

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

EXELA ENTERPRISE SOLUTIONS, INC.  
Employer

and

Case 22-RC-237040

UNITED STEEL, PAPER AND FORESTRY,  
RUBBER, MANUFACTURING, ENERGY,  
ALLIED & INDUSTRIAL SERVICE WORKERS  
INTERNATIONAL UNION, AFL-CIO-CLC  
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Certification of Representative is denied as it raises no substantial issues warranting review.<sup>1</sup>

JOHN F. RING,

CHAIRMAN

MARVIN E. KAPLAN,

MEMBER

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<sup>1</sup> In denying review with respect to Objection 2, we agree with the Employer that the Hearing Officer mischaracterized the scope of its electioneering objection by misquoting it such that it was narrowed to the standard set forth in *Milchem, Inc.*, 170 NLRB 362 (1968), and that the Regional Director did not explicitly correct that error. Because Objection 2 is not limited to allege conduct violative of the *Milchem* standard, we do not rely on the Employer's citation to, or the Regional Director's distinguishing of, *American Safety Equipment Corp.*, 234 NLRB 501 (1978) (Regional Director obligated to assess objectionable conduct uncovered during administrative investigation), enf. denied on other grounds 643 F.2d 693 (10th Cir. 1981). Nevertheless, we agree with the Hearing Officer and Regional Director that the Union agents' conduct does not meet the *Milchem* standard for objectionable electioneering, and we agree with the Regional Director that the conduct is not objectionable under *Electric Hose & Rubber Co.*, 262 NLRB 186 (1982). Further, the alleged conduct would not constitute objectionable electioneering under *Boston Insulated Wire & Cable Co.*, 259 NLRB 1118 (1982), enf. 703 F.2d 876 (5th Cir. 1983). Even assuming the Union agents disregarded a Board agent instruction to move "far, far away"—which is not necessarily the case here—they did not engage in any electioneering, were 80 feet away from the entrance to a polling site and were not in any designated no-electioneering area, and there is no evidence that, at the time, there were any complaints regarding their brief presence in the parking lot. See, e.g., *C & G Heating and Air Conditioning*, 356 NLRB 1054, 1055 (2011) (union representative's mere presence 77 feet from entrance to polling site not objectionable).

WILLIAM J. EMANUEL,

MEMBER

Dated, Washington, D.C., January 5, 2021.