

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 26**

WASHINGTON DEMILITARIZATION COMPANY¹

Employer

and

Case 26-RC-8439

**INTERNATIONAL BROTHERHOOD OF
BOILERMAKERS, IRON SHIP BUILDERS,
BLACKSMITHS, FORGERS AND HELPERS, AFL-CIO**

Petitioner

and

**UNITED ASSOCIATION OF JOURNEYMEN AND
APPRENTICES OF THE PLUMBING AND PIPEFITTING
INDUSTRY, LOCAL 155, AFL-CIO, CLC**

Intervenor

REGIONAL DIRECTOR'S DECISION AND ORDER

The Employer, Washington Demilitarization Company, a wholly owned subsidiary of Washington Group International, operates a chemical disposal facility in Pine Bluff, Arkansas. The Petitioner, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, AFL-CIO, filed a petition with the National Labor Relations Board under Section 9(c) of the National Labor Relations Act seeking to represent a unit of all maintenance employees working at that facility. United Association of Journeymen and Apprentices of the

¹ The Employer's name appears as amended at the hearing.

Plumbing and Pipefitting Industry, Local 155, AFL-CIO, CLC intervened at the hearing.

Following a hearing before a hearing officer of the Board, the parties filed briefs with me.

Two issues were raised at the hearing. The first issue concerns whether a separate maintenance unit is appropriate for purposes of collective bargaining. The Petitioner and Intervenor assert that a separate maintenance unit is appropriate because the Employer's approximately 70 maintenance employees possess a separate and distinct community of interest. Contrary to the Petitioner and Intervenor, the Employer contends that the only appropriate unit must also include the operations and operations support employees because they share a community of interest with the petitioned-for maintenance employees. The Employer's proposed unit would include about 196 employees.

The second issue is whether the present complement of employees is a substantial and representative complement of the total anticipated workforce, which is expected to increase by 50 employees by October 1, 2004 and by 60 employees in fiscal year 2005. The Intervenor asserts that the petition is premature in light of the Employer's plans to expand its workforce. Both the Petitioner and the Employer contend that the present complement of employees is a substantial and representative complement of the total anticipated workforce.

I have considered the evidence adduced at the hearing and the arguments advanced by the parties. As discussed below, I have concluded that the maintenance employees do not share a sufficiently separate community of interest to find a separate maintenance unit appropriate. Since the Petitioner has stated that it does not wish to proceed to an election in any alternative unit and the Intervenor is only a limited intervenor, I will dismiss the petition. Regarding the second issue, in the event a separate maintenance unit is found appropriate, I have concluded that the present complement of employees is substantial and representative.

To provide a context for my decision and discussion of these issues, I will first present an overview of the Employer's operations and the employee-classification structure. Then, I will separately discuss the evidence and my analysis of each of the issues.

I. OVERVIEW OF EMPLOYER'S OPERATIONS AND EMPLOYEE-CLASSIFICATION STRUCTURE

The Employer has a contract with the United States Army to destroy obsolete chemical weapons that are stockpiled in Arkansas. Although construction of the Employer's Pine Bluff chemical weapons disposal facility was completed a few months before the hearing, actual destruction of weapons has not yet begun. Currently, the Employer is in the start-up phase in which it is operating the incinerators and the support utility systems and is conducting training on toxic entries, but has not started processing the live rounds and the live chemical weapons. The Employer expects to begin processing live chemical weapons in November 2004.

When the facility is fully operational, chemical munitions will be transported from a nearby Army depot in sealed containers and delivered to the container handling building (CHB). At that point, the Employer will review the paperwork to ensure that it has received the right lot number, the correct type of munitions, and the correct nerve agent.

Upon verification of the paperwork, the munitions are moved into the munitions demilitarization building (MDB) and onto a computer-controlled conveyor line that holds 32 of the 19,000-pound storage containers. Operators move the conveyors around via a computer terminal with sensors and close-circuit television monitors. The contents of the containers are monitored with a gas chromatograph to ensure that the munitions are not leaking. The munitions are then cleaned and moved by forklift into an elevator, and transferred upstairs for unpacking the rounds and moving into the processing system.

Next, the munitions go on a conveyor line into an explosive containment room designed to withstand detonation of up to 15 pounds of explosives. In there, a computer-controlled system punches holes in the rocket cavity, drains out the nerve agent, and pumps it downstairs into a holding tank. The rocket is then cut into pieces that are dropped down a chute into a deactivation furnace that runs at about 1,110 degrees Fahrenheit. The parts are then sent by an electric tilt conveyor to a bin outside, which is later disposed of as hazardous waste.

