

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

Mavis Tires Supply Corp.¹

Employer

and

Case No. 2-RC-22815

**Local 1430, International Brotherhood of
Electrical Workers, AFL-CIO²**

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a Hearing Officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, the Board has delegated its authority in this proceeding to the Regional Director, Region 2.

Upon the entire record³ in this proceeding, it is found that:

1. The Hearing Officers' rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The parties stipulated and I find that Mavis Tires Supply Corp., a New York corporation engaged in the retail sale of tires and related services, maintains an office and place of business at 779 Central Park Avenue, Yonkers, New York. During the past year, the Employer derived gross annual revenues in excess of \$500,000, and purchased and received goods, supplies and materials in excess of \$5,000 directly from points outside the State of New York. Accordingly, I find that 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.

3. The parties stipulated and I find that Local 1430, International Brotherhood of Electrical Workers, AFL-CIO, the Petitioner, is a labor organization within the meaning of Section 2(5) 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) of the Act.

¹ The Petition was amended at hearing to reflect the proper name of the Employer.

² The Petition was amended at hearing to reflect the proper name of the Petitioner.

³ Briefs have been filed by the Petitioner and the Employer and have been duly considered.

5. The Petitioner seeks an election in a unit consisting of all full-time and regular part-time mechanics, tire men, brake men, and alignment workers employed by the Employer at its facility located at 779 Central Park Avenue, Yonkers, New York, but excluding all other employees, clericals, supervisors, professionals and guards as defined in the Act.⁴ The Employer contends that the petitioned-for unit is not an appropriate unit for collective bargaining and that the only appropriate unit consists of the above-described employee classifications at all of the Employer's retail stores, including the petitioned-for Yonkers location.⁵

The Employer's Operations

The Employer, through its retail stores, primarily sells, installs and services automotive tires and related wheel products, such as brakes and shock absorbers. The Employer maintains its sole headquarters at 43 Kensico Drive, Mount Kisco, New York. Apart from this location, the Employer operates 44 retail stores in the New York metropolitan area. Sixteen stores, including the petitioned-for Yonkers location, are in Westchester County; ten in Nassau County; seven in Suffolk County; three in Dutchess County; two in Rockland County; and one each in The Bronx, Columbia County, Fairfield County, Connecticut; Litchfield County, Connecticut, Orange County and Putnam County. The Employer also maintains parts warehouses in Eastchester and Milwood, New York.

Management Structure

The Employer's President Stephen Sorbaro is, among other duties, responsible for the operation of the information systems and the purchase of inventory for the various stores located throughout the Metropolitan area. Vice President David Sorbaro, among other duties, buys the equipment used in the stores. Vice President of Retail Operations Steve Andre oversees retail store performance and handles hiring, firing and disciplinary matters. Human Resources Director Koudijs is responsible for administering payroll, employee benefits and time and attendance. Customer Service Manager Joel Altavila handles warranties, the Employer's 800 number and customer surveys. Systems Trainer John Spina trains technicians and store managers.⁶ Technician Trainer Greg Brown also trains technicians on the use of equipment and safety.

The management staff maintains offices at the Employer's Mount Kisco headquarters. Spina and Brown do not have offices at Mount Kisco, but work only in the field. The Sorbaros, Altavila and Andre regularly spend Saturdays working in various retail stores. The Sorbaros also regularly visit several stores on one weekday

⁴ The Employer contends that the titles of Store Managers and Service Managers should be excluded from the unit because these are sales positions. The Petitioner argues that the titles should be excluded based on supervisory status. Although the parties disagree on the precise reason for the exclusion, the parties do agree that Service Managers and Store Managers possess responsibilities warranting exclusion.

⁵ The Petitioner stated at hearing that it is prepared to proceed to an election in any unit found appropriate by the Regional Director. The Petitioner has not, at hearing or in its brief, taken a position on, or proposed, an alternate unit to either the petitioned-for unit or the unit asserted by the Employer.

⁶ It appears from the record that the parties at times use the term "store manager" to refer to the job of both the store manager and service manager (sometimes known as assistant manager). These job classifications appear to differ only to the extent that store managers have greater skill in selling the Employer's products and service managers have more mechanical expertise.

per week, averaging about 20-25 stores per month. Andre testified that he spends about 80% of his time at the stores.

