

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

LAZ PARKING NEW YORK NEW JERSEY LLC

Employer

And

Case 02-RC-262518

GARAGE EMPLOYEES UNION LOCAL NO. 272

Petitioner

DECISION AND DIRECTION OF ELECTION

Laz Parking New York New Jersey, LLC, (the Employer) is engaged in providing cleaning, landscaping, and maintenance services at parking facilities. Most locations are run by the Metropolitan Transit Authority. Garage Employees Union Local No. 272 (the Petitioner) seeks to represent the following bargaining unit of employees:

Included: All full-time and regular part-time maintenance employees employed by the Employer in Riverdale, New York, and Westchester County, New York.

Excluded: All other employees, guards, and supervisors as defined in the National Labor Relations Act.

The parties stipulate, and I find, that this bargaining unit is appropriate.

There are approximately five employees in the petitioned-for unit. The employees check in each morning at the Employer's Peekskill, New York office, which is located on the first floor of a multi-story office building. The employees then depart the Peekskill location and spend the majority of their workday performing maintenance duties at various parking facilities. Because of its relationship to the MTA, the Employer did not cease operations during the pandemic and the eligible voters were deemed "essential workers."

The only matter in contention is whether to conduct a manual or mail ballot election.¹

¹ The petition in this case was filed under Section 9(c) of the Act. The parties were provided opportunity to present evidence on the issues raised by the petition at a hearing held before Hearing Officer Allen M. Rose of the National Labor Relations Board (the Board). I have the authority to hear and decide this matter on behalf of the Board under Section 3(b) of the Act. I find that the hearing officer's rulings are free from prejudicial error and are affirmed; that the Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction; that the Petitioner is a labor organization within the meaning of the Act; and that a question affecting commerce exists concerning the representation of certain employees of the Employer.

Both parties have expressed a preference for a manual election, primarily because they believe that a manual election will result in higher voter turnout than a mail ballot election. The parties also assert that a manual election held on the jointly proposed date of August 14 would allow votes to be counted more quickly than the votes cast in a mail ballot election.

I have carefully considered the positions and arguments presented by the parties. As fully discussed below, despite the desires of the parties and even though a manual election would be preferable in this case in the absence of the COVID-19 pandemic, I have directed a mail ballot election. This is the safest and most appropriate method of conducting a prompt election in view of the extraordinary circumstances presented by the pandemic.

Facts

COVID-19 in New York

The COVID-19 pandemic has affected all aspects of life. As of July 25, 2020, the United States alone had documented 4,099,310 cases and 145,013 deaths. There were 1,145 new deaths documented in the United States on July 25 alone for an average of nearly one death per minute. That week, eighteen states set single day records for new infections and forty states saw their infection rates trending upward.

There is no vaccine to prevent COVID-19, and there are limited methods to treat those made severely ill by COVID-19. The virus is thought to spread mainly from person-to-person when individuals are in close contact with one another and through respiratory droplets produced when an infected person coughs, sneezes or talks. It appears that COVID-19 can be spread by people who are completely asymptomatic or pre-symptomatic.

When the pandemic first reached the United States in early 2020, the unquestioned epicenter of the disease was New York State, and, more specifically, New York City. Sadly, over 32,000 New Yorkers have died of COVID-19 in the past four months; over 22,000 of those lost to the pandemic resided in New York City. Public transportation, with which the Employer is directly involved, is suspected to have been one of the sources of community spread of the virus.

As a result of this virtually unprecedented public health crisis, federal, state, and local governments have placed restrictions on whether people may gather together and whether businesses may open. On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern; on January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19. On March 7, 2020, Governor Andrew Cuomo issued Executive Order No. 202 Declaring a Disaster Emergency in the State of New York. Since that time, Governor Cuomo has issued multiple Orders Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency. Governor Cuomo's succeeding Executive Orders extended previous suspensions and modifications of laws related to the pandemic. These Executive Orders also delayed tax deadlines and canceled elections.

In recent months, New York has begun to permit businesses to reopen even as infection rates reach record highs in other regions of the country. Because COVID-19 is so easily spread, including by those unaware that they are infected, New York has issued travel advisories in an attempt to prevent a second rise in illnesses and fatalities. All out-of-state travelers from designated states must complete a Traveler Health form upon entering New York. Likewise, those who have traveled from within one of the designated states with significant community spread are required to quarantine for 14 days upon entering New York. These travel restrictions have been put in place because travelers from regions where the pandemic is at its height will necessarily visit New York, just as New Yorkers will necessarily visit heavily infected regions.