The Employer anticipates that it will take about seven years to destroy all the chemical weapons. Once the weapons are destroyed, a decommissioning process begins in which all the equipment in any hot zone in the building is stripped. The Employer contemplates that all work at this facility will be completed in 2011.

In addition to the containment handling building and the munitions demilitarization building, the facility includes a pollution abatement system building, a generator building, a maintenance “medical” building, and the craft change house. Much of the facility is surrounded by a high security fence. The fenced area is a controlled access area, requiring a badge and special personal protective equipment such as a gas mask, hard hat, and safety glasses. Located outside the fenced area are some trailers, fire protection equipment, fire tanks, wells, well equipment, and electrical switch gear that are operated by maintenance and operations. Support staff, such as engineering, are housed in the trailers. The record does not contain a detailed description of the entire facility or the exact location of all the buildings.

The facility operates 24 hours a day, 7 days a week, on four shifts - A, B, C, and D. The facility contains 18 departments including maintenance, operations, and operations support.²

² The other departments, which are not in dispute here, include: engineering, systemization, safety, environmental, training, HR, accounting, finance, project management, project control, surety, and security.

Each of these departments is headed by a department manager who reports directly to the plant manager. The plant manager has overall responsibility for the operation of the facility. Overall supervision of a shift rests with the plant shift manager who is in the operations department.

The Employer currently employs about 196 hourly employees in the maintenance, operations, and operations support departments. The maintenance department consists of about 70 employees in the following classifications: electrical technician A, electrical technician B, general maintenance worker A, instrument and control (I&C) technician A, I&C technician B, and mechanical technician A. The operations department consists of employees in the following job classifications: control room operator, munitions handler A, munitions handler B, munitions handler C, and plant operator A. The operations support department includes employees classified as site service maintenance person, site service maintenance technician, demilitarization protective ensemble (DPE) tender A, DPE tender B, DPE tender C, emergency response team coordinator, environmental operator, plant operator, toxic maintenance area (TMA), and personnel support complex (PSC) attendant. There are approximately 126 employees in the operations and operations support groups combined.

II. DISCUSSION AND ANALYSIS

Set forth below are the facts and my analysis of the community of interest issue and the expanding unit issue.

A. Community of Interest Issue

The Board has historically found separate maintenance department units appropriate in the absence of a more comprehensive bargaining history, where it is established that the maintenance employees involved have the requisite community of interest. *American Cyanamid Co.*, 131 NLRB 909 (1961). In deciding whether the requisite community of interest among

maintenance employees exists, the Board looks to such factors as mutuality of interests in wages, hours, and other working conditions; commonality of supervision; degree of skill and common functions; frequency of contact and interchange with other employees; and functional integration. *Id.*; See also, *Ore-Ida Foods, Inc.*, 313 NLRB 1016, 1019 (1994); *Franklin Mint Corp.*, 254 NLRB 714, 716 (1981). Here, there is no evidence of a more comprehensive bargaining history among these employees. Accordingly, I will examine the community of interest factors to ascertain whether the maintenance employees possess the requisite community of interest. *American Cyanamid Co.*, supra.

Job Duties and Functions

Maintenance Department: *Electrical technicians A and B* work on high voltage breakers, switch gears, and cabling terminations using specialty tools such as high voltage personal protection equipment and flukes, which are devices used to measure current, voltage and resistance. *General maintenance workers A* are responsible for manning the Employer's measuring and test equipment lab and tool crib and maintaining and keeping records on instruments used by I&C technicians, mechanical technicians, and electrical technicians. *I&C technicians A and B* work on low voltage instrumentation and control loops in the facility and measure the output of various transmitters. Their work requires the use of tools such as signal generators, screwdrivers, wrenches and flukes. *Mechanical technicians A* repair pumps, valves, mechanical fasteners, and pipe joints using tools such as socket wrenches, box wrenches, impact wrenches, calipers, screwdrivers and dial indicators. They also perform welding tasks. A mechanical technician testified that 10 percent of his time at the facility is devoted to welding and the remaining 90 percent is spent performing mechanical work.