Store-Level Personnel

At the retail store level, the Employer employs store managers and service managers, who work with, on average, four technicians and/or mechanics.⁷ At the petitioned-for Yonkers store, the Employer employs a store manager, a service manager, a tire technician, an alignment technician and two mechanics. The Employer, at its various stores, employs approximately 200 employees in the petitioned-for classifications.

Store managers and service managers report directly to Steve Andre. Store managers are generally responsible for customer contact in order to access customer needs and to sell product. Store managers generate work orders and, depending on their level of mechanical skill, determine what work should be performed on a customer's car. If the store manager possesses the requisite mechanical know-how, he or she may also insure that the technicians and mechanics carry out the work orders and that the orders are assigned based on the level of skill of the technician or mechanic.

As set forth in the job description, store managers "manage[a]ll aspects of the business . . . including overall sales and overall gross profit." Store managers must also "maintain ultimate control of the shop." Store managers are responsible for the appearance and cleanliness of the store. The Employer further directs the store manager to communicate with the service manager regarding "special instructions or time issues" and to "find customers for service manager when additional work is needed." Vice President Sorbaro testified that the phrase "maintain control of the shop" used in the job description means managing the flow of cars in and out of the shop.

According to the service manager job description, the service manager is responsible to cover "the box," which is generally the area where service is being performed. The service manager must "monitor worker performance and quality of work." This involves constantly observing the work being performed and assuring that internal procedures are followed and certain quality requirements are met. Service managers also distribute work orders, determine which bay should be used, assure that the work is done within a certain time frame, and assure that special work instructions are observed. Service managers are also responsible for "[i]nsuring all employees' [sic] stay busy and working at maximum efficiency." Additionally, service managers must "[g]ive directives to all employees" and help assure that customers are attended to outside the shop.

Tire technicians repair and change tires, and perform some mechanical work. Alignment technicians do alignment work; mechanics will install shocks, brake parts and other car components.

Headquarters Functions

Generally all business records are kept in the Mount Kisco headquarters. The Employer asserts that it maintains no records at the store level, and there is no office or other space in the stores where records are maintained. The Employer uses a

⁷ Some stores employ both a store manager and a service manager; some stores only one manager. In either case, The Employer dispatches a floating manager to cover for a store manager or service manager during his or her day off.

computer network and several associated software programs to collect business and employee information from the stores. Although each store has a terminal through which information may be input, all computer data is stored at the Mount Kisco headquarters.⁸

The Employer uses a point-of-sale computer system containing individual customer information, which can be retrieved by terminals located at any of the stores. The data is maintained in the Mount Kisco headquarters.

The Employer's purchasing and accounting functions are performed at its headquarters. Store-level credit card sales go directly to the Employer's bank account. Stores do not keep a separate accounting of these transactions.⁹

A store's need for parts and non-part supplies are calculated on a weekly basis at the Employer's headquarters. The Employer owns one truck and employs a driver who is dispatched from the Employer's distribution center to make deliveries based on the data collected. When arriving at a store, the driver replaces parts drawers,¹⁰ stocks non-part supplies, and creates orders on such supplies. Sorbaro testified that neither store managers nor service managers are responsible for purchasing parts or supplies.

Advertising and pricing is done at the Mount Kisco headquarters. Neither store managers nor service managers engage in advertising or pricing. Customers responding by telephone to an advertisement are routed to the Employer's call center, staffed by sales representatives who try to fulfill the caller's order by locating the product at one of the stores. Orders taken at one store can be picked up by customers at another store. The Employer also uses an inventory management system by which one store can locate stock at another store.

The Employer also regularly dispatches equipment repair teams to stores. Sorbaro testified that neither store managers nor service managers have responsibilities for repairing equipment. The Employer similarly dispatches inventory teams and cleaning teams to each of its stores. Brown and Spina regularly complete system checklists to determine whether a store has all the requisite equipment. Andre testified that neither the store managers nor service managers perform systems checks or complete system checklists. Spina or Brown forward system checklists to Andre, who in turn reviews the lists and forwards them to equipment manager, who has the responsibility to cure any equipment deficiencies.

