No. 19-RC-256529 (75% rate). However, from March 14 to June 9, regional directors exclusively ordered mail ballot elections and ***nearly 40% of elections had a participation rate of 80% or less.***

COVID-19-related mail ballots have resulted in a nearly 600% increase in low-voter turnout compared to manual ballot elections. *See, e.g., Paragon Sys., Inc.*, No. 09-RC-259023 (55%); *River Mkt. Comm. Co-op* No. 18-RC-256986 (54%); *Univ. Protection Serv., LLC*, No. 10-RC-257846 (52%); *Triple Canopy, Inc.*, No. 27-RC-257463 (37%); *Am. Sec’y Programs, Inc.*, No. 05-RC-256696 (36%); *Children & Adult Disability Ed. Servs.*, No. 04-RC-256028 (40%).

Further, in *Fontanini Foods, LLC*, the regional director extended the mail ballot period ***for a second time*** because of low turnout. *Id.*, No. 13-RC-257636 (Reg’l Dir. June 29, 2020). In that case, the ballots were to be commingled and counted on June 17, 2020. However, after low turnout, the regional director extended the initial mail ballot period until July 1, 2020. The regional director then extended the period for a second time, until July 8, 2020, because only 227 of 401 (56.6%) mailed ballots had been returned as of June 29. Other issues also arose in that case, including: some employees had to pay to receive the NLRB package, missing ballots, duplicate

ballots, and a few employees attempted to contact the NLRB but never heard back about ballot issues. The Regional Director's decision failed to address any of these concerns.

Accordingly, if voter turnout is of the utmost importance in representation cases, and manual elections are generally favored over mail ballot elections, the Board should overturn the instant Decision. Again, this is not a case where eligible voters are at home on lockdown. To the contrary, it is undisputed that all voters report to the facility every day.

C. The Regional Director Should Have Assessed the Safety of the Company's Facility.

At the Hearing, Brinks fully detailed the numerous and effective safety protocols that have been in place throughout the COVID-19 situation. The Company briefly restates its current safety protocols here:

- External, pre-shift employee screening with verbal questionnaire certification; post-shift questionnaire certification — questions about symptoms, quarantine, exposure, travel;
- Mandatory PPE use by employees, such as safety glasses, surgical masks, gloves; and sanitizer/soap;
- Increased employee-wide communications regarding health/safety protocols;
- Additional cleaning resources and enhanced cleaning schedule to ensure sanitation;
- Additional cleaning supplies and sanitizers across the facility;
- High-touch surfaces clocks repeatedly treated with antiviral spray;
- Staggered and revised break and lunch periods to maintain social distancing;
- Seating areas revised to maintain social distancing;
- Limitations on outside smoking areas and required social distancing;

- Mandatory adherence to handwashing protocols with antibacterial gel backup; and
- Non-essential employees (*not eligible voters*) work from home where appropriate.

(See Tr. 22-38).

Therefore, the Company's facility operates in accordance with, and indeed, in substantial excess of, all pertinent safety guidelines. Further, the Company offered to implement *any additional safeguard protocol* (within reason) that the region requested, including medical-grade PPE, staggered voting schedules, barriers, limiting the voting area to one employee at a time, and Haz Mat suits for Board personnel. Moreover, the Petitioner itself requested a manual ballot when filing the instant petition on May 29, 2020.

D. The Decision Violates Current Board Election Jurisprudence and is Inapposite the NLRB General Counsel's Memorandum 20-10.

The Board reactivated election proceedings in an April 17, 2020 announcement entitled "COVID-19 Operational Status," stating, "Consistent with their traditional authority, Regional Directors have discretion as to when, where and if an election can be conducted, in accordance with NLRB precedent. A total of four elections have been in-person following the lifting of the election moratorium. In Byhalia, Mississippi, Hearthside Food Solutions LLC workers successfully voted in person without issue. *Hearthside Food Solutions LLC*, Case No. 15-RC-258901 (Region 15 June 3, 2020). There, the parties agreed to implement several safety measures, including erecting plexiglass barriers to separate workers, board employees, and election overseers; using disposable pens and pencils; marking off spaces at 10-foot intervals; providing masks and gloves; and separating the entrance and exit so workers would not pass each other.

