UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5

KEOLIS TRANSIT AMERICA, LLC,

Employer/Petitioner, and

AMALGAMATED TRANSIT UNION (ATU),
LOCAL 689 A/W AMALGAMATED
TRANSIT UNION, AFL-CIO

Union.

DECISION AND DIRECTION OF ELECTION

Keolis Transit America, LLC ("the Employer") filed the instant petition under Section 9(c) of the National Labor Relations Act (the “Act”) following a demand made by the Amalgamated Transit Union (ATU), Local 689 a/w Amalgamated Transit Union, AFL-CIO (“the Union” or “Local 689”) to be recognized as the representative of certain employees of the Employer. Specifically, on several occasions from January through April 2021, the Union demanded the Employer recognize it as the exclusive collective-bargaining representative of all drivers/operators, cleaners/washers, dispatchers, road supervisors, maintenance foreman, mechanics, lead mechanics, utility workers, and parts clerks employed by the Employer at its Leesburg, Virginia facility. The Employer maintains that a question concerning representation exists, and that I should direct an election in the petitioned-for unit. In contrast, the Union contends that no question concerning representation exists, and argues that the instant petition should be dismissed. Both parties agree that the petitioned-for unit is appropriate under the Act.

A hearing was held via videoconference on May 6 and 7 before a hearing officer of the Board, at which the parties were afforded the opportunity to present witnesses, evidence, and state their respective positions on the record. Additionally, the parties were permitted to file post-hearing briefs. I have carefully considered the positions and arguments presented by the parties. For the reasons discussed below, I find that a question concerning representation exists. Therefore, I am directing an election in the petitioned-for unit.

I. FACTUAL OVERVIEW

Prior to April 1, Loudoun County, Virginia outsourced its transit operations to two different operations: Transdev Services, Inc. (“Transdev”) and MV Transportation, Inc.

1 The Union’s name appears as amended by stipulation of the parties.
2 Hereinafter all dates occurred in 2021, unless otherwise noted.
(“MV Transportation”). Through Transdev and MV Transportation, Loudoun County offered commuter, metro connection, fixed route, and paratransit services.

Transdev operated out of its Leesburg, Virginia facility, and provided commuter and almost all of the metro connection services to Loudoun County. Commuter services involve transporting passengers between Loudoun County and Washington, D.C. Metro connection services involve transporting passengers throughout Loudoun County to various metro transit stations. Transdev and Amalgamated Transit Union Local 1764 were parties to a collective-bargaining agreement that was effective from January 16, 2018 through December 31. Effective October 1, 2020, members of Amalgamated Transit Union Local 1764 voted to merge into the Union. Thereafter, Transdev and the Union executed a Memorandum of Understanding, whereby the parties agreed that the Union succeeded Local 1764 and became the collective-bargaining representative of the Transdev employees employed at the Leesburg, Virginia facility. Thus, the Union represented all operators, mechanics, utility employees, cleaners/washers, dispatch/supervisors, road supervisors, lead mechanics, foreman, and parts clerk employed by Transdev at the Leesburg, Virginia facility.

MV Transportation, on the other hand, operated out of a facility in Ashburn, Virginia, and provided all of the fixed route and paratransit services to Loudoun County, as well as two metro connection routes. Fixed route services involve the operation of smaller buses used to transport passengers throughout Loudoun County on pre-planned routes. Lastly, paratransit services involve transporting passengers with disabilities to and from their destinations. The MV Transportation employees were not represented by a labor organization.

On about August 4, 2020, Loudoun County issued a request for proposal for the operation and maintenance of a combined transit system. According to the request for proposal, Loudoun County was seeking proposals from qualified private sector transit operators to provide operations and maintenance of the commuter bus, local fixed route, metro connection bus, and Americans with Disabilities Act (“ADA”) paratransit bus services—the work being done, at the time, by Transdev and MV Transportation. Following the bidding and review process, Loudoun County chose the Employer to provide the operation and maintenance of the combined transit system moving forward. The Employer began providing those services on April 1 from the Leesburg, Virginia facility formerly operated and maintained by Transdev.

