MVM, Inc.

Employer

and

INTERNATIONAL UNION, SECURITY, POLICE & FIRE PROFESSIONALS OF AMERICA (SPFPA)

Petitioner

DECISION AND DIRECTION OF ELECTION

International Union, Security, Police & Fire Professionals of America (SPFPA) (Petitioner) filed a petition with the National Labor Relations Board seeking to represent a unit of approximately 140 full-time and regular part-time Child and Family Protection Care Specialists employed by the Employer at its facility located at 9035 Aero Street, San Antonio, Texas 78217.

The Employer objects to the petition, alleging that the Child and Family Protection Care Specialists are not guards pursuant to Section 9(b)(3) of the Act. As such, the Employer asserts that the employees in the petitioned-for unit may not be represented by the Petitioner.

Having considered the positions of the parties in their position statements, the hearing testimony and briefs, along with all other relevant evidence and Board law, I find that the Employer has failed to meet the burden required to establish that the employees are not guards within the meaning of the Act. Therefore, I am directing a mail ballot election for the unit as petitioned-for by the Petitioner.

I. THE EMPLOYER’S OPERATION

The Employer is a federal contractor that provides security services to Immigration and Customs Enforcement (ICE) and has a place of business located at 9035 Aero Street, San Antonio, Texas 78217. In the relevant contract with ICE, the Employer transports unaccompanied minors and families from facilities on the US-Mexico border (the border herein) to shelters or licensed facilities. As stipulated in Board Exhibit 2 at the hearing, there is no prior collective bargaining history involving the petitioned-for unit at this facility.
II. POSITIONS OF THE PARTIES

The Employer argues that Child and Family Protection Care Specialists are not guards pursuant to Section 9(b)(3) of the Act, thereby precluding the Petitioner from representing the petitioned-for unit. The Petitioner argues the Child and Family Protection Care Specialists are guards as defined in the Act.

The parties agree that those employees who should be excluded from the petitioned-for unit include: All other employees, office clerical employees, professional employees, confidential employees, managers, and supervisors as defined in the National Labor Relations Act.

III. LEGAL STANDARDS

A. Guard Unions

Section 9(b)(3) of the Act prohibits the Board from certifying a union as the representative of a unit of guards if the union admits non-guards to membership or is affiliated, directly or indirectly, with an organization that admits non-guards to membership. 29 U.S.C. § 159(b)(3); see, e.g., Brinks, Inc., 274 NLRB 970, 970–71 (1985); Stewart-Warner Corp., 273 NLRB 1736, 1737 (1985); International Harvester Co., 145 NLRB 1747, 1749–51 (1964); Mack Mfg. Corp., 107 NLRB 209, 212 (1953).

Pursuant to Section 9(b)(3) of the Act, the Board shall not:

- decide that any unit is appropriate… if it includes, together with other employees, any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer’s premises….

Congress enacted this section of the Act out of a concern about conflicts of interest that might arise if guards were represented by unions that also represented non-guard employees. Burns Security Services, 300 NLRB 298, 299 (1990) enf. denied 942 F 2d 519 (8th Cir. 1991). As the Board noted in The Boeing Company, 328 NLRB 128, 130 (1999), Congress was particularly concerned about the role a disputed employee may play during a period of industrial unrest or strike by other employees of the employer. Congress sought to prevent conflicts that might arise if, for instance, during a strike by non-guard employees represented by the same union as guards, the guards were required to enforce security rules against their striking co-workers. Id

The conflict that Congress sought to avoid by inserting the rule of 9(b)(3) is not normally implicated in situations where the employees at issue are primarily responsible for guarding non-employees. However, whatever the intent of Congress may have been, the statutory language is clear and thus I address the dispositive issue of whether Child and Family Protection Care Specialists qualify as guards under Section 9(b)(3), which is essential to determining whether the Petitioner may represent these employees.
B. Guards

To be considered a guard under the Act, an individual must enforce rules to protect property or keep people safe. Reynolds Metal Co., 198 NLRB 120, 120 (1972). Employees with mixed duties are guards where a portion of their time, and a significant portion of their job, is spent performing guard duties including enforcement of company rules as a continued part of their responsibility. Id. Access to employer property, and admitting persons onto the property, is insufficient to establish guard status where the employees had no authority to enforce rules to protect property or persons. Meyer Mfg. Corp., 170 NLRB 509, 509-510 (1968).