Following along similar lines, on July 6, 2020, the Board's General Counsel, Peter B. Robb released GC Memorandum 20-10 on "Suggested Manual Election Protocols." (See GC Mem. 20-10). In the Memo, GC Robb details manual election protocols for the following:

- (1) Election Mechanics, including polling time protocols, limits on number of voters, representatives, and observers to present at any time, and general voting procedure;
- (2) Required Certifications, including written certifications that the polling area is consistently cleaned according to CDC standards, no party, party representative, or observer is under suspicion, tested positive for, or is awaiting test results of COVID-19;
- (3) COVID-19 Disclosures, including the parties written agreement to notify the Regional Director if, within 14 days after the day of the election, if any individuals present in the facility on the day of the election exhibit symptoms, are under suspicion of, tested positive for, or is awaiting test results for COVID-19;
- (4) Election Arrangements, including spacious polling area, separate entrance and exit areas for voters, with markers instructing safe traffic flow throughout the polling area; separate tables spaced at least six feet apart so Board Agent, observers, ballot booth, and ballot box are all at least six feet apart, disposable pencils, glue sticks or seal challenge ballot envelopes, plexiglass barrier(s) of sufficient size to protect and separate Board Agent and observers from voters and each other, masks, hand sanitizer, gloves, and wipes for observers and Agent, and appropriate signage in the polling area regarding CDC protocols.

Brinks already offered to implement most, if not all, of the suggested practices. The Company will implement every suggestion in the GC Memo practicable, and will work with both the Region and the Petitioner regarding any additional concerns.

Therefore, the Regional Director's actions here cannot be said to be "in accord" with precedent, considering the Director rejected a manual ballot without any legitimate justification or specific fact-finding. A factually unfounded, arbitrary and capricious conclusion that "social distancing is impossible in a manual election" cannot underpin the instant Decision. Clearly, that

statement is not true — other Regions have successfully operated manual elections subject to social distancing procedures. *See, e.g. Hearthside Food Solutions LLC*, No. 15-RC-258901.

Compounding the Regional Director’s failure to analyze specific factors and Board precedent in this case, the Region first refused to allow witnesses that could have presented the very safety facts and protocols the Director needed to determine whether a manual election could safely proceed at the facility in question, and then demanded from counsel additional facts that could only be presented by a witness with personal knowledge. Such fact-development and analysis was crucial to the Decision for election. Instead, the Regional Director, without the benefit of any supporting evidence, pre-determined at the outset that a manual ballot election was inappropriate, because social distancing would be impossible and other nebulous safety concerns.⁵

E. The Board Should Issue An Immediate Stay of Mail Ballot Distribution

The Decision indicates that mail ballots will be distributed commencing on July 10, 2020. In order to prevent potential voter confusion and irreparable injury to the election process, the Board should grant review and issue an immediate stay of mail ballots in this case.

VI. CONCLUSION

The instant Decision is contrary to established Board precedent, national labor policy and recent General Counsel guidance. Although the Regional Director is entitled to some discretion when determining the manner of elections, mail ballots are simply not justified solely with speculative citing of buzzwords: “COVID-19,” “safety,” and “social distancing.” Any decision to utilize a mail ballot over a requested manual ballot must assess the relevant facts and concerns specific to the election at-hand. Moreover, fundamental fairness and due

⁵ Brinks recognizes that the Regional Director did not have the added benefit of GC Memo 20-10 at the time of the Decision.

process requires that Board hearings be conducted in accordance with the Rules and that “facts” can only be elicited from witnesses with personal knowledge. For all of these reasons, Brinks respectfully requests that the Board grant review, vacate the instant Decision, stay the mail ballot election, order a manual ballot election, and/or direct the reopening of the representation hearing to permit development of a full and complete factual record.

Dated this 8th day of July 2020.

Respectfully submitted,

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