In January, Jeff Rainey, the Employer’s Director of Human Resources, sent an e-mail to representatives of the Union to begin a dialogue concerning the Transdev operations and the Union’s representation of the Transdev unit employees. Throughout January, February, and March, the Employer and the Union held many discussions concerning the Employer’s forthcoming operation of the Loudoun County transit services, exchanged a number of e-mails, and discussed various proposals. On January 18, Amalgamated Transit Union Collective Bargaining Administrator John Ertl sent to Rainey by e-mail a proposed Memorandum of Understanding (“MOU”), in which the Union proposed that the Employer recognize the Union as the exclusive collective-bargaining agent for all the full-time and regular part-time bus operators,
mechanics, utility employees, cleaners/washers, dispatch/supervisors, road supervisors, lead mechanics, foreman and parts clerks employed by the Employer at the Loudoun County Transit operation (the Leesburg, Virginia) facility. The Employer declined to execute the proposed MOU.

Thereafter, the parties continued to exchange MOU proposals. Subsequent to an MOU proposal submitted by the Employer, Ertl submitted a counterproposal that included the following language:

The Company shall recognize the Union as the exclusive collective bargaining agent for all the full time and regular part time Bus Operators, Mechanics, Utility Employees, Cleaners/Washers, Dispatch/Supervisors, Road Supervisors, Lead Mechanics, Foremen and Parts Clerks employed by the Company at the Loudoun County transit operation located in Leesburg, Virginia. Furthermore, the Company shall recognize the Union as the sole and exclusive bargaining agent for all new non-managerial employees who will report to the Company’s facility as a result of the absorption of the operations currently being operated by MV Transportation, Inc., including but not limited to all the full time and regular part time Paratransit Drivers, Fixed Route Drivers, Road Supervisors, Utility Workers, Dispatch/Supervisors, Mechanics, Lead Mechanics, Customer Service Representative, and Parts Clerk/Warden.

Ultimately, the parties were never able to reach a negotiated MOU.

Prior to commencing operations, the Employer held training sessions for both former Transdev and MV Transportation employees on several weekends during the last two weeks of March. Thereafter, the Employer began operations on April 1, commencing its commuter, metro connection, fixed route, and paratransit operations. The record contains conflicting accounts of the number of employees that the Employer employed at the time it commenced operations, but the number of employees likely ranged between 120 and 126. There is no dispute that the combined Transdev and MV Transportation operation is larger than either of the single Transdev or MV Transportation operations.

Even after the Employer commenced operations, the parties continued their discussions. On April 15, Amalgamated Transit Union Associate General Counsel Christopher Bangs sent an e-mail to Arturo Ross, an attorney representing the Employer at that time, and requested that the Employer recognize the Union as the collective-bargaining representative of the consolidated unit. After referencing the number of employees employed at that time, Bangs argued that a majority of the employees were formerly employed by Transdev, and thus the Employer should have recognized the Union as the bargaining representative of the combined unit.

As of the hearing, the parties had not agreed on an MOU, and the Employer had not extended voluntary recognition to the Union.
II.  POSITIONS OF THE PARTIES

According to the Union, a question concerning representation does not exist in this case for several reasons. First, the Union contends that the Employer is the legal successor to the Transdev operation. According to the Union, no later than, former Transdev bargaining unit members constituted a majority of the employees employed in the petitioned-for unit. Thus, the Employer is the successor to the Transdev operations, and a successor bar exists that bars further processing of this petition.

Second, even if the Union did not become the collective-bargaining representative of the larger petitioned-for unit, the Union argues that it is still the collective-bargaining representative for the smaller Transdev unit. According to the Union, the former Transdev unit is still an appropriate standalone bargaining unit; furthermore, because a majority of the employees performing the former Transdev work for the Employer are former Transdev bargaining unit members, the Union is still the bargaining representative for those employees based on successorship principles.

In contrast, the Employer contends that a question concerning representation exists in the petitioned-for unit. The Union made a demand, on several occasions, for the Employer to recognize it as the collective bargaining representative of the petitioned-for combined unit. Moreover, the Employer argues that the Union failed to establish that the Employer is a successor to the Transdev operation. Further, the Employer asserts that the former Transdev unit is no longer appropriate, as the Transdev and MV Transportation operations were merged. Lastly, the Employer argues the petitioned-for unit is presumptively appropriate as a wall-to-wall unit, and the former Transdev unit, on its own, is irrelevant to my determination.

