



United States of America
National Labor Relations Board
NOTICE OF ELECTION



PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. (See VOTING UNITS in this Notice of Election for description of eligible employees.) A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by secret ballot carried out through the U.S. mail under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next pages of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Employees eligible to vote will receive in the mail *Instructions to Employees Voting by United States Mail*, a ballot, a blue envelope, and a yellow self-addressed envelope needing no postage.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNITS on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are not eligible to vote.

CHALLENGE OF VOTERS: An agent of the Board or an authorized observer may question the eligibility of a voter. Such challenge must be made at the time the ballots are counted.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.

METHOD AND DATE OF ELECTION: The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining units on **Monday, December 21, 2020**. Voters should return their mail ballots so that they will be received in the National Labor Relations Board, Region 29 office on **January 15, 2021**. However, all ballots contained in envelopes received before the count will be counted even if they are received after the close of business on January 15, 2021.

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 void.

If any eligible voter does not receive a mail ballot or otherwise requires a duplicate mail ballot kit, he or she should contact the Region 29 office by no later than **December 28, 2020**, in order to arrange for another mail ballot kit to be sent to that employee. Voters should communicate immediately with the National Labor Relations Board by either calling Board agent Marcia Adams at 718-765-6177 or by sending an email to Marcia.Adams@nlrb.gov.

Due to the extraordinary circumstances of COVID-19 and the directions of state and local authorities including but not limited to Shelter in Place orders, travel restrictions, social distancing and limits on the size of gatherings of individuals, the ballot count will take place via video conference and on a date and time to be determined by the Regional Director in consultation with the parties. The Region will provide notice to the parties of the scheduled date for the ballot count at least 24 hours prior to the count.



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VOTING UNITS VOTING GROUP – UNIT A:

Professional employees:

Included: All full-time and regular part-time Teachers employed by the Employer at its facilities located at 5002 8th Avenue, Brooklyn, New York; 4202 8th Avenue, Brooklyn, New York; 4116 8th Avenue; Brooklyn, New York; 757 60th Street, Brooklyn, New York; 871 50th Street, Brooklyn, New York; 6409 20th Avenue, Brooklyn, New York; 812 54th Street, Brooklyn, New York, and 713 43rd Street, Brooklyn, New York, who were employed by the Employer during the payroll period ending December 1, 2020.

Excluded: All non-professional employees, confidential employees, guards and supervisors as defined in Section 2(11) of the Act.

Ballot for Voting Group - Unit A

<p style="text-align: center;">UNITED STATES OF AMERICA National Labor Relations Board 29-RC-268720 OFFICIAL SECRET BALLOT For certain employees of BROOKLYN CHINESE-AMERICAN ASSOCIATION, INC.</p>		
Do you wish to be included with nonprofessional employees in a unit for the purposes of collective bargaining?		
MARK AN "X" IN THE SQUARE OF YOUR CHOICE		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;"> YES <input style="width: 40px; height: 20px;" type="checkbox"/> </td> <td style="width: 50%; text-align: center; padding: 5px;"> NO <input style="width: 40px; height: 20px;" type="checkbox"/> </td> </tr> </table>	YES <input style="width: 40px; height: 20px;" type="checkbox"/>	NO <input style="width: 40px; height: 20px;" type="checkbox"/>
YES <input style="width: 40px; height: 20px;" type="checkbox"/>	NO <input style="width: 40px; height: 20px;" type="checkbox"/>	
Do you wish to be represented for purposes of collective bargaining by DISTRICT 37, AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO?		
MARK AN "X" IN THE SQUARE OF YOUR CHOICE		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;"> YES <input style="width: 40px; height: 20px;" type="checkbox"/> </td> <td style="width: 50%; text-align: center; padding: 5px;"> NO <input style="width: 40px; height: 20px;" type="checkbox"/> </td> </tr> </table>	YES <input style="width: 40px; height: 20px;" type="checkbox"/>	NO <input style="width: 40px; height: 20px;" type="checkbox"/>
YES <input style="width: 40px; height: 20px;" type="checkbox"/>	NO <input style="width: 40px; height: 20px;" type="checkbox"/>	
<p>DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY. MARK AN "X" IN THE SQUARE OF YOUR CHOICE ONLY. If you make markings inside, or anywhere around, more than one square, you may request a new ballot by referring to the enclosed instructions. If you submit a ballot with markings inside, or anywhere around, more than one square, your ballot will not be counted.</p>		
<p><small>The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.</small></p>		

If a majority of the professional employees voting in Unit A vote "Yes" to the first question, indicating their desire to be included in a unit with non-professional employees, they will be so included, and their votes on the second question will be counted together with the votes of the non-professional employees in Unit B to decide the question concerning representation for the overall unit consisting of the employees in Units A and B. If, on the other hand, a majority of the professional employees voting in Unit A do not vote "Yes" to the first question, their ballots will be counted separately to decide the question concerning representation in a separate Unit A.

WARNING: This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board, and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government, and does not endorse any choice in the election.



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VOTING GROUP – UNIT B:

Non-professional employees:

Included: All full-time and regular part-time Teacher Assistants, Teacher Aides, Program Assistants, Program Aides, Janitors, Kitchen helpers, Kitchen Aides and Family Workers employed by the Employer at its facilities located at 5002 8th Avenue, Brooklyn, New York; 4202 8th Avenue, Brooklyn, New York; 4116 8th Avenue; Brooklyn, New York; 757 60th Street, Brooklyn, New York; 871 50th Street, Brooklyn, New York; 6409 20th Avenue, Brooklyn, New York; 812 54th Street, Brooklyn, New York, and 713 43rd Street, Brooklyn, New York, who were employed by the Employer during the payroll period ending December 1, 2020.

Excluded: All professional employees, confidential employees, guards and supervisors as defined in Section 2(11) of the Act.

Ballot for Voting Group - Unit B

 <p>UNITED STATES OF AMERICA National Labor Relations Board 29-RC-268720</p> 		
<p>OFFICIAL SECRET BALLOT For certain employees of BROOKLYN CHINESE-AMERICAN ASSOCIATION, INC.</p>		
<p>Do you wish to be represented for purposes of collective bargaining by DISTRICT 37, AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES AFL-CIO?</p>		
<p>MARK AN "X" IN THE SQUARE OF YOUR CHOICE</p>		
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RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- **Form, join, or assist a union**
- **Choose representatives to bargain with your employer on your behalf**
- **Act together with other employees for your benefit and protection**
- **Choose not to engage in any of these protected activities**
- **In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).**

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- **Threatening loss of jobs or benefits by an Employer or a Union**
- **Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises**
- **An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity**
- **Making campaign speeches to assembled groups of employees on company time where attendance is mandatory, within the 24-hour period before the mail ballots are dispatched**
- **Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals**
- **Threatening physical force or violence to employees by a Union or an Employer to influence their votes**

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact Board agent Marcia Adams at 718-765-6177 or visit the NLRB website www.nlr.gov for assistance.