Although New York is in a less precarious position in midsummer than it was in the spring, the Centers for Disease Control continues to recommend that all tasks that can be performed remotely (for example, banking) be performed remotely. According to both the CDC and government task forces, it remains absolutely essential that those who feel ill isolate themselves at home, and the CDC recommends that anyone who has had any contact with someone who has tested positive for COVID-19 should self-quarantine.

The record contains a July 17 report by the *Washington Post* which focuses on the recent rise of COVID-related deaths. The report explains that the latest spike of infections has been concentrated among younger people, many of whom have contracted the virus while at work, bars or restaurants. As working age Americans visit their elderly parents or grandparents, they unknowingly transmit the virus to a more vulnerable population. Thus, anyone who is vulnerable and anyone who interacts with someone who is vulnerable are encouraged to continue to avoid unnecessary exposure to a variety of people and places.

The record also contains a June 30 report by CNN regarding Coronavirus task force member Dr. Anthony Fauci's statements to the Senate Health, Education, Labor and Pensions Committee. Dr. Fauci suggests that new cases of COVID-19 may rise to a level of 100,000 a day within the United States and expresses dismay over people congregating in crowds and not wearing masks as well as, inadequate attention being paid to guidelines on reopening.

The Employer argues that the rise of the virus in current "hot spots" across the nation is irrelevant to an election which would be held in New York State. This argument is not persuasive. COVID-19 is highly contagious; many regions that once enjoyed low infection rates have seen infection numbers rise again. Travelers from heavily infected areas have been asked to quarantine themselves upon entering New York, but there is no surety of compliance with these restrictions. There is no way to fully isolate one region of the United States from other regions. Thus, the most effective way to prevent the spread of the disease continues to involve offering as many people as possible the ability to perform as many tasks as possible without traveling or congregating with others.

NLRB Procedures

On March 19, in response to the pandemic, the National Labor Relations Board temporarily suspended all Board-conducted elections through April 3, 2020. The Board took this action to ensure the safety of Agency employees and members of the public involved in elections. At the time, several of the NLRB's regional offices had been closed and other locations were operating with limited staffing such that the Board did not believe it was possible to effectively conduct elections. On April 1, the NLRB announced that it would not extend the suspension of elections past April 3 and would "permit elections to resume in a safe and effective manner, which will be determined by the Regional Directors." The Agency has indeed resumed conducting elections, but that vast majority of these elections have been conducted via mail ballot.

On July 6, the Office of the General Counsel issued Memorandum GC 20-10: Suggested Manual Election Protocols. The suggested protocols include: polling times sufficient to accommodate social distancing without unnecessarily elongating exposure among Board Agents and observers; the employer's certification in writing that the polling area is consistently cleaned in conformity with CDC standards; a spacious polling area, sufficient to accommodate six-foot distancing; separate entrances and exits for voters; separate tables spaced six feet apart; sufficient disposable pencils without erasers for each voter to mark their ballot; glue sticks or tape to seal challenge ballot envelopes; plexiglass barriers of sufficient size to protect the observers and Board Agents; and provision of masks, hand sanitizers, gloves and disinfecting wipes.

The parties' proposal is in keeping with many of these protocols. The parties wish to hold a manual election in the Employer's large conference room/garage, which has multiple points of entry, including a garage door. The Employer proposes to provide protective equipment and disposable pencils. Both parties have agreed that no observers will be needed. However, the Employer declined to provide any information about the locations in which the unit employees generally work, although those locations are adjacent to a heavily trafficked public transportation system which contributed to the initial community spread of COVID-19 in New York. Further, while the Employer notes that it provides cleaning supplies to its Peekskill office, it has no particular cleaning service or protocol and relies upon employees to clean as they see fit. This lack of information makes it difficult to confirm that a manual election will indeed be safe for all involved during the present pandemic.

