

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

**INTERNATIONAL PAPER COMPANY**

**Employer**

**and**

**Case 19-RC-272466**

**ASSOCIATION OF WESTERN PULP AND  
PAPER WORKERS<sup>1</sup>**

**Petitioner**

**DECISION AND DIRECTION OF ELECTION**

International Paper Company (Employer) operates a paper recycling facility in Beaverton, Oregon. On February 9, 2021, Association of Western Pulp and Paper Workers (Petitioner) filed the instant petition seeking to represent a bargaining unit of approximately 32 employees at this facility.

The parties waived their right to a pre-election hearing and subsequently entered into a Stipulation in Lieu of Hearing (Stipulation), wherein they agreed that the sole issue that precluded reaching a stipulated election agreement is whether the election should be conducted in-person or by mail ballot, including the date(s) and/or times and place of election. The parties are not in dispute about any other issues related to the election.

The Stipulation provided that the parties file written statements with me wherein they should address their respective positions on the method of the election, specifically addressing the criteria set forth by the Board in *Aspirus Keweenaw*, 370 NLRB No. 45 (Nov. 9, 2020) and the General Counsel's Memorandum GC 21-01, *Guidance on Propriety of Mail Ballot Elections pursuant to Aspirus Keweenaw* (GC 21-01). A party proposing a manual election was further requested to address how such an election would be held in accordance with the factors set forth in General Counsel Memorandum GC 20-10, *Suggested Manual Election Protocols* (GC 20-10), including specifics as to how such an election could be conducted to ensure the safety and health

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<sup>1</sup> The parties stipulated that to the extent that the formal papers in this proceeding do not correctly reflect the names of the parties that they be amended to correctly reflect the names of the parties set forth herein.

of all participants. The parties timely filed their respective written statements,<sup>2</sup> with the Employer seeking a manual on-site election and the Petitioner asserting that a mail ballot election is appropriate.<sup>3</sup>

In addition to the method of the election, the parties were also asked to address the issue of the need for the Notice of Election and/or ballots to be translated into languages other than English, as well as identifying the portion of the voting group that speaks a foreign language and does not read English, as well as other related issues discussed in further detail below.

The Board has delegated its authority in this proceeding to me pursuant to Section 3(b) of the Act. Considering the record as a whole, including the positions of the parties and their written statements,<sup>4</sup> and after applying the factors set forth in *Aspirus Keweenaw, supra*, to the circumstances in the instant case, I am directing that a mail ballot election be held.

## **METHOD OF ELECTION**

The Employer's Beaverton paper recycling facility at issue in this decision is located in Washington County, Oregon, which has a population of approximately 600,000 people. The work force consists of 32 employees, including two truck drivers, working staggered shifts. They have continued to work at the facility throughout the COVID-19 pandemic.

The Employer essentially asserts that none of the factors enunciated by the Board in *Aspirus Keweenaw, supra*, that would warrant a mail ballot election are present in the instant case. Moreover, a manual election can be safely held at the Employer's facility in accordance with the guidelines set forth in GC Memoranda GC 20-10 and 21-01, as discussed in further detail below.

Furthermore, according to the Employer, there are other compelling circumstances that militate against having the unit employees vote by mail ballot, specifically, the fact that seven of the unit employees are of Thai/Laotian origin and speak an unwritten dialect known as Mien which has no alphabet. The Employer asserts that two of the Mien-speaking employees can speak and/or comprehend some English. The five remaining employees do not speak English, and cannot read, write, or understand any written language. Consequently, the Employer argues, these Mien-speaking employees would not be able to comprehend the Board materials or the mail ballot and accompanying ballot instructions. Thus, these employees would be effectively disenfranchised from voting.

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<sup>2</sup> I note that the Union failed to serve its written statement on the Employer in a timely manner. However, I will accept and consider the Union's written statement because the service requirement was a function of the parties' Stipulation rather than a requirement pursuant to the Board's Rules and Regulations.

<sup>3</sup> While the Union initially agreed that a manual election could be safely held at the Employer's facility, it subsequently changed its position in favor of a mail ballot election.

<sup>4</sup> I have not relied upon the Employer's initial Statement of Position submitted in response to the filing of the petition, as it was not timely filed with the Region. However, most of the arguments contained therein were reiterated in its written statement.

In contrast, the Employer argues, were the election to be held at the Employer’s facility, a Mien/English translator could be made available by the Board or, if one cannot be obtained, the Employer could provide a neutral Mien/English translator to help translate ballot materials for these employees.<sup>5</sup> The Employer also notes that there are Spanish-speaking employees in the unit but does not specifically argue that Spanish language voting materials are needed.