Spina and Brown are responsible for the training of technicians and mechanics on a periodic basis during their store visits. The Employer also gives large-group training sessions twice a year. Each training session gathers together about half of the total number of technicians and mechanics employed at the stores.

Sorbaro testified that headquarters management determines the store hours and days of operation, which are the same for each of the Employer's stores.

The Employer's Personnel Policies and Functions

⁸ The Employer asserts that there are no computers at the stores, only computer terminals.

⁹ The record does not reflect how store-level cash purchases are handled.

¹⁰ The Employer uses a system whereby each store has a set of drawers containing the same parts. Instead of determining the stocking requirements of each drawer, the driver replaces the drawer with a new fully-stocked drawer.

As stated above, Steven Andre oversees personnel matters at all stores. Andre is responsible for placing job-opening advertisements in local newspapers on a continual basis. The advertisements instruct applicants to call the Mount Kisco headquarters. Applicants may also fax their resumes to the Employer's headquarters. Andre is the first to screen these applicants over the telephone, which he usually does when he is in the field. Andre assesses whether there is a vacancy to fill at any of the stores and directs a candidate to go see the store manager at a store. Andre alerts the store manager to the arrival of the candidate and authorizes the store manager to hire the applicant.

Alternatively, applicants can apply at individual stores, where a store manager provides the applicant with an application form. The store manager thereafter sends the application to Andre so that Andre may interview the applicant. For example, Andre testified that, at the Yonkers store, Edgar Perez, a technician, submitted his application to store manager, who then faxed the application to Andre, who ultimately decided to hire Perez.

New hires are evaluated and certified by Greg Brown, a trainer. Brown uses a Tire Tech Appraisal Form to certify the tire technicians. This is a standard form used by the Employer for employees at all its stores. Upon passing certification, the Employer gives the employee a Tire Technician Certification document signed by Brown. Andre testified that neither store managers nor service managers are involved in the certification process.

Trainer Greg Brown also performs training and safety seminars at each store whenever he visits one. Brown utilizes a form outline that must be signed by the store manager, service manager, and each employee present at the seminar. Andre testified that the managers do not conduct the seminars and sign the outline only to indicate that they attended.

Andre is also responsible for transfers among stores, as well as promotions. Andre testified that store managers have no authority make transfers. He further stated that transfers may be initiated by the Employer, such as when a new store opens, or by an employee who requests a transfer.

Both Andre and Koudijs explained that the Employer may make permanent transfers or temporary transfers. In the case of permanent transfers, the employee's new location is charged in terms of payroll and accounting. The transferred employee's paychecks are also issued to the new location. A temporary transfer is used to cover for an employee who is on leave. Although the temporarily transferred employee reports to another store, payroll remains charged to the employee's home store.

The Employer made approximately 75 permanent transfers within the petitioned-for classifications during the past year affecting approximately 60 different employees. During the same period, the Employer made approximately 95 temporary transfers affecting approximately 65 different employees.¹¹

At the time that the Yonkers store opened in the fall of 2003, Andre transferred Store Manager Perez from another store to the Yonkers store. Andre also transferred

¹¹ Comparing the summary of permanent transfers to the summary of the temporary transfers, it appears that about one quarter of the approximately 135 temporary transfers listed were in fact permanent transfers which had yet to be designated as permanent in the Employer's payroll records.

Service Manager Annania from the Mount Kisco store. Andre's testimony and record summaries further show the following permanent transfers in connection with the Yonkers store: (1) Technician George Blackmore was permanently transferred from Larchmont store to Yonkers on or about November 15, 2003; and the Employer again permanently transferred Blackmore from Yonkers to the New Rochelle store on or about December 6, 2003; (2) Andre permanently transferred Mechanic Norberto Colon to Yonkers from Scarsdale store on or about November 15, 2003; (3) the Employer permanently transferred Mechanic Domingo Delacruz from the Mount Vernon store to Yonkers on or about November 28, 2003; and (4) Andre permanently transferred Tire Installer Joe Cansel from Yonkers to the brake warehouse in Eastchester on or about December 6, 2003.

On or about November 29, 2003, Andre permanently transferred Charlie Tucker from Scarsdale to Yonkers, simultaneously promoting Tucker from tire technician to alignment technician. Tucker received the promotion after he asked Andre directly to train him in alignments. Andre thereafter instructed Greg Brown to give Tucker training both at the Scarsdale and Yonkers locations.

