

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

**COMMUNITY AND SHELTER ASSISTANCE
CORP. d/b/a CASA OF OREGON¹**

Employer

and

Case 19-RC-259305

**COMMUNICATIONS WORKERS OF AMERICA
LOCAL 7901**

Petitioner

DECISION AND DIRECTION OF ELECTION

On April 17, 2020, Communications Workers of America Local 7901 (“Petitioner”) filed a petition seeking to represent certain employees of Community and Shelter Assistance Corp. d/b/a CASA of Oregon (“Employer”). After the Region issued a Notice of Hearing, the parties waived their rights to a pre-election hearing and entered into a Stipulation in Lieu of Hearing (“Stipulation”) on about June 29, 2020.

The parties were unable to agree on the eligibility of the following classifications: Senior Real Estate & Cooperative Development Manager, Innovative Products Manager, and Administrative Services Manager. Each disputed classification is occupied by one employee and the overall unit, including these disputed classifications, totals 21 employees. The parties agreed to a mail-ballot election.

Thus, the sole issue in dispute is the appropriateness of the petitioned-for unit, specifically, the eligibility of employees in the classifications listed above. Inasmuch as these employees comprise less than 20% of the overall unit, I have determined that the eligibility of the three employees in the classifications in dispute will not be litigated in a pre-election proceeding since their eligibility or inclusion will not significantly impact the size or character of the unit. Based thereon, I will exercise my discretion to defer this issue and to allow the contested employees to vote under challenge and to resolve their eligibility at a later time, if necessary.

¹ The name of the Employer appears as amended by stipulation.

CONCLUSIONS AND FINDINGS

Under Section 3(b) of the Act, I have the authority to hear and decide this matter on behalf of the National Labor Relations Board. Upon the entire record in this proceeding, I find:

1. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.²
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 Section 2(6) of the Act.³
4. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All employees employed by the Employer.

Excluded: All contractors, confidential employees, guards, and supervisors as defined in the Act.

OTHERS PERMITTED TO VOTE

At this time, no decision has been made regarding whether employees classified as Senior Real Estate & Cooperative Development Manager, Innovative Products Manager, and Administrative Services Manager are included in, or excluded from, the bargaining unit. For the reasons set forth above, I have determined that individuals in these classifications may vote in the election, but their ballots shall be challenged since their eligibility has not been resolved. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

² The parties stipulated to the following commerce facts:

The Employer, an Oregon nonprofit corporation, is a social services organization that provides real estate development services, financial education, lending services, and individual development accounts. During the past calendar year, a representative period, the Employer purchased and received goods valued in excess of \$50,000 directly from entities located outside the State of Oregon and received gross revenues in excess of \$500,000.

³ The parties stipulated that there is no collective-bargaining agreement covering any of the employees in the unit sought in the petition herein; that there is no history of collective-bargaining involving the unit employees; and there is no contract or other bar in existence to an election in this matter.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by **COMMUNICATIONS WORKERS OF AMERICA LOCAL 7901**.

A. Election Details

The election will be conducted by mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit by personnel of the National Labor Relations Board, Subregion 36, 1220 SW 3rd Ave., Suite 605, Portland, OR 97204, on **Tuesday, August 11, 2020 at 4:30 p.m.** Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe they are eligible to vote and did not receive a ballot in the mail by Tuesday, August 25, 2020, should communicate immediately with the National Labor Relations Board by either calling the Subregion 36 office at (503) 326-3085 or our national toll-free line at 1-866-762-NLRB (1-866-762-6572).

Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Subregion 36 office, by 4:30 p.m. on Tuesday, September 8, 2020. The mail ballots will be counted by an agent of the Subregion 36 office on Friday, September 11, 2020 at 2:00 p.m. In order to be valid and counted, the returned ballots must be received at the Subregion 36 office by **4:30 p.m. on Tuesday, September 8, 2020**. Pursuant to the parties' Stipulation, no ballots will be counted that are received after the due date. The parties will be permitted to participate in the ballot count, which may be held by videoconference. If the ballot count is held by videoconference, a meeting invitation for the videoconference will be sent to the parties' representatives prior to the count. No party may make a video or audio recording or save any image of the ballot count. However, if I determine at a later date that the ballot count can be safely held at the Subregion 36 office, the Subregion 36 office will inform the parties with sufficient notice that the count will be held in the Subregion 36 office.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **July 15, 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.

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.

C. Voter List

As required by Section 102.67(l) 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 cell telephone numbers) of all eligible voters, including those individuals whose eligibility has not been resolved.

To be timely filed and served, the list must be *received* by the Regional Director and the parties by **July 28, 2020**. The list must be accompanied by a certificate of service showing service on all parties. **The Region will not 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-ruleseffective-april-14-2015.

The list must 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. The list must also be served electronically on the other parties named in this decision.

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.

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

D. 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 must be E-Filed through the Agency's website and 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.

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 at Seattle, Washington on the 24th day of July, 2020.


Ronald K. Hooks, Regional Director
National Labor Relations Board, Region 19
915 2nd Ave., Ste. 2948
Seattle, WA 98174