III. APPLICABLE BOARD LAW

“To warrant processing a petition under Section 9(c)(1)(B), an employer must demonstrate both that the union has made a claim for recognition and, by objective considerations, that the employer has a reasonable good-faith uncertainty as to the union's continuing majority status in the unit it currently represents.” ADT, LLC, 365 NLRB No. 77, slip. op at *4 (2017). The burden rests with the employer to establish that a demand for recognition has been made. Ibid. “Reasonable good-faith uncertainty must be based on evidence that objectively and reliably indicates employee opposition to an incumbent union, and is not merely speculative.” Ibid.

In Renaissance Center Partnership, 239 NLRB No. 180 (1979), the Board found a question concerning representation where an unrepresented group of employees was merged with a represented group. “[T]he Board is cautious in making [an accretion] finding, particularly when the accreted group numerically overshadows the existing certified unit, because it would
deprive the larger group of employees of their statutory right to select their own bargaining representative.” *Id.* at 1247-1248.

### IV. ANALYSIS

1. **The Union made a claim for recognition in the petitioned-for unit.**

   I find that the record establishes that the Union made a claim for recognition in the petitioned-for unit. Indeed, on multiple occasions from January through April, the Union requested that the Employer recognize it as the collective-bargaining representative in the combined unit. While the Union also made a claim to be recognized as the collective-bargaining representative in the smaller Transdev legacy unit, for purposes of processing the instant petition, the Employer is required to show that the Union made a claim for representation in the larger combined unit. I find that the Employer has met that burden.

   In *ADT*, the Board found that the employer had not met its burden of establishing that the union made a claim for recognition in the petitioned-for unit. *ADT*, 365 NLRB at slip op. 4. In that case, the employer’s evidence was its own e-mail to the union, in which it purported to recount the contents of a prior oral conversation between representatives from the employer and the union. *Id.* at slip op. 3. In that conversation, the union representative purportedly denied seeking to represent the petitioned-for unit, which the employer recounted in its e-mail. *Ibid.*

   For its part, the Union makes no argument that it did not make a claim for recognition in the petitioned-for unit. To the contrary, it argues that it is the collective-bargaining representative of the larger, consolidated bargaining unit via the successorship doctrine and *NLRB v. Burns Int'l Sec. Servs., Inc.*, 406 U.S. 272 (1972). Likewise, it acknowledges making repeated requests to bargain for both the larger, consolidated bargaining unit (as well as the smaller unit it represented when Transdev was the employer). There being no argument to the contrary, and with support in the record, I find that the Employer has established this element necessary to proceed with the petition.

2. **The Employer has a reasonable good-faith uncertainty as to the Union's continuing majority status.**

   Having found that the Union made a claim to be recognized as the collective-bargaining representative, I turn to consideration of whether the Employer has shown that it has a reasonable good-faith uncertainty as to the Union’s continuing majority status. I find that the Employer has met this burden. To begin with, the Union has never been recognized or certified as the collective-bargaining representative of the larger combined unit. There is no dispute that the Union did not represent the employees who were formerly employed by MV Transportation, nor any dispute that the former MV Transportation employees were not represented by a labor organization at the time the Employer took over the former MV Transportation operation. Accordingly, the record reflects that approximately half of those employees employed in the
petitioned-for classifications were not represented by the Union, or any other labor organization, while working for MV Transportation, performing the same work they currently perform for the Employer.

This is not a case where an employer combined existing represented and unrepresented employees through a structural reorganization of its own existing operation. That was the factual predicate in ADT, LLC, where the employer had a group of represented employees, took over the operations of another entity and employed that entity’s employees as an unrepresented group of employees for several years, and then reorganized its own represented and unrepresented facilities. ADT, at slip op. 1-2. The present case is distinct from ADT, in which the Board held that the employer did not have the required reasonable good-faith uncertainty about continued majority status. Id. at slip op. 4. In doing so, the Board pointed to the lack of evidence of loss of majority support in the unit that the employer recognized, the employer’s reliance on its own manufactured reorganization, and, importantly, the fact that the union was not seeking to represent the unrepresented employees. Ibid. The present case is distinct because the Union has, in fact, sought recognition of the unrepresented employees on multiple occasions from the Employer, and maintains that it is the representative of those employees through successorship. Furthermore, this case does not present the same self-manufactured reorganization present in ADT. Rather, the Employer received a new contract from Loudon County, which decided to consolidate two operations (the Union-represented Transdev operation and the unrepresented MV Transportation) into one contract. Nor is this a situation in which an employer merges a smaller unrepresented unit into a larger existing group of represented employees.

Here, the Employer became the employing entity of a new, combined transit operation for Loudoun County. In the process, it combined one represented group of employees with another unrepresented group of employees, neither of which previously worked for the Employer, at the outset of its operations. Under Board law, the creation of a new operation and a new unit typically raises a question concerning representation between the unions representing the formerly separate bargaining units, especially when neither group of affected employees is sufficiently predominant to determine exclusive bargaining status. F.H.E. Services, 338 NLRB 1095 (2003), relying on National Carloading Corp., 167 NLRB 801 (1967). I am mindful that, in F.H.E. Services, the employer had maintained three distinct operations (two of which had units represented by one union, and the remaining of which had a unit represented by a second union), and decided to merge its three operations into one consolidated enterprise. F.H.E. Services 338 NLRB at 1095. The present case is distinct, as the employees previously employed by MV Transportation were not represented by a union. However, neither group is sufficiently predominant. In the face of the Union’s claim of recognition in a consolidated unit, neither of which component was sufficiently predominant, I find that the Employer met its burden of providing the required good-faith uncertainty about the Union’s claim over the consolidated unit. Thus, an election seems the best vehicle for this consolidated group of employees to determine whether they wish to be represented by the Union for purposes of collective bargaining.
I am not persuaded by the Union’s successorship-related arguments. The Union argues that the Employer is the legal successor to the former Transdev operation, and thus has an obligation to recognize the Union as the collective-bargaining representative of certain petitioned-for employees. However, as noted above, the former Transdev operation was merged with the former MV Transportation operation to form a combined operation performing all of the transit work for Loudoun County. Even if the Employer is a successor to the former Transdev operation, it is not the successor to the combined, petitioned-for unit. And as demonstrated repeatedly throughout the record, the former Transdev unit is nearly or entirely equaled in size by the former MV Transportation unit. The Union contends that this case should not involve accretion analysis, and I tend to agree. However, the Union’s argument as to representing the consolidated unit hinges on the former employees of MV Transportation being accreted to the Union-represented unit of former Transdev employees. At the inception of the Employer’s operations on April 1, the former Transdev employees were less than a majority of the Employer’s expanded, consolidated operation. The same was true at the time that the Employer filed the petition, two weeks later.

On this record, I find that the Employer has a reasonable good-faith uncertainty as to the Union’s majority status over the consolidated unit. The Union could justifiably claim a showing of majority status over the former Transdev unit, but that unit was merged, at inception of the Employer’s operations (and by design), into one consolidated operation with the unrepresented employees previously employed by MV Transportation. The Employer’s operation is the combination of both a represented unit and an unrepresented group of employees, each of which is nearly equal in size. The Union has never represented the former MV Transportation employees, and the record reflects that the Union never made any showing that it enjoyed majority support in the former MV Transportation unit. In fact, there is no evidence that the Union enjoyed any support from the former MV Transportation employees, or that it presented such support to the Employer. Consequently, given that the former MV Transportation unit is, for all intents and purposes, equal in size to the former Transdev unit, and because there has been no claim that the Union enjoys support from the MV Transportation unit, I find, based on objective considerations, that the Employer has shown it has a reasonable good-faith uncertainty as to the Union’s continuing majority status.

Give that the Employer has satisfied the necessary elements to warrant further processing this petition under Section 9(c)(1)(B), and because there is no dispute that the petitioned-for unit (a presumptively appropriate unit) is appropriate for purposes of collective bargaining, I direct an election in the petitioned-for unit, the details of which are below.

V. TYPE OF ELECTION

The Employer contends that a manual election is appropriate in this case, whereas the Union, should an election be scheduled, prefers a 3-week mail ballot election. For the reasons that follow, I find that a mail ballot election is appropriate in this case.
As noted throughout this Decision, the Employer’s facility involved herein is located in Loudoun County, Virginia. The following chart shows the most recently published 14-day confirmed cases count in Loudoun County (as of January 31).

<table>
<thead>
<tr>
<th>14-day Loudoun County Confirmed Cases³</th>
</tr>
</thead>
<tbody>
<tr>
<td>-14</td>
</tr>
<tr>
<td>1,617</td>
</tr>
</tbody>
</table>

Currently, the positivity rate in Loudoun County is 14.9 percent.⁵

The Board has implemented guidelines to be used in evaluating the propriety of a mail ballot election during this pandemic. On November 9, the Board issued its Decision on Review in Aspirus Keweenaw, 370 NLRB No. 45 (2020), wherein it “set forth more specific and defined parameters under which Regional Directors should exercise their discretion in determining election type against the back-drop of Covid-19.” Aspirus Keweenaw, 370 NLRB No. 45 slip op. at 4. Moving forward, the Board has identified the following six situations which suggest the propriety of using mail ballots to conduct elections:

1. The Agency office tasked with conducting the election is operating under ‘mandatory telework’ status…
2. Either the 14-day trend in the numbers 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 the GC Memo 20-10 protocols…
5. There is a current Covid-19 outbreak at the facility or the employer refuses to disclose and certify its current status…
6. Other similarly compelling considerations.

Aspirus Keweenaw, 370 NLRB No. 45 slip op. at 4-8. “County-level positivity rate data should be obtained from official state or local government sources.” Id. at 6, fn. 25.

While the number of daily positive cases currently in Loudoun County is decreasing, the numbers have remained high throughout the prior 14-day period, and the positivity rate exceeds the figure set by the Board. Accordingly, I find that factor number two of the Board’s Aspirus test has been met. Additionally, there are no details in the record for me to evaluate whether the Employer’s proposed voting location is able to meet factor three of the Board’s test. Lastly, and significantly, there is nothing in the record to indicate that the Employer is willing to abide by

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⁴ The tracking system does not appear to track figures over Saturdays and Sundays.

VI. CONCLUSION AND FINDINGS

Based upon the entire record in this matter and in accordance with the discussion above, I conclude and find as follows:

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

2. The Employer is engaged in commerce with the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction therein.\(^6\)

3. The Union is a labor organization within the meaning of Section 2(5) of the Act.

4. There is no bar to conducting an election in this matter.

5. 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.

6. 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:

   All full-time and regular part-time drivers/operators, cleaners/washers, dispatchers, road supervisors, maintenance foreman, mechanics, lead mechanics, utility workers, and parts clerks employed by the Employer at its Leesburg, Virginia facility; excluding all other employees, office clericals, managers, guards and supervisors as defined by the Act.

DIRECTION OF ELECTION

A. Election Details

The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit. At 3:00 p.m. on Tuesday, January 31, 2022.
February 15, 2022, ballots will be mailed to voters from the National Labor Relations Board, Region 05, 100 S. Charles Street, Bank of America Center, Tower II, Ste. 600, Baltimore, MD 21201. 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, February 22, 2022 should communicate immediately with the National Labor Relations Board by either calling the Region 05 Office at (410) 962-2822 or our national toll-free line at 1-866-667-NLRB (1-866-667-6572).

All ballots will be commingled and counted at the Baltimore Regional Office on Tuesday, March 8, 2022, at 3:00 p.m. In order to be valid and counted, the returned ballots must be received in the Baltimore Regional Office prior to the counting of the ballots. Due to restrictions related to the COVID-19 pandemic, and the Regional Director’s discretion, the parties may be required to attend the ballot count via videoconference.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending January 22, 2022, 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 if they appear in person at the polls.

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 February 2, 2022. 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.nlrb.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.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 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 14 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, 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 Baltimore, Maryland this 31st day of January, 2022.

(SEAL)  

/s/ Sean R. Marshall  
Sean R. Marshall, Regional Director  
National Labor Relations Board, Region 05  
Bank of America Center, Tower II  
100 S. Charles Street, Ste. 600  
Baltimore, MD 21201