In The Boeing Company, supra, the Board described typical guard responsibilities or functions as including seven factors: “the enforcement of rules directed at other employees; the possession of authority to compel compliance with those rules; training in security procedures; weapons training and possession; participation in security rounds or patrols; the monitor and control of access to the employer’s premises; and wearing guard-type uniforms or displaying other indicia of guard status.” see also Wolverine Dispatch, Inc., 321 NLRB 796, 798 (1996); 55 Liberty Owners Corp., 318 NLRB 308, 310 (1995).

It is not necessary that the alleged guards, in fact, enforce rules themselves in order to be considered guards within the meaning of the Act; the possession and exercise of the responsibility to observe and report infractions of rules to protect property and safety of persons is sufficient. The Wackenhut Corporation, 196 NLRB 278, 279 (1972).

As the Board explained in Rhode Island Hospital, 313 NLRB 343, 346 (1993), the controlling factor in determining “guard” status is the nature of the duties of the alleged guard and not the percentage of time which the alleged guard spends performing these duties. Nevertheless, the Board in Rhode Island Hospital did consider whether the guard responsibilities were a “minor or incidental part” of the disputed employees’ overall responsibilities. Id at 347.

That guards are instructed to notify the police does not necessarily “detract from their guard status. Rather it is sufficient that they possess and exercise responsibility to observe and report trespass infractions because this is an essential part of the Employer’s procedures for protecting the premises and equipment.” Allen Services Co., 314 NLRB 1060, 1062 (1994).

The Board has previously addressed two important considerations regarding guards. First, are employees who primarily perform guard functions off of the Employer’s premises considered guards? Second, are employees whose guard duties primarily involve guarding wards or inmates considered guards? In both cases, the Board has answered in the affirmative.

With respect to the performance of off-premises guard duties, the Board has considered the guard status of delivery employees such as those who drive armored cars or those employed as couriers. In such cases, the Board must determine if the employees’ “basic function must involve ‘directly and substantially, the protection of valuable property of the Employer’s customers.’ Accordingly, the issue here is whether the basic duties of the instant courier-guards focus on the protection of customer property so as to make these employees classifiable as guards under Section 9(b)(3).” Purolator Courier Corp., 300 NLRB 812, 814 (1990) (finding courier-guards not to be guards, but more similar to delivery drivers because they “receive only minimal training and
instruction regarding the protection and safety of customer property; they are not trained or authorized to use physical force or weapons; they have job duties that merely require the pickup, transport, and delivery of customer property with minimal access to customer premises; they are minimally accountable to the Employer for the property involved; and they are held out to the public by the Employer as delivery persons and not guards” quoting Purolator Courier Corp., 266 NLRB 384, 385 (1983).

With respect to the status of those who guard wards or inmates, the Board has found that such duties may establish guards status. Thus, the Board held that corrections officers who “prevent escapes and unruly behavior of adult convicts,” who are also often armed and trained to remove unruly inmates, are guards. Corrections Corp. of America, 327 NLRB 577, 579 (1999). The inquiry is fact dependent and, conversely, the Board held that “nightmen” at a facility for delinquent teenagers, who did not carry weapons or search inmates, were not guards even though their responsibilities included preventing residents from leaving the premises. George Junior Republic, 224 NLRB 1581, 1583 (1976).

IV. ANALYSIS OF RECORD EVIDENCE

The petitioned-for unit of approximately 140 employees work as Child and Family Protection Care Specialists. The Employer contends that they are not guards pursuant to Section 9(b)(3) of the Act and thus may not be represented by a guard union. I find that the Employer has not met its burden of proof concerning this argument.

A. Child and Family Protection Care Specialists (CFPCS)

Duties

Previously called Transportation Specialists, CFPCS transfer unaccompanied minors and families from detention facilities on the border to licensed facilities or influx shelters sponsored by the Office of Refugee Resettlement. CFPCS, are “responsible for the safe and secure transportation of unaccompanied minor(s) and families.” To meet their responsibilities, they must “take custody” of unaccompanied children and/or families. CFPCS hold “I-216” forms while accompanying the detainees, which provide them temporary custody of these detainees. This form is filled out within secure facilities when the detainees are picked up and dropped off by CFPCS to maintain a chain of custody.