The Union takes the position that a mail ballot election should be ordered in view of the current status of the COVID-19 pandemic and its emerging variant strains in Oregon. With regard to the language issue, the Union agrees there are seven employees who speak the unwritten Mien dialect and two of these employees understand English and translate for the remaining five employees in the workplace. Further, the Union is also unaware of any language the monolingual Mien speakers are capable of reading. The Union argues that the monolingual Mien-speaking employees will require a Mien-speaking translator regardless of whether the election is conducted manually or by mail. The Union further notes that there are several Spanish-speaking employees who may also require ballot materials to be provided in Spanish but does not provide the number of employees or if they are able to read and understand English.

Before analyzing the appropriateness of a mail ballot election in this case in light of *Aspirus Keweenaw*, *supra*, I shall address the language issue described above by the Employer. In this regard, I note that I am unpersuaded by the Employer’s arguments concerning the literacy of five of its employees and its effect on a mail ballot election. First, the Board has previously denied review in a case where the employer raised a concern regarding the literacy of some of its employees. In that case, the Regional Director stated, “With regard to the issue raised by the Employer as to the literacy of some of its employees, the undersigned is of the view that the issue of an employee’s literacy is the same whether the election is conducted manually or by mail.” *North American Plastics Corp.*, 326 NLRB 835, 838 (1998).<sup>6</sup> Thus, I do not find this concern warrants a manual election, particularly in view of my findings set forth below.

The COVID-19 pandemic has had a profound impact on daily life in the United States beginning in March 2020. In the ensuing year, there have been over 30 million reported cases in the United States, resulting in 546,000 deaths.<sup>7</sup> The Centers for Disease Control and Prevention (CDC) noted early on that the virus causing COVID-19 is spread through close contact from person to person or by respiratory droplets from infected individuals closer than 6 feet away or even after they have left an area. In response, the CDC advised and continues to advise that the most important actions in slowing the spread of the virus include wearing a face covering in public, observing “social distancing” of at least six feet, and avoiding crowds.<sup>8</sup>

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<sup>5</sup> According to the Employer, monolingual Mien-speaking employees are assisted in the workplace by their bilingual Mien/English speaking coworkers who translate for them during working hours.

<sup>6</sup> Moreover, either party may present evidence of actual disenfranchisement of voters, if applicable, in post-election objections.

<sup>7</sup> See Johns Hopkins University of Medicine – Coronavirus Resource Center <https://coronavirus.jhu.edu/map.html> (last referenced March 26, 2021).

<sup>8</sup> See, generally, *Ways COVID-19 Spreads*, and *Protect Yourself*, <https://www.cdc.gov/coronavirus/2019-ncov/>

Although the CDC did not directly address Board elections, it has issued guidance on elections and voting, emphasizing that “the more an individual interacts with others, and the longer that interaction, the higher the risk of COVID-19 spread.” Consequently, the CDC recommends a number of ways to reduce the risk of spreading the virus during elections, including “where available ... offer alternative voting methods that minimize direct contact and reduce crowd size,” particularly as alternatives to in-person voting.<sup>9</sup> The Board’s methods of conducting elections has been affected by much of the foregoing.

Congress has entrusted the Board with a wide degree of discretion in establishing the procedures 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 & Elec.*, 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*, 325 NLRB at 1144-45. Whatever decision a Regional Director does make should not be overturned unless a clear abuse of discretion is shown. *National Van Lines*, 120 NLRB at 1346.

The Board's longstanding policy is that elections should, as a rule, be conducted manually. *National Labor Relations Board Casehandling Manual Part Two Representation Proceedings, Sec. 11301.2*.<sup>10</sup> 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 unspecified extraordinary circumstances. *San Diego Gas*, *supra* at 1145.

After a short hiatus early in the pandemic, the Board resumed conducting elections in April 2020. Many Regional Directors, including myself, primarily directed mail ballot elections in view of the “extraordinary circumstances” presented by the COVID-19 pandemic. On July 6, 2020, the General Counsel issued GC 20-10, containing suggested manual election protocols addressing safely conducting on-site elections during the pandemic.

Subsequently, in *Aspirus Keweenaw*, 370 NLRB No. 45 (Nov. 9, 2020), the Board provided a framework as to how Regional Directors should assess the risks associated with conducting a manual election during the pandemic when considering the method of election.<sup>11</sup> The Board reaffirmed its long-standing policy favoring manual elections, but provided that a Regional Director should consider directing a mail ballot election when one or more of the following situations exists:

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<sup>9</sup> CDC, *Elections and Voting*, <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>

<sup>10</sup> I note that the provisions of the *Casehandling Manual* are not binding procedural rules: it is issued by the General Counsel of the National Labor Relations Board and not the Board and is intended to provide guidance to regional personnel in the handling of representation cases. See *Patient Care*, 360 NLRB 637 (2014), citing *Solvent Services*, 313 NLRB 645, 646 (1994).

