

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14**

Eyemart Express, LLC

Employer

and

Case 14-RC-263568

IUE-CWA

Petitioner

DECISION AND DIRECTION OF ELECTION

On July 27, 2020,¹ IUE-CWA ("Petitioner") filed its original petition in this case with the National Labor Relations Board ("Board"). By this petition, Petitioner seeks to represent all full-time and regular part-time lab techs, lab managers, and retail opticians employed by Eyemart Express, LLC ("Employer") at its facility located in Springfield, Missouri.

The only matter at issue is whether the election should be conducted by manual or mail ballot method. Election arrangements, including the voting method, are not litigable matters at a pre-election hearing. Sec. 102.66(g)(1) of the Board's Rules and Regulations. See also, Representation-Case Procedures, 84 Fed. Reg. 69524, 69544 fn. 82 (Dec. 18, 2019) (citing *Manchester Knitted Fashions, Inc.*, 108 NLRB 1366, 1367 (1954)). On August 11, the parties entered into a stipulated record and shortly after, pursuant to that stipulation, the Employer submitted its position to me on the voting method and details of election.²

Based on the stipulated record, having reviewed the parties' positions, and having considered the factors discussed below, I have determined that because of the extraordinary circumstances presented by the ongoing COVID-19 pandemic, the Board will conduct this election by mail ballot.

POSITIONS OF THE PARTIES

On the face of the petition, Petitioner seeks a mail ballot election.

The Employer does not contend that COVID-19 is no longer an issue in the community. However, it does maintain that "a manual election is not infeasible based on the store's current operating status and COVID-19 safety precautions." The Employer's safety protocols are that it:

¹ All dates are in 2020 unless otherwise noted.

² The Petitioner did not submit a position statement.

- Requires all employees and customers to wear masks at all times inside the store;
- Provides gloves for use by employees and customers;
- Checks employees' temperatures at least twice daily, including at the beginning of shifts;
- Constantly assesses employees and customers for COVID-19 symptoms;
- Provides hand sanitizer throughout the store;
- Cleans and sanitizes "heavy touch areas" at least every hour;
- Deep cleans the store daily, before opening and after closing;
- Utilizes an airtight plexiglass divider shield on the pupilometer machine, which would otherwise involve close proximity between customers and employees;
- No longer permits customers to return eyewear to walls after trying the products, but instead utilizes an individualized "bucket" system in which any products touched by customers are sanitized before being returned to the wall;
- Utilizes a minimum five-minute hot water and soap washing system for sanitation, and will soon implement ultraviolet sanitation machines; and
- Has adopted touchless payment options.

In addition, the Employer offered to apply all the protocols in NLRB General Counsel Peter Robb's "Suggested Manual Election Protocols" memorandum (GC 20-10). Specifically, it would comply with:

- The election mechanics procedures, including limitation on the number of individuals present for the pre-election conference and ballot count;
- Pre-election certifications regarding individuals affected or potentially affected by COVID-19;
- Post-election certification of whether any individuals present for the election have been affected or potentially affected by COVID-19 since the election; and
- Election arrangements, including use of masks, plexiglass barriers, a spacious polling area, and floor markings, as well as provision of supplies such as disposable pencils, glue/tape, hand sanitizer, wipes, etc.

The Employer proposed a one-hour polling period on the retail floor of its store, from 8:00 a.m. to 9:00 a.m., before the store opens to the public, no earlier than Friday,

September 11.³ The record contains no evidence regarding the size of the retail floor or its ventilation or air circulation.

BOARD'S STANDARD

Congress has entrusted the Board with a wide degree of discretion in establishing the procedure and safeguards necessary to ensure the fair and free choice of bargaining representatives and 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 *NLRB v. A.J. Tower Co.*, 329 U.S. 324, 330 (1946); *Halliburton Services*, 265 NLRB 1154, 1154; *National Van Lines*, 120 NLRB 1343, 1346 (1958)). This discretion includes the ability to direct a mail ballot election where appropriate. *San Diego Gas* at 1144-1145. Whatever decision a Regional Director does make should not be overturned unless a clear abuse of discretion is shown. *National Van Lines* at 1346.