After picking up detainees from the secure border patrol facility, CFPCS transport minors and families by commercial flights, charter buses, or Employer-owned vans. CFPCS typically do not drive these vehicles themselves, except on occasions when driving rental cars or Employer-owned 15-person passenger vans. When minors or families are “repatriated,” or returned to their country of origin, ICE Deportation Officers accompany the CFPCS. Similarly, ICE Agents or security contractors will accompany CFPCS and the families to “staff secure” facilities or during over-night stays. CFPCS always work in pairs.

CFPCS work “as-needed,” meaning that they do not work regular 40-hour weeks. Instead, they receive requests for work through texts or phone calls from the Employer’s Command
Centers. The Command Centers also assist CFPCS with coordinating transportation during the assignments.

CFPCS are not armed. They do not wear uniforms and are not bonded or deputized by any governmental body. Instead, CFPCS wear business casual attire so that the public is not aware that ICE detainees are traveling near them. They are not licensed as security guards. CFPCS carry both MVM cards as well as government-issued PIV cards, emblazoned with “ICE”, which allow them to obtain access to secure facilities to pick up and/or drop off the detainees.

CFPCS normally carry string cuffs, a soft restraint method similar to shoe-strings. At times, they are provided with traditional, metal handcuffs. CFPCS are trained in the use of string cuffs and traditional, metal handcuffs. The record reflects at least one incident when CFPCS used traditional, metal handcuffs, provided by their site supervisor, to restrain soon-to-be-deported, Haitian immigrants who began an uprising on a bus after an unexpected plane delay.

Although their job description includes that CFPCS be prepared “to work with uncooperative individuals in both controlled and uncontrolled situations,” the Employer contends that “uncooperative individuals” refers to difficult teenagers, which it downplays as relatively benign, and posits that CFPCS’ duties are to calm such minors. An example of an “uncontrolled situation” included a traffic accident, during which it could become more difficult to monitor and maintain custody of detainees. CFPCS are authorized to use restraints in certain circumstances, they accompany adults as well as youth, and they have faced escape attempts.

In the event of potential escapes, CFPCS are directed not to chase the minors or families because others may be left behind. Instead, they are instructed to “de-escalate” before an escape attempt or to prevent an attempt if possible, and then, in the event of an escape, to report it immediately to the police, the Command Center, and to the relevant security team (such as airport security). On at least one occasion, CFPCS called the police during an uprising of Haitian citizens who were being deported. In September 2021, CFPCS used metal handcuffs on detainees trying to escape a bus. If CFPCS do not call the authorities during an escape, they will be subject to discipline. The record reflects that detainee attempts to escape, including attacking CFPCS and breaking windows, are frequent, especially during deportations. In such circumstances, CFPCS are occasionally required to use force without prior, specific permission from the Command Center.

CFPCS report on “trip progress” through a mobile application on a tablet, which includes hourly reports on the line of sight of the detainees, including reports on the detainees’ activities, such as eating, sleeping, and communicating with each other. They must report on “disruptions or concerns throughout the transportation route” and submit a report at the end of each trip. These reports are stored in a central database.

CFPCS conduct “searches of the [unaccompanied children] and [their] personal property before taking custody.” These searches include pat-down searches of each detainee to search for contraband, including weapons or cell phones. The record reflects that ICE requires cell phones be taken away from detainees during transport. CFPCS must secure “the perimeter of restrooms” and search the transportation vehicles and/or airplanes for potential weapons prior to boarding.
Background & Training

At the time of hiring, CFPCS are background-checked by the Employer and by ICE, fingerprinted, and photographed.

CFPCS receive approximately two days of in-person training at the beginning of their tenure. This training includes emergency procedures and suicide prevention and intervention, as well as handling medications, tracking routes taken during transport of detainees, ICE policies, and communication with minors and families, among other duties. CFPCS also receive training on how to conduct an appropriate search of detainees, on the appropriate use of force, on using restraints, and on defensive techniques. This training includes role-playing of take-down techniques. CFPCS also refresh their training on a quarterly basis, sometimes in person and sometimes virtually. They do not receive firearms training.