The Employer made two temporary transfers in and out of the Yonkers location. Andre testified to transferring Edwin Ramirez, a Tire Technician, from the Mount Vernon store to Yonkers on about November 17, 2003, for about two weeks. Andre made this transfer after Ramirez came to Andre's office to ask in person for the transfer. During these same two weeks, the Employer temporarily transferred technician Silvio Rudell, Jr., from Yonkers to Scarsdale. On or about January 24, 2004, the Employer temporarily transferred technician Donald Custis from Pleasantville to the Yonkers store for about one week.

Andre testified that he is solely responsible for promotions, such as Tucker's promotion described above. He stated that, typically, an employee would approach him in a store and ask to take on more responsibility. Andre would then act on the request by telling the store manager to start giving the employee higher-level tasks and direct trainers Spina and Brown to give the employee instruction on the new tasks. Therefore, it is Andre, Spina and/or Brown who evaluate the employee's performance, receiving no input from the store manager.

Employees clock in and out at a computer terminal using time-card computer software, which records the information at the Mount Kisco headquarters. Human Resources Director Koudijs uses this information to issue paychecks. Moreover, personnel records are kept solely at the Employer's headquarters and no such records are kept at the stores. Computer pay records and productivity reports are also kept at The Employer's headquarters.

The Employer uses proprietary software to enable a technician or mechanic at any store to take credit for work done by inputting data into the store's terminal. Commissions are determined based on this data. No pay or productivity records are accessible at the stores. Employee salaries, pay ranges and commission rates are determined at the Employer's headquarters. Sorbaro testified that neither the store manager nor the service managers determines or provides input regarding wage rates or commissions.

The productivity reports are reviewed every Thursday night at headquarters by the Sorbaros, Andre, Koudijs, Spina and Brown. At this meeting, the attendees may

determine the need for changes in personnel at the stores. The attendees may also have a conference call with store managers to discuss scheduling changes and sales. The Employer may also fax new schedules to stores or communicate schedule changes by telephone directly to store managers.

The Employer maintains the same health insurance and Section 401K benefit plans for all employees at all stores, as well as the same policies for sick leave, bereavement leave, military leave, jury duty leave and vacation leave. Vacations are determined on a first-come/first-served basis based on requests submitted by employees to the Human Resources Department. Store managers or service managers neither determine nor provide input regarding vacation requests.

Wage rates are determined by headquarters management, who authorize all raises. An employee may request a raise of the store manager, who, in turn, relays that request to Andre. Employees may also ask Andre for a raise in person when Andre is visiting a store. Andre also may raise an employee's salary by reviewing the productivity reports. Andre testified that managers at the store level have no authority to grant raises, but may suggest to Andre that employee be given one. However, Andre independently reviews such a recommendation based on his assessment of the employee's productivity reports and personnel files. Andre stated that he alone grants or denies any raise recommendation or request.

Andre testified that he is responsible for disciplining employees. When a disciplinary issue comes to Andre's attention, he either speaks to the employee in person or asks the store manager to record the underlying events and send them to Andre. Andre testified that store managers have no authority to discipline or assess the need for disciplinary action. However, managers do have the authority to correct an employee who is doing something unsafe. If managers believe that any employee is not doing his or her job properly, the manager informs Andre, who then speaks about the issue with the Employer's trainers.

When an employee is persistently late, a store manager brings this situation to the attention of headquarters management, but does not have the authority to take corrective action regarding to the employee. Although a store manager may communicate to Steve Andre or the Human Resources Department about the performance of a technician or mechanic, Sorbaro and Andre testified that headquarters management do not rely on that input. Rather, management relies on a combination of productivity data and their own observations of an employee's performance during management visits to the stores.

Store managers or service managers determine when employees take their mandatory lunch break. Store managers may grant overtime when a technician or mechanic needs to finish a job past the end of his shift. Employees also inform store managers if they cannot come to work. Store managers may also call Steve Andre to ask for a replacement technician or mechanic when one calls in sick. Andre then may transfer an employee from another store or direct the store manager to call a non-scheduled employee to come to work. Otherwise, Sorbaro stated that the Employer does not give store managers the authority to changes schedules.