The Board's longstanding policy is that elections should, as a general rule, be conducted manually. NLRB Casehandling Manual (Part Two) Representation Proceedings, Sec. 11301.2.⁴ 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. *Ibid.* 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*, above at 1145.

Consistent with the recognition of the discretion afforded to Regional Directors, on April 17, the Board issued a "COVID-19 Operational Status Update,"⁵ which states in pertinent part:

³ The Employer noted it schedules the highest number of employees on Fridays and speculated employee absences on the Friday before Labor Day (September 7) "could be unusually high." The Employer provided no reason the election could not be held on August 28.

⁴ I note the provisions of the Casehandling Manual are not binding procedural rules. The Casehandling Manual is issued by the General Counsel—not the Board—and is intended to provide guidance to regional personnel in the handling of representation cases. *Patient Care*, 360 NLRB 637, 638 (2014) (citing *Solvent Services*, 313 NLRB 645, 646 (1994); *Superior Industries*, 289 NLRB 834, 837 fn. 13 (1988)); *Aaron Medical Transportation, Inc.*, 22-RC-070888 (unpublished 2013) (citing *Hempstead Lincoln Mercury Motors Corp.*, 349 NLRB 552, 552 fn.4 (2007); *Queen Kapiolani Hotel*, 316 NLRB 655, 655 fn.5 (1995)). See also *Sunnyvale Medical Clinic*, 241 NLRB 1156, 1157 fn. 5 (1979).

⁵ <https://www.nlr.gov/news-outreach/news-story/covid-19-operational-status-update>.

Representation petitions and elections are being processed and conducted by the regional offices. Consistent with their traditional authority, Regional Directors have discretion as to when, where, and if an election can be conducted, in accordance with existing NLRB precedent. In doing so, Regional Directors will consider the extraordinary circumstances of the current pandemic, to include safety, staffing, and federal, state and local laws and guidance.

The Board has recognized the COVID-19 pandemic to be extraordinary circumstances as contemplated by *San Diego Gas* since May. See, e.g., *Atlas Pacific Engineering Co.*, 27-RC-258742 (unpublished May 8, 2020) (relying on “the extraordinary federal, state, and local government directives that have limited nonessential travel, required the closure of nonessential businesses, and resulted in a determination that the regional office charged with conducting this election should remain on mandatory telework” to deny review of Regional Director’s decision to order a mail ballot election).

On July 6, General Counsel Peter Robb issued GC 20-10, a memorandum setting forth suggested manual election protocols, while specifically noting that it is not binding on Regional Directors because the Board—not the General Counsel—has authority over matters of representation. 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 General Counsel’s suggestions also include the Employer’s self-certification 24 to 48 hours before a manual election for 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. While the Employer stated it “[c]onstantly assesses employees and customers for COVID-19 symptoms,” the record does not indicate it tracks any of the above information for employees or customers in the building. This lack of information makes it difficult to confirm that a manual election will indeed be safe for all involved during the present pandemic. Moreover, following issuance of GC 20-10, the CDC updated its COVID-19 pandemic planning scenarios

and clarified the definition for the percent of transmission occurring prior to symptom onset (pre-symptomatic transmission). The CDC's "current best estimate" is that 50% of COVID-19 transmission occurs while people are pre-symptomatic and 40% of people with COVID-19 are asymptomatic⁶ and would neither be identified nor have sought testing. Similarly, the CDC's August 9 update for "Travel during the COVID-19 Pandemic" continues to warn travelers: "You may feel well and not have any symptoms, but you can still spread COVID-19 to others."⁷ Additionally, GC 20-10 does not provide an enforcement mechanism for any of its suggestions other than canceling the manual election, which would delay resolution of the question concerning representation. A mail ballot election avoids these concerns.

Recently, the Board affirmed that the ongoing COVID-19 pandemic constitutes extraordinary circumstances and it will continue to consider whether manual elections should be directed "based on the circumstances then prevailing in the region charged with conducting the election, including the applicability to such a determination of the suggested protocols set forth in GC Memorandum 20-10." See *Brink's Global Services USA, Inc.*, 29-RC-260969 (unpublished July 14, 2020) (denying review of Regional Director's decision to order a mail ballot election); *Sunsteel, LLC*, 19-RC-261739 (unpublished August 4, 2020) (same); *PACE Southeast Michigan*, 07-RC-257046 (unpublished August 7, 2020) (same).

Current State of the Pandemic in the Relevant Area

In assessing the local conditions, I must consider the state of the pandemic in Missouri, through which the Board agent conducting the election must travel,⁸ with particular attention to Springfield, where the Employer is located. The United States and the State of Missouri are currently in a declared state of emergency due to COVID-19. As of August 17, Missouri reported 68,623 COVID-19 cases, with 1,393 fatalities,⁹ and

⁶ "COVID-19 Pandemic Planning Scenarios" (updated July 10, 2020). <https://www.cdc.gov/coronavirus/2019-ncov/hcp/planning-scenarios.html> (accessed August 18, 2020).

⁷ "Travel during the COVID-19 Pandemic" (updated August 9, 2020). <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-during-covid19.html> (accessed August 18, 2020).

⁸ The Board agent would be coming from the area around Saint Louis or Kansas City, where the Board has offices. As of August 14, Kansas reported 35,167 cases and 405 deaths. "Kansas Coronavirus Disease 2019 (COVID-19): Overview." Kansas Department of Health and Environment. <https://www.coronavirus.kdheks.gov/160/COVID-19-in-Kansas> (accessed August 18, 2020).

⁹ "COVID-19 Outbreak." Missouri Department of Health & Senior Services. <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/> (accessed August 18, 2020).

the rolling seven-day average has steadily increased over the past week.¹⁰ Springfield has 1,988 confirmed cases, with 922 known active cases and 16 confirmed deaths.¹¹ On August 12, Springfield set a record for confirmed cases on a single day with 95.¹²

Current Federal, State, and Local Guidance

The United States Centers for Disease Control and Prevention (CDC) explains that COVID-19 is primarily spread from person to person.¹³ 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,” so its guidance recommends “limit[ing] in-person contact as much as possible.”¹⁴ Moreover, the CDC’s August 9 update for travelers 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).¹⁵

At the outset of the pandemic, Missouri was under stay-at-home orders from April 6 through May 3. By June 12, statewide restrictions had been lifted, in favor of local officials “put[ting] further rules, regulations, or ordinances in place.”¹⁶

¹⁰ “Missouri Coronavirus Map and Case Count.” *New York Times*. <https://www.nytimes.com/interactive/2020/us/missouri-coronavirus-cases.html> (accessed August 18, 2020).

¹¹ “COVID-19 Dashboard: Springfield-Greene County” (updated August 17, 2020). Springfield-Greene County Health Department. <https://www.springfieldmo.gov/5068/coronavirus> (accessed August 18, 2020).

¹² “August 12, 2020 - Health Department announces 95 new COVID-19 cases.” City of Springfield. <https://www.springfieldmo.gov/CivicAlerts.aspx?AID=7201> (accessed August 18, 2020)

¹³ I take administrative notice of the information, guidance, and recommendations of the CDC regarding COVID-19. See “Coronavirus (COVID-19)” and pages linked therein. <https://www.cdc.gov/coronavirus/2019-ncov/> (accessed August 18, 2020).

¹⁴ “Frequently Asked Questions, Spread” (updated August 4, 2020). U.S. Centers for Disease Control and Prevention. <https://www.cdc.gov/coronavirus/2019-ncov/faq.html> (accessed August 18, 2020).

¹⁵ “Travel during the COVID-19 Pandemic” (updated August 9, 2020). U.S. Centers for Disease Control and Prevention. <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-in-the-us.html> (accessed August 18, 2020).

¹⁶ “Governor Parson Announces Missouri Will Fully Reopen, Enter Phase 2 of Recovery Plan on June 16” (June 11, 2020). Missouri Governor Michael L. Parson. <https://governor.mo.gov/press-releases/archive/governor-parson-announces-missouri-will-fully-reopen-enter-phase-2-recovery> (accessed August 18, 2020).

On May 3, Springfield published its draft “Road to Recovery” framework, a four-phase plan originally set to end on July 23.¹⁷ However, on July 14, the City revised the plan and added Phase 3A, which mandates facemasks in most places of public accommodation, continuing occupancy limitations in most of these areas (except restaurants), and is currently in effect from July 16 through October 14.¹⁸ In the revised Road to Recovery plan, the Phase 4 restrictions and end date are “TBD.” It also instructs people to: “Avoid travel, especially to areas that are COVID-19 ‘hot spots.’ If you choose to travel, we strongly recommend that you self-quarantine for 14 days when you return to Greene County.”¹⁹

A MAIL BALLOT ELECTION IS APPROPRIATE

Whether a mail ballot election is appropriate in this case requires considering both the public health concerns presented by the COVID-19 pandemic and the Board’s stated preference for manual elections. The Employer correctly notes manual elections are the preference of the Board, and I recognize the “potential problems” associated with mail ballot elections referenced by the Employer are some of the reasons the Board has traditionally preferred manual elections.²⁰ I do not discount those concerns.

Absent the present pandemic, a manual election would almost certainly be held in this case. The employees are neither “scattered,” in the sense of worktime or workplace, nor is there a strike, lockout, or picketing. Prior to the current pandemic the Board regularly conducted manual elections under similar circumstances, and the location and polling period proposed by the Employer are consistent with how the Board would typically schedule such an election.

However, my decision in this case is ultimately based on the “extraordinary circumstances” presented by this public health emergency. I recognize a degree of reopening has begun, in the United States generally and in Springfield specifically. At the same time, it is not disputed that COVID-19 remains present in the community and

¹⁷ “Springfield-Greene Road to Recovery Plan Draft.” City of Springfield. <https://www.springfieldmo.gov/DocumentCenter/View/48899/Road-to-Recovery-Draft-Plan> (accessed August 18, 2020).

¹⁸ “Masking Ordinance and Phase 3A FAQs.” City of Springfield. <https://www.springfieldmo.gov/5244/Masking-Ordinance-and-Phase-3A-FAQs> (accessed August 18, 2020).

¹⁹ “Springfield-Greene County Road to Recovery Plan (Revised 7.14.2020).” City of Springfield. <https://www.springfieldmo.gov/DocumentCenter/View/48758/Road-to-Recovery-Phase-3A-Full-Chart> (accessed August 18, 2020).

²⁰ The Board’s general 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. See, e.g., *London’s Farm Dairy, Inc.*, 323 NLRB 1057, 1058 (1997) (showing the Board has conducted mail ballot elections since its earliest days).

presents a well-established and significant health risk. There is not an easily identifiable bright line that can designate when “extraordinary circumstances” have passed while the increased risk of transmission in group activities remains. The difficulty in trying to find a metric on which to base such a decision is demonstrated by the opposing evidence of the rising number of cases in Springfield and Greene County but the lowered governmental restrictions.

Ultimately, as the Board has made clear, this is a question of discretion. While the Employer has presented a comprehensive plan for a manual election, including compliance with suggested protocols in GC 20-10, I find the circumstances of this case make it appropriate to hold a mail ballot election. I find that the extraordinary circumstances presented by the COVID-19 pandemic remain present here for several reasons. First, my decision is based on the number of COVID-19 cases in Missouri, the undisputed continued presence of the virus in the Springfield area, and the severity of the COVID-19 risk. In relying on these considerations, I do note what appears to be a recent increase in cases in Greene County. It is not possible for me to know if this represents an increasing number of infections, a reflection of more widespread testing, better reporting, or simply a momentary spike in cases. However, it does raise the possibility that, if I order a manual election, I will be directing voters and others to congregate under circumstances more dire than those faced today. In any manual election voters will still physically come together in a single location, even if dispersed over time and socially distanced. This represents an increased risk of some degree to all those participating. Although the protocols suggested in GC 20-10 may mitigate some of the risk of transmission of COVID-19, I do not believe that the protocols would provide sufficient mitigation to justify holding a manual election given the circumstances present in this case.

Moreover, if an employee tests positive for COVID-19, suspects they may have COVID-19 due to symptoms, has an elevated temperature, or must be quarantined due to COVID-19 exposure, they will be deprived of their vote in a manual election. A mail ballot election avoids this significant pitfall and ensures all have an opportunity to vote regardless of their exposure to COVID-19 or health status. Furthermore, 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 Section 102.67(b) of the Board’s Rules and Regulations.

Again, the Employer’s plan to address these risks is comprehensive, attempting to place as many barriers as possible between participants. I find, ultimately, a safer manual election still involves physical interactions, congregating, and as such increased risk. Here, the Board has an established process that avoids these risks, its mail ballot

procedure. While mail balloting may not be the Board's general preference, it is one of the ways in which the Board conducts an election when circumstances dictate. Under the present circumstances I find it prudent to order a mail ballot election.

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.²¹

2. The labor organization involved 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) and (7) of the Act.

4. The following employees of the Employer constitute a voting group appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time lab techs, retail opticians, and lab managers employed by the Employer at its facility located at 1308 E. Battlefield Road, Springfield, Missouri, excluding office clerical employees, professional employees, guards, and supervisors as defined in the Act.

DIRECTION OF ELECTION

The 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 **IUE-CWA**.

²¹ The parties stipulated to the following commerce facts:

The Employer, Eyemart Express, LLC, a Delaware corporation with a place of business located at 1308 East Battlefield Road, Springfield, Missouri, is engaged in the manufacture and sale of prescription eyewear and related accessories. During the past twelve-month period, a representative period, the Employer purchased and received at its Springfield, Missouri facility goods valued in excess of \$50,000 directly from points located outside the State of Missouri.

A. Election Details

The election will be conducted by mail. The ballots will be mailed to employees employed in the appropriate voting group at **3:00 p.m. on Friday, September 11, 2020**, by an agent of Subregion 17 of the National Labor Relations Board. 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 that they are eligible to vote and do not receive a ballot in the mail by **Friday, September 18, 2020**, or otherwise require a duplicate mail ballot kit, should communicate immediately with the National Labor Relations Board by calling the Subregion 17 Office at (913) 275-6525.

Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Subregion 17 office by **3:00 p.m. on Friday, October 2, 2020**. **All ballots will be commingled and counted by an agent of Subregion 17 of the National Labor Relations Board on Friday, October 2, 2020 at 3:00 p.m.**, by videoconference to be arranged by the Region. In order to be valid and counted, the returned ballots must be received by the Subregion 17 office prior to the counting of the ballots. 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.

B. Voting Eligibility

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

To be timely filed and served, the list must be received by the Regional Director and the parties by **Friday, August 21, 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 Subregion and served electronically on the other parties named in this decision. The list may be electronically filed with the Subregion 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

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 non-posting of notices if it is responsible for the non-posting, and likewise shall be estopped from objecting to the non-distribution of notices if it is responsible for the non-distribution.

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 10 business 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.

Pursuant to Section 102.5(c) of the Board's Rules and Regulations, a request for review must be filed by electronically submitting (E-Filing) it through the Agency's web site (www.nlr.gov), unless the party filing the request for review does not have access to the means for filing electronically or filing electronically would impose an undue burden. 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.

August 19, 2020

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 Overland Park, Kansas, this 19th day of August 2020.



William B. Cowen, Acting Regional Director
National Labor Relations Board, Region 14
Subregion 17
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Overland Park, Kansas 66212-4677