Operations Department: *Munitions handlers A, B and C* receive weapons that are transported to the facility from the Army depot and operate a computer terminal that controls the movement of weapons along a conveyor belt in the disassembly process. When performing these tasks, munitions handlers use special gear to take possession of and load the rockets or munitions onto the processing line. *Plant operators A* provide feedback to the control room and the plant shift manager regarding the operation of equipment and the progress of work in the field. They also are responsible for the operation of equipment in the pollution abatement system building. *Control room operators* work in the control room where they monitor screens and use computers to operate equipment located in toxic areas of the facility. Control room operators also monitor the progress of toxic entries, which are entries into toxic areas of the plant made by maintenance, operations, or operations support employees that require the use of a special protective suit. For safety reasons, all toxic entries are made by a minimum of two employees and may be comprised of employees from any of the three departments.

Operations Support Department: The primary role of *DPE tenders A, B and C* is to assist with toxic entries by helping employees put on protective suits that are used during toxic entries; escorting employees to the area where the toxic entry will be made; and, upon completion of the toxic entry, decontaminating employees and cutting them out of their suits. *Emergency response team coordinators* have the same duties as DPE tenders except they also respond to emergencies that occur around the facility, such as by providing first-aid to an injured employee. *Environmental operators* are responsible for packaging byproducts that are generated during the chemical disposal process. *Plant operator TMAs* gather and dispose of wastes generated in the toxic areas of the plant. *PSC attendants* are responsible for distributing and inventorying protective gear that is maintained in an area of the facility used for showering and changing. The

site service maintenance employees take care of the facility grounds and post signs to move equipment and loads.

Wages, Hours and Working Conditions

Maintenance, operations and operations support employees earn an hourly wage and receive the same fringe benefits, vacation benefits and insurance benefits. The maintenance department employees have the following average rates: general maintenance worker - \$13.43; electrical technician B - \$17.20; I&C technician B - \$17.20; mechanical technician A - \$20.51; electrical technician A - \$20.70; and I&C technician A - \$21.17. The operations department employees have the following average rates: munitions handler C - \$13.56; munitions handler B - \$16.49; munitions handler A - \$19.67; plant operator A - \$19.77; and control room operator - \$22.86. The operations support department employees have the following average rates: site services maintenance person - \$13.49; DPE tender C - \$13.56; DPE tender B - \$16.49; environmental operator – approximately \$17.40; site services maintenance technician - \$17.55; DPE tender A - \$19.07; plant operator TMA A - \$19.07; DPE tender A lead - \$20.04; PSC attendant - \$20.28, and emergency response team coordinator - \$24.

Maintenance, operations, and operations support employees share the following common conditions of employment: hours of work, break and rest periods, holidays, government code of conduct, and employee handbook. While all employees use the personnel support complex that houses lockers, showers and protective equipment, currently maintenance employees have a separate lunchroom. The Employer stated that after the facility becomes operational, it intends to convert an existing building into a common lunchroom and break area that will be shared by all three groups of employees.

The Employer maintains a maintenance tool crib, which is the only tool room at the facility and is used by both operations and maintenance employees. The precise location of the tool crib is unclear. Maintenance employees work out of the maintenance “medical” building, whereas operations employees work out of several other buildings at the facility, including some areas outside the fence.

All maintenance employees wear green hard hats, while operations employees wear blue hard hats except for control room operators who wear white hard hats. The record is not clear what color hard hats, if any, operations support employees wear. Nor does the record reflect any other differentiation between the dress of the various employees.

Commonality of Supervision

Except when serving as members of the FIN team, as discussed below, maintenance employees have separate supervision from operations and operations support employees. On a daily basis, maintenance employees are supervised by a maintenance supervisor. The maintenance supervisor reports to an unspecified number of maintenance superintendents, who report to the maintenance manager, who in turn reports to the plant manager. There is no evidence that operations and operations support employees are supervised by any person holding a supervisory or managerial position in the maintenance department.

A maintenance employee testified that his evaluations have been prepared and signed by either a maintenance supervisor or maintenance superintendent and that the maintenance supervisor discussed the evaluations with him. Two maintenance employees testified that their vacation requests have only been submitted to and approved by their maintenance department supervisor. Regarding work assignments, these employees testified that their work assignments have only come to them directly from the maintenance supervisor.

Regarding discipline of maintenance employees, operations and operations support supervisors have the authority to bring performance-related deficiencies that they observe to the attention of the maintenance employee's immediate supervisor. However, the maintenance supervