The Petitioner’s Request for Review of the Regional Director’s Decision on Challenged Ballots is denied as it raises no substantial issues warranting review.¹

LAUREN McFERRAN, CHAIRMAN
MARVIN E. KAPLAN, MEMBER
JOHN F. RING, MEMBER


¹ In denying review of the Regional Director’s determination that the challenge to the ballot of employee Crista Kaufman should be overruled, we agree with the Regional Director that documentary evidence shows that employee Crista Kaufman last worked on April 26, 2022, and therefore was eligible to vote when she mailed her ballot. Specifically, the Employer’s April 12 and April 15 work schedules show Kaufman’s name, crossed out with the annotation “sick,” and the April 26 daily work schedule shows Kaufman’s name, crossed out, with her shift changed from a 3-or-4-hour shift to a 2-hour shift, and an annotation of “myLearning” and “get tips.” These documents indicate that she remained in the unit and was scheduled to work at the time she mailed her ballot. Even if she was on sick leave or performing ancillary duties during that period, she was nevertheless eligible under Dredge Operators, 306 NLRB 924 (1992). Member Ring and Member Kaplan are open to reconsidering, in a future appropriate case, the eligibility standard for mail-ballot elections specified in Dredge Operators, Inc., 306 NLRB 924 (1992). See KMS Commercial Painting, LLC, 371 NLRB No. 69, slip. op. at 1-2 (2022) (Member Ring, concurring).