<sup>11</sup> The General Counsel concurrently issued Memorandum GC 21-01 *Guidance on Propriety of Mail Ballot Elections, Pursuant to Aspirus Keweenaw* (GC 21-01) to provide further guidance to the Regions.

1. The Agency office tasked with conducting the election is operating under "mandatory telework" status;
2. Either the 14-day trend in number of new confirmed cases of COVID-19 in the county where the facility is located is increasing, or the 14-day testing positivity rate in the county where the facility is located is 5 percent or higher;
3. The proposed manual election site cannot be established in a way that avoids violating mandatory state or local health orders relating to maximum gathering size;
4. The employer fails or refuses to commit to abide by GC Memo 20-10, *Suggested Manual Election Protocols*;
5. There is a current COVID-19 outbreak at the facility or the employer refuses to disclose and certify its current status; or
6. Other similarly compelling circumstances.

After careful consideration of the parties' stipulation and written statements, in addition to the current state of the COVID-19 virus in Washington County, Oregon where the facility is located, as well as extant Board law and General Counsel guidance, I have determined that a mail ballot election is appropriate. In reaching this conclusion, I have applied the six considerations set forth in *Aspirus Keweenaw, supra*, as described above, to the facts of this case.

In applying these factors, I note that a number are not present in this case. Specifically, the first circumstance is not a consideration because the Subregional office in Portland, Oregon that would conduct a manual election is not currently in mandatory telework status.

Regarding the third and fourth factors, I find no state, county or local measure regarding maximum gathering size would be implicated by conducting a manual election at the Employer's facility. Further, I find the Employer's commitments regarding precautions for a manual election that are set out in detail in its written statement are generally consistent with GC Memo 20-10, including the provision of the required certifications 14 days prior to a scheduled election. Thus, neither of these circumstances would militate against a manual election. Moreover, with regard to the fifth factor, there is no evidence that a COVID-19 outbreak is ongoing at the Employer's facility, although there have been three reported cases of infection between November 2020 and January 2021.

The second consideration set forth in *Aspirus Keweenaw, supra*, hinges on whether the 14-day trend of new confirmed cases of COVID-19 in the county where the facility is located is increasing, or the 14-day testing positivity rate in that county is 5 percent or higher. While the presence of any of the six enumerated factors would be sufficient to justify holding a mail ballot election, this factor deserves particularly close scrutiny.

The Johns Hopkins Coronavirus Resource Center shows the State of Oregon currently has an average positivity rate over the 7 days preceding the issuance of this decision of 2.2%.<sup>12</sup>

The website for Washington County, where the Employer's facility is located, shows that the county is classified at the "Moderate" risk level with a total of 22,055 reported cases of COVID-19 as of March 24, 2021. The positivity rate for the two-week period beginning March 14, 2021 (the latest date for which figures were available at the time of the issuance of this decision) is 2.3%, while the positivity rate for the two-week period beginning February 28, 2021, was 1.9%. This shows that the positivity rate in Washington County is increasing, while still below the Board's 5 percent threshold.<sup>13</sup>

Utilizing the Johns Hopkins University COVID-19 Status Report for Washington County, the most recent information as to the 14-day trend in the number of new cases as of March 26, 2021 shows that there were 53 cases one day earlier, 56 cases three days earlier, and 41 cases 14 days earlier. I note that there was significant fluctuation in the middle, including a drop to 2 reported cases. However, the highest numbers of reported cases in the 14-day period occurred within the last three days, thus the 14-day trend in number of new confirmed cases of COVID-19 in Washington County is increasing.<sup>14</sup>

I additionally find the sixth factor – other similarly compelling circumstances – exists to a sufficient degree to justify ordering a mail ballot election. Specifically, the evolving nature of the coronavirus itself and the ongoing emergence of variants of the virus supports this conclusion. According to the CDC, these variants can cause more severe disease, spread more easily between humans, require different treatments, and/or alter the effectiveness of vaccines.<sup>15</sup> The CDC indicates that it is working to learn more about these variants and is studying them to assess how to control their spread.<sup>16</sup>

Earlier this year, three significant variants of COVID-19 from the United Kingdom, South Africa, and Brazil, were first detected in the United States. More recently, scientists in Oregon have announced evidence of a COVID-19 variant discovered in a patient in Portland, Oregon similar to the U.K. strain but also carrying a mutation seen in variants of the virus being spread in South Africa, Brazil and New York City. According to these scientists, genetic analysis suggests that the single case was contracted from the community and did not originate in the patient, and they warned that this variant's mutations may make it less susceptible to extant vaccines.<sup>17</sup>

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<sup>12</sup> See <https://coronavirus.jhu.edu/testing/tracker/overview> (last referenced March 26, 2021)

<sup>13</sup> See <https://www.co.washington.or.us/apps/covid-19/> (last referenced March 26, 2021).

<sup>14</sup> See <https://bao.arcgis.com/covid-19/jhu/county/41067.html> - *Covid 19 Status Report*, County Case Data, Washington OR (last referenced March 26, 2021).

<sup>15</sup> *US COVID-19 Cases Caused by Variants*, <https://www.cdc.gov/coronavirus/2019-ncov/transmission/variantcases.html> (last visited March 25, 2021); *About Variants of the Virus that Causes COVID-19*, <https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant.html> (last visited March 26, 2021).

<sup>16</sup> *Id.*

<sup>17</sup> <https://www.usnews.com/news/health-news/articles/2021-03-05/scientists-discover-mutation-of-uk-coronavirus-strain-in-oregon>; <https://www.seattletimes.com/nation-world/in-oregon-scientists-find-a-coronavirus-variant-with-a-worrying-mutation/>

The 14-day trend in number of new confirmed cases of COVID-19 in Washington County is increasing and the uncertainty of added risks with the recently emerging variants in Oregon, which were not yet present in the United States at the time of the Board's decision in *Aspirus Keweenaw*, constitute compelling circumstances. For these reasons, I have directed a mail ballot election.<sup>18</sup>

## CONCLUSIONS

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, and for the reasons stated above, 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.<sup>19</sup>
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 Sections 2(6) and (7) of the Act.
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 full-time and regular part-time production and maintenance employees, shipping and receiving employees, plant leads, baler/loader operators, material handlers, maintenance technicians, scale clerks, traffic clerks, and truck drivers employed by the Employer at or out of its recycling facility located in Beaverton, Oregon;

***Excluded:*** All managerial employees, office clerical employees, temporary employees, and guards and supervisors as defined by the Act.

***Others Permitted to Vote:*** The parties agreed that the Transportation Leads and Shipping and Receiving Coordinators may vote in the election, but their ballots will be challenged since their eligibility has not been resolved. No decision has been made

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<sup>18</sup> I take administrative notice that while Portland is in Multnomah county, it is only approximately 7 miles from the Employer's facility in Beaverton, Washington County. Moreover, Washington County is considered to be part of the greater Portland metropolitan area. See, generally, U.S. Office of Management and Budget (OMB) [www.whitehouse.gov/omb](http://www.whitehouse.gov/omb).

<sup>19</sup> The parties stipulated to the following facts regarding commerce:

The Employer, International Paper Company, is a New York corporation with an office and place of business located in Beaverton, Oregon engaged in providing recycling services. During the past twelve months, a representative period, the Employer in the conduct of its operations derived gross annual revenue in excess of \$500,000. During the same period, the Employer purchased and received goods valued in excess of \$50,000 directly from points located outside the State of Oregon.

regarding whether the individuals in these classifications or groups are included in, or excluded from, the bargaining unit. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

There are approximately 32 employees in the unit.

## **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 **ASSOCIATION OF WESTERN PULP AND PAPER WORKERS**.

### **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 a designated official of the National Labor Relations Board, Subregion 36, 1220 SW 3<sup>rd</sup> Avenue, Suite 605, Portland, OR 97204 on **Tuesday, April 13, 2021 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 that they are eligible to vote and did not receive a ballot in the mail by Tuesday, April 27, 2021, 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, May 11, 2021**. All ballots will be commingled and counted by an agent of Subregion 36 of the National Labor Relations Board on **Thursday, May 13, 2021 at 10:00 a.m.** with participants being present via electronic means. No party may make a video or audio recording or save any image of the ballot count. If, at a later date, it is determined that a ballot count can be safely held in the Subregion 36 office, the Region will inform the parties with sufficient notice so that they may attend. The parties agreed in the Stipulation that, in the event I ordered a mail ballot election, only those ballots that are received by the Region prior to the due date and time, which is by **4:30 p.m. on Tuesday, May 11, 2021**, will be counted and that no objections will be filed based upon any such untimely received ballots.

### **B. Voting Eligibility**

Eligible to vote are those in the unit who were employed during the payroll period ending **March 21, 2021**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

The parties agreed that the Transportation Leads and Shipping and Receiving Coordinators may vote in the election, but their ballots will be challenged since their eligibility has not been resolved. No decision has been made regarding whether the individuals in these classifications or

groups are included in, or excluded from, the bargaining unit. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

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(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 Tuesday, March 30, 2021. 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](http://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](http://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 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 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. The parties stipulated that a request for review would be limited to the issues of the method, date, time, and place of the election ordered.

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](http://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, and must be accompanied by a statement explaining the circumstances concerning not having access to the Agency's E-Filing system or why filing electronically would impose an undue burden. 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 at Seattle, Washington on the 26<sup>th</sup> day of March, 2021.

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive style and is positioned above a horizontal line.

Ronald K. Hooks, Regional Director  
National Labor Relations Board, Region 19  
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