Analysis

As a general rule, a single-plant unit is presumptively appropriate, unless it has been so effectively merged into a more comprehensive unit, or is so functionally

integrated that it has lost its separate identity. *J&L Plate, Inc.*, 310 NLRB 429 (1993). To determine whether the presumption has been rebutted, the Board considers such factors as: centralized control over daily operations and labor relations, including the extent of local autonomy; similarity of skills, functions, and working conditions; degree of employee interchange; geographic proximity; and bargaining history, if any. *New Britain Transportation Co.*, 330 NLRB 397 (1999). Furthermore, “the party seeking to overcome the single-site presumption must show that the day-to-day interests of the employees at the sought locations have merged with those employees of the other locations.” *Renzetti’s Market, Inc.*, 238 NLRB 174, 175 (1978). Analyzing the facts here in light of the applicable criteria, I find that the Employer has rebutted the single-facility presumption.

There is ample evidence in the record showing that the Employer’s business is highly integrated and administratively centralized. Management personnel at the Mount Kisco headquarters develop, and implement uniformly at all stores, policies and procedures in regard to purchasing, accounting, inventory, advertising, pricing, equipment repair and facilities maintenance. The Employer also centrally develops and uniformly applies policies and procedures in the matters of hiring, employee training, salaries, commissions, time and attendance, employee benefits and leave, scheduling and store hours. See *Renzetti’s Market*, supra at 174.¹²

However, the Board considers “most relevant” the extent of autonomous supervision at the petitioned-for store. In other words:

whether or not the employees at the sought store perform their day-to-day work under the immediate supervision of one who is involved in rating their performance and in affecting their job status and who is personally involved with the daily matters which make up their grievances and routine problems.

Renzutti’s Markets, supra at 175. See *New Britain Transportation*, supra at 397 (“[c]entralized control over personnel and labor relations alone . . . is not sufficient to rebut the single-location presumption where the evidence demonstrates significant local autonomy over labor relations.”)

Here, the evidence shows that the store manager’s and service manger’s autonomous control of the day-to-day matters most affecting employees is significantly circumscribed. Although managers may closely observe and direct an employee’s work, managers are not effectively involved in employee hiring, evaluation, discipline, raises, promotion or training. Unrebutted testimony demonstrates that a manager’s supervisory role in these matters is not separate from headquarters. Thus, a store manager’s role in hiring is only to transmit walk-in applications to headquarters. Similarly, a manager typically only relays to Steve Andre an employee’s request for a

¹² Petitioner argues in its brief that the Yonkers store “is its own island of commerce” and “could function even if the five closest Mavis retails stores closed.” However, as Petitioner acknowledges in its brief, the Yonkers store relies on the Employer’s centrally-operated supply deliveries, equipment repair crew and cleaning crew. Petitioner further acknowledges that customers may at times be directed to other the Employer locations if the Yonkers location is out of stock.

raise or promotion, or, in disciplinary matters, a store manager only relays factual information underlying the infraction. In the case where a manager suggests that a raise be given, Steve Andre makes his own independent evaluation of the employee without considering the manager's opinion as to the quality of the employee's work. Indeed, employees usually know to bypass the store manager and approach Andre directly when asking for a raise or promotion. See *Globe Furniture Rentals, Inc.*, 298 NLRB 288, 289 (1990) (finding no separate supervisory authority where central management relies solely on its own investigation into employee performance regardless of recommendations from local supervision). Cf. *Renzetti's Market*, supra at 176 (finding autonomy of supervision where "employees know that in most instances the store management does have to venture out of the store for approval of decisions").

The record reflects that store managers and service managers do have some day-to-day control over an employee's working conditions, such as directing an employee's work, determining mandatory lunch breaks and allowing employees to work overtime if they are in the middle of job at the end of a shift. However, these decisions appear dictated by the Employer's centralized policies rather than a store manager's separate supervisory authority.

Other factors, although not by themselves determinative, support a finding here that the Employer has rebutted the single-facility presumption. Even though the Board accords less weight to evidence of permanent transfers (*Red Lobster*, 300 NLRB 908 (1990)), and to transfers involving opening a new store, promotions and transfer made at the employee's request (*Renzetti's Market*, supra at 174 n. 8), the Employer here has made a number of temporary transfers. It appears that approximately one third of the Employer's technicians and mechanics were involved in temporary transfers among the Employer's stores during the past year. This percentage approaches the amount of interchange which the Board has found supportive of a multi-location unit. See *Twenty-First Century Restaurant*, 192 NLRB 881 (1971) (interchange factor met where, during a one-year period, 45 to 50 out of 350 employees were temporarily transferred among McDonald's restaurant locations); *Globe Furniture Rentals, Inc.*, supra, (interchange factor met where approximately one half of unit-employee transfers were temporary).

Furthermore, the record shows that the technician and mechanic classifications exist in each of the Employer's stores and that the skills required for the jobs are the same. See *R&D Trucking, Inc.*, 327 NLRB 531 (1999) (considering interchangeability of employee skills between locations a factor in favor of multi-facility unit). The geographical proximity of the Yonkers to other metropolitan New York stores also favors a multi-location unit. See *Twenty-First Century Restaurant*, supra at 882 (single-facility presumption rebutted where seven McDonald's restaurants were located within a 10-mile radius); *The Pep Boys*, 172 NLRB 246 (1968) (single-facility presumption rebutted where the sought store and five other of the Employer's stores lie within a distinct geographic area).

Based upon the record, I find that the petitioned-for unit is not appropriate¹³ and that the following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

¹³ Petitioner has indicated that it would proceed to an election in any unit found appropriate. As I have directed an election in a unit larger than that petitioned-for unit, pursuant to Manual Item

Included: All full-time and regular part-time mechanics, tire men, brake men, and alignment workers employed by the Employer at its retail stores throughout the New York Metropolitan area.

Excluded: All other employees, clerical employees, and, professional employees and supervisors as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the Regional Director, Region 2, among the employees in the unit found appropriate at the time¹⁴ and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations.¹⁵ Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during the period because they were ill, on vacation or temporarily laid off. Employees engaged in any 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 which 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. Those in the military services of the United States who are in the unit may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.¹⁶ Those eligible

11031.2, Petitioner must submit a showing of interest for this unit within 14-days of the date hereof.

¹⁴ Pursuant to Section 102.21(d) of the Board's Statement of Procedure, absent a waiver, an election will normally be scheduled for a date or dates between the 25th and 30th day after the date of this Decision.

¹⁵ Please be advised that the Board has adopted a rule requiring that election notices be posted by the Employer "at least three full working days prior to 12:01am on the day of the election." Section 103.20(a) of the Board's Rules. In addition, please be advised that the Board has held Section 103.20(c) of the Board's Rules requires that the Employer notify the Regional Office at least five full working days prior top 12:01am of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995).

¹⁶ In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that an election eligibility list, containing the full names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 2 within 7 days of the date of this Decision and Direction of Election. *North Macon*

shall vote on whether or not they desire to be represented for collective-bargaining purposes by Local 1430, International Brotherhood of Electrical Workers, AFL-CIO.¹⁷

Dated at New York, New York

This 5th day of May 2004.

/s/Celeste J. Mattina
Regional Director, Region 2
National Labor Relations Board
26 Federal Plaza, Room 3614
New York, New York 10278

Health Care Facility, 315 NLRB 359, 361 (1994). The list must be of sufficiently large type to be clearly legible. This list may initially be used by me to assist in determining an adequate showing of interest. I shall, in turn, make the list available to all parties to the election, only after I shall have determined that an adequate showing of interest among the employees in the unit found appropriate has been established.

In order to be timely filed, such list must be received in the Regional Office at 26 Federal Plaza, Room 3614, New York, New York 10278 on or before **May 12, 2004**. No extension of time to file this list shall be granted nor shall the filing of a request for review operate to stay the filing of such list. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission. Since the list is to be made available to all parties to the election, please furnish a total of three copies, unless the list is submitted by facsimile, in which case no copies need be submitted. To speed preliminary checking and the voting process itself, the names should be alphabetized (overall or by department, etc.).

If you have any questions, please contact the Regional Office.

¹⁷ Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 Fourteenth St., NW, Washington, DC 20570-0001. This request must be received by the Board in Washington by **May 19, 2004**