B. Child and Family Protection Care Specialists are Guards under the Act

The Employer emphasizes the care duties of the CFPCS, including giving food, clothing, and guidance to unaccompanied youth. However, a federal judge has viewed the Employer’s similar childcare-duty emphasis (made in a different context), with suspicion. See Jenny L. Flores v. William P. Barr, No. CV854544DMGAGRX, 2020 WL 5491445, at *8 (C.D. Cal. Sept. 4, 2020) (“Children as young as 10 are left alone with an adult who has no qualifications or training in childcare. Defendants offer no formal protocols for how MVM Specialists are to adequately care for unaccompanied minors, other than vague assurances that they “interact” with the children by playing games or turning on the TV.”) Irrespective of the facts at issue in that case, which could well have changed in the interim, the record in this case establishes that the primary responsibility of CFPCS is clearly to securely transport detainees of the United States Government, both children and adults, from secure facility to secure facility, and nearly every CFPCS duty relates to this function.

Because the Board has considered cases involving the first clause of Section 9(b)(3)—“protect property of the employer”—in the context of off-premises transportation work (i.e., armored car drivers) and the second clause—“protect the safety of persons”—in the context of mostly stationary ward/inmate guard duties, it is necessary to address whether an employee who secures the transportation of persons is a guard under the Act.

Given the Employer’s contractual obligation owed to the United States Government to securely transport detainees and its property interest flowing from fulfilling its contractual obligation, the case falls easily under courier-guard cases. See, e.g., Purolator Courier Corp., 300 NLRB 812, 814 (1990). At the very least, the Employer is transporting people with the purpose of maintaining control and custody over them in the interest of its contracting agency, ICE. CFPCS carry documentation attesting to their custody over these persons. Unlike those couriers the Board has held to be “delivery drivers” under the Act, in the process of delivering detainees from one facility to another, CFPCS must guard against detainees’ efforts to escape, harm others, or harm themselves. For these reasons and unlike other delivery drivers, CFPCS are engaged in constant monitoring, hourly reporting, and frequent pat-down searching of the individuals in their custody.
With regard to the second clause of Section 9(b)(3), the duties of CFPCS also involve keeping their charges safe. They keep them safe from each other and themselves. Even by keeping their charges from fleeing, they are keeping them safe because unaccompanied minors may be hurt in fleeing. At times, they perform this safety-ensuring function on premises that include government facilities and employer-rented hotels. In this regard, they are similar in many respects to the Correctional Residence Counselors I (CRC I) who were found to be guards under the Act in *Corrections Corp. of America*, 327 NLRB 577, 579 (1999). The CRC I in that case performed such duties as picking up inmates and delivering them to institutions, accompanying them to the cafeteria and to court, all while ensuring that they did not escape. Like the CFPCS, the CRC I in that case frisked persons, monitored them, and searched for contraband.

CFPCS receive more than minimal training regarding the security and safety of the individuals in their custody, including role-playing emergency situations, training in the use of restraints, and suicide prevention. Although it is disputed how often this training is used, the Employer foresees it to be a necessity, as CFPCS carry restraints and have faced situations which require its use.

Although CFPCS call law enforcement when faced with an emergency like an escape, this is not all they are required to do. CFPCS hourly tasks are aimed to prevent escape. CFPCS must remain constantly vigilant of new surroundings, maintain a constant line of sight with the detainees, and attempt to deescalate unruly behavior. Calling law enforcement is part of a larger security protocol which emphasizes maintaining control over as many detainees as possible and has, in the past, involved the use of force against detainees. Although CFPCS are accompanied by ICE officers during deportation transports for jurisdictional reasons, for long periods of time and in many instances CFPCS are solely responsible for monitoring and securing detainees.

Although CFPCS do not wear uniforms, they do carry ICE-affiliated badges and carry paperwork granting them custody of persons. They interact with adult and child detainees who understand that their role is to facilitate their secure transportation to secure government facilities, not just to provide them with care.

In its brief, the Employer argues that the Regional Director’s Decision and Direction of Election in *The Children’s Village*, 29-RC-275629, supports a finding herein that CFPCS are not guards. Contrary to the Employer’s arguments, the facts in *The Children’s Village* are distinguishable from the facts in the instant matter. Although, like the Youth Care Workers in *The Children’s Village*, CFPCS do not enforce rules against other employees, do not carry weapons, do not wear guard uniforms, perform contraband searches, and occasionally use physical restraints, CFPCS perform almost no care work, are responsible for maintaining legal custody of both children and families while transporting them from one secure facility to another, provide frequent and regular reports of detainee behavior even in the absence of incident, and are authorized to call law enforcement to prevent escape. Youth Care Workers, as their name implies, only interact with youth, while CFPCS securely transport both youth and adults. Rather than ensuring youth remain at a facility as an incidental requirement to a larger job, CFPCS must maintain a constant line of sight with children and families in transit between secure facilities.

Because of their non-incidental guard duties related to maintaining control over adults and children in their custody through pat-down searches, constant monitoring, and the potential for
physical restraint, I find that Child and Family Protection Care Specialists, who share common wages, hours, and other terms and conditions of employment and thereby enjoy a community of interest, are guards under the Act. Therefore, because Child and Family Protection Care Specialists may be represented by the Petitioner guard union, and there are no other issues in this case, they should be allowed to vote on whether they wish to be represented by the Petitioner for the purpose of collective bargaining.

V. CONCLUSION AND FINDINGS

Based on the entire record, and as discussed above, I find that:

1. The Hearing Officer’s rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The parties stipulated, and I find, that the Employer is an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act, and is subject to the jurisdiction of the Board.

3. The parties stipulated, and I find, that the Petitioner is a labor organization within the meaning of Section 2(5) of the Act and qualified to represent a unit of guards within the meaning of Section 9(b)(3) of the Act.

4. 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.

5. The petitioned-for unit of employees includes only guard employees as defined in Section 9(b)(3) of the Act.

6. The employees will vote whether or not they wish to be represented for purposes of collective bargaining by International Union, Security, Police & Fire Professionals of America (SPFPA).

7. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b)(3) of the Act:

   Included: All full-time and regular part-time Child and Family Protection Care Specialists employed by the Employer at its facility located at 9035 Aero Street, San Antonio, Texas 78217.

   Excluded: All other employees, office clerical employees, professional employees, confidential employees, managers, and supervisors as defined by the National Labor Relations Act.
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 the International Union, Security, Police, and Fire Professionals of America (SPFPA).

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. The National Labor Relations Board, Region 16, will mail ballots to voters at 4:45 p.m. on Monday, January 10, 2022. After receiving their ballots, voters who wish to vote must appropriately mark their ballots and return them in the provided return envelopes. Voters must sign the outside of the envelope in which they return their ballots. Any ballot received in an unsigned envelope will automatically be void.

Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 16 office by 4:45 p.m. on Monday, January 31, 2022.

The mail ballots will be commingled and counted by the Region 16 office on Monday, February 7, 2022 at 2:00 p.m., which may be held by videoconference. If the ballot count is held by videoconference, 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. In order to be valid and counted, the returned ballots must be signed by the voter and must be received in the Region 16 office prior to the counting of the ballots.

Those employees who believe that they are eligible to vote and did not receive a mail ballot or otherwise requires a duplicate mail ballot kit should communicate immediately with the National Labor Relations Board, Region 16 Fort Worth office at (817) 978-2921 by Thursday, January 20, 2022.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the bi-weekly payroll period ending December 10, 2021, 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 by mail in the same manner and pursuant to the same voting schedule as established herein for all other Unit employees voting.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period for eligibility; (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 **Tuesday, December 28, 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

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.nlrb.gov](http://www.nlrb.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 in conspicuous places, including all places where notices to employees in the Unit
found appropriate are customarily posted. English and Spanish-language versions of the Notice of
Election will be sent by the Region separately. 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.

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.nlrb.gov](http://www.nlrb.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** at Fort Worth, Texas, this 23rd day of December 2021.

Timothy L. Watson, Regional Director
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