Next, Memorandum GC 20-10 requests an employer's written certification of how many individuals have been present in the facility within the preceding 14 days who have tested positive for COVID-19; who have been directed by a medical professional to proceed as if they have tested positive for COVID-19; who are awaiting results of a COVID-19 test; who are exhibiting symptoms of COVID-19; or who have had direct contact with anyone in the previous 14 days who has tested positive for COVID-19. Memorandum GC 20-10 also requests each party, party representative and observer participating at the pre-election conference, serving as an election observer, or participating in the ballot count, to self-certify in writing. However, Memorandum 20-10 does not provide an enforcement mechanism for failure to comply with certain of the suggested self-certifications, other than the Regional Director or designee canceling the election, which would substantially delay resolution of the question concerning representation. Moreover,

following the issuance of Memorandum GC 20-10, the Center for Disease Control issued an update including a definition for the percent of transmission occurring prior to symptom onset (pre-symptomatic transmission). The Center for Disease Control's "current best estimate" is that 50% of COVID-19 transmission occurs while people are presymptomatic and 40% of people with COVID-19 are asymptomatic² and would neither be identified nor have sought testing.

The Employer has stated that it will comply with the requested certification but has provided no details as to how it will do so. The record contains no evidence which suggests that the Employer regularly tracks such information. Indeed, as the Employer's facility is located inside a multistory office building which houses other businesses, the Employer may, despite its best intentions, be unable to make an accurate certification.

Finally, Memorandum GC 20-10 notes that Regional Directors are encouraged to assign the election to Board agents who have volunteered to run the election. No Regional Board agents will volunteer to run this proposed manual election. There is not, as of yet, guidance from the General Counsel or an agreement with the NLRBU to address assignment of manual elections.

The Employer has expressed a concern that the Board has not adopted procedures for the proper handling of mail ballots during the pandemic. While it is true that there has been no formally published memorandum on the matter, there has thus far been no need for such a directive because the handling of mail ballots has changed little during the pandemic. Parties are still invited to attend a mail ballot count via videoconference. Parties are still encouraged to inspect each mail ballot envelope to confirm that no one has tampered with the seal across which the eligible voter has signed. Parties are still permitted to inspect each opened ballot to see that the voter's intent is clear. Parties are still encouraged to watch as the Board agent counts the ballots. As in any election, whether manual or mail, a party may challenge the Board agent's interpretation of a ballot and an ambiguously marked ballot may be counted as void.

Analysis

The Employer objects to the use of mail ballot elections where employees are not so geographically dispersed as to be unable to gather together for a manual election.³

Primarily, the Employer argues that mail ballot elections necessarily result in lower voter turnout. The Employer cites a 1994 Memorandum from NLRB General Counsel Fred Feinstein to NLRB Chairman William B. Gould IV which cites a study showing that 87.9 percent of eligible voters participated in manual elections compared to 68.14 percent who participated in mail ballot elections. I note, however, that an analysis of the Region's election tallies of ballots for the 13 elections conducted in CY 2020 does not reach the same conclusion. Rather, for the 7 manual elections conducted before the pandemic the voter participation rate was 87% and for the 6

² "COVID-19 Pandemic Planning Scenarios" (updated July 10, 2020), Table 1, Scenario 5, Current Best Estimate. <https://www.cdc.gov/coronavirus/2019-ncov/hcp/planning-scenarios.html>

³ The Petitioner also prefers a manual election and does not disagree with any of the Employer's arguments.

elections conducted during the pandemic by mail ballot the participation rate was 86.4%. In no case were ballots not cast by eligible voters in the mail ballot elections sufficient in number to have affected the results.

Next, the Employer suggests that mail ballots may be lost, stolen, or late in arriving at the Regional Office. The Employer points to *Premier Utility*, 363 No. 159 (April 5, 2016), in which 48 mail ballots arrived after the ballot count despite being postmarked during the voting period. The Board, while expressing dismay that so many ballots had not arrived in a timely manner, did not take the opportunity to eliminate the use of mail ballots. Instead, the Board treated *Premier Utility* as an isolated incident and has continued to uphold the utilization of mail ballots where appropriate. The Board has always had mechanisms in place to mitigate the effects of such eventualities. Most significantly, procedures are in place to allow voters to request duplicate ballots when a mail ballot is not received in a timely manner. The Employer theorizes that the Postal Service may be unable to deliver ballots with its usual efficiency due to staffing issues, but presented no evidence to support its contention. The record does, however, contain a Service Alert issued by the Postal Service which explains that operational impacts of the pandemic have been mild in the United States; delays are to be expected only where mail is destined for China and Hong Kong.

Congress has charged the Board with establishing the procedure and safeguards necessary to insure the fair and free choice of bargaining representatives. The Board, in turn, has delegated the discretion to determine the arrangements for an election to Regional Directors. *San Diego Gas and Electric*, 325 NLRB 1143, 1144 (1998); citing *Halliburton Services*, 265 NLRB 1154 (1982); *National Van Lines*, 120 NLRB 1343, 1346 (1958); *NLRB v. A.J. Tower Co.*, 329 U.S. 324, 330 (1946). This discretion includes the ability to direct a mail-ballot election where appropriate. *San Diego Gas & Elec.* at 1144-1145.

The Board's longstanding policy is that elections should generally be conducted manually. NLRB Casehandling Manual Part Two Representation Proceedings, Sec. 11301.2. However, a Regional Director may reasonably conclude, based on circumstances tending to make voting in a manual election difficult, to conduct an election by mail ballot. *Id.* This includes a few specific situations addressed by the Board, including where voters are "scattered" over a wide geographic area, "scattered" in time due to employee schedules, in strike situations, or other extraordinary circumstances. *San Diego Gas*, *supra* at 1145.

On May 8, 2020, in *Atlas Pacific Engineering Company*, 27-RC-258742 (May 8, 2020), the Board, in denying the employer's request for review, stated that the COVID-19 pandemic constitutes extraordinary circumstances warranting a mail ballot where federal, state, and local government directives have limited nonessential travel, required the closure of nonessential businesses, and resulted in a determination that the regional office charged with conducting the election should remain on mandatory telework.

Under ordinary circumstances, it is likely that all parties would agree to a manual election and that I would approve that agreement. However, the current pandemic does not present ordinary circumstances. It is uncontroverted that the pandemic has impacted the State of New York.

Although requirements have been eased and a reopening has begun, guidelines at the federal, state and local level continue to recommend avoiding unnecessary travel or social contact as well as conducting business remotely when possible. Governor Cuomo has made it plain that requirements may need to be made more stringent again due to the overwhelming rise of COVID-19 in other states.

Although certain safety measures, if obeyed by everyone and carried out to perfection, might limit some close interaction and mitigate some of the unnecessary risks associated with conducting a manual or mixed mail-manual election here, the Board's mail-ballot process all but eliminates the inherent safety risks and equally ensures that employees can conveniently and freely exercise their right to vote. The State of New York has requested that work be performed remotely where possible. It is unquestionably possible to perform a fair election which enfranchises all voters via mail ballot.

While the Board has expressed a general preference for manual balloting, it has never hesitated to ballot by mail when the circumstances warrant it. Indeed, the Board's preference for manual elections is not to be interpreted as a suggestion that mail balloting is somehow inferior or a less reliable or effective means of determining employees' representational desires. As the Board noted in *London's Farm Dairy, Inc.*, 323 NLRB 1057, 1058 (1997):

[W]hile we agree with our dissenting colleague that the Agency has a proud long tradition of conducting elections by manual balloting and that most elections have been and are conducted manually, it has an equally long history of conducting elections by mail. From the earliest days of the Act, the Board has permitted eligible voters in appropriate circumstances to cast their ballots by mail. See, for example, *Lykes Bros. S.S. Co.*, 2 NLRB 102, 108, 111 (1936); *United Press Assns.*, 3 NLRB 344, 352 (1937); *Pacific Greyhound Lines*, 4 NLRB 520, 539 (1937); *Pacific Lumber Inspection Bureau*, 7 NLRB 529, 534 (1938); *Salt River Valley Water Users Assn.*, 32 NLRB 460, 472 (1941); *Continental Bus Systems*, 104 NLRB 599, 601(1953); and *National Van Lines*, 120 NLRB 1343 (1958).

The Employer has also argued that manual elections are typically more reliable than mail ballot elections. The majority opinion in *London's Farm Dairy, Inc.*, however, holds that balloting by mail is not in fact less effective and does not lend itself to subterfuge, coercion, invasion of privacy or other abuse. As the Board observed then, "Indeed, in the 62-year history of the Act, there has been only one reported instance of such abuse, see *Human Development Assn.*, 314 NLRB 821 (1994), and there is a similar record in the 71-year history of the Railway Labor Act (RLA), under which the use of mail ballots in representation elections has been the rule and not the exception." Furthermore, no manual election has been conducted by the National Mediation Board (NMB) under the RLA since 1987. Simply put, the Board has a long and proud tradition of conducting manual and mail-ballot elections alike. It simply prefers manual elections when, unlike here, it is feasible, safe, and practical to conduct.

The Employer argues that conditions throughout New York presently allow for some nonessential travel and the opening of some nonessential businesses, and that a manual election is therefore appropriate. This argument is not persuasive while conditions in New York City, where

the regional office charged with conducting such an election is located, may be altered at any time due to the overall trend of rising cases nationwide. At this time it is not feasible, nor safe, nor appropriate to conduct a manual election.

Luckily, as discussed above, the Agency has an alternative method of conducting an election via mail ballot. A mail ballot election has no apparent significant drawbacks. A mail ballot election will minimize the risk of exposing employees, Board agents, Employer and Union representatives, their families, and the public to this virus and, thereby, maximize participation. Additionally, given the current rapidity of changes to both recommended and mandatory virus countermeasures, a manual ballot election would be fraught with uncertainty and subject to unpredictable changes. For example, should the Board agent directed to conduct a manual election arrive at the Employer's premises running a low fever, the election would be unexpectedly postponed. If a group of the Employer's employees were exposed to COVID-19 several days before the election, they would be forced to forfeit their right to vote in order to quarantine themselves. Should the Board agent discover on the day of the election that any party or voter has not fully complied with the suggestions outlined in GC Memorandum 20-10, the Regional Director or designee may have to cancel the election. A mail-ballot election provides the certainty of process and procedure to conduct an election within a prompt period and in an effective manner.

Conclusion

The National Labor Relations Board will conduct a secret mail 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 Garage Employees Union Local No. 272.

A. Election Details

The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit. On August 14, 2020, ballots will be mailed to voters by National Labor Relations Board, Region 02. 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.

Voters should return their mail ballots so that they will be received in the National Labor Relations Board, Region 02 office by close of business on September 4, 2020.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by August 21, 2020, should communicate immediately with the National Labor Relations Board by either calling the Region 02 Office at (212) 776-8664 or our national toll-free line at 1-844-762-NLRB (1-844-762-6572).

Due to the extraordinary circumstances of COVID-19 and the directions of state or local authorities including but not limited to Shelter in Place orders, travel restrictions, social distancing and limits on the size of gatherings of individuals, I further direct that the ballot count will take place virtually, on a platform (such as Skype, WebEx, Zoomgov, etc.) to be determined by the

Regional Director, during the period Friday, September 11, 2020, through Friday, September 18, 2020, inclusive. The Region will provide notice to the parties of the scheduled date for the count at least 24 hours prior to the count. Each party will be allowed to have one observer attend the virtual ballot count.

If the dates the ballots are due to be deposited by Region in the mail, or the date set for their return, or the date, time, and place of the count for the mail ballot election are postponed or canceled, the Regional Director, in his or her discretion, may reschedule such dates, times, and places for the mail ballot election.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, 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.

C. Voter List

As required by Section 102.67(1) 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.

To be timely filed and served, the list must be *received* by the regional director and the parties by August 6, 2020. 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.

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

Notices of Election will be electronically transmitted to the parties, if feasible, or by overnight mail if not feasible. Section 102.67(k) of the Board's Rules and Regulations requires the Employer to timely post copies of the Board's official Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted. You must also distribute the Notice of Election electronically to any employees in the unit with whom you customarily communicate electronically. In this case, the notices must be posted and distributed no later than 12:01 a.m. on August 11, 2020. If the Employer does not receive copies of the notice by August 10, 2020, it should notify the Regional Office immediately. Pursuant to Section 102.67(k), a failure to post or distribute the notice precludes an employer from filing objections based on nonposting of the election notice.

To make it administratively possible to have election notices and ballots in a language other than English, please notify the Board agent immediately if that is necessary for this election. Also, if special accommodations are required for any voters, potential voters, or election participants to vote or reach the voting area, please tell the Board agent as soon as possible.

Please be advised that in a mail ballot election, the election begins when the mail ballots are deposited by the Region in the mail.

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.

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. If a request for review of a pre-election decision and direction of election is filed within 10 business days after issuance of the decision and if the Board has not already ruled on the request and therefore the issue under review remains unresolved, all ballots will be impounded. Nonetheless, parties retain the right to file a request for review at any subsequent time until 10 business days following final disposition of the proceeding, but without automatic impoundment of ballots.

Dated: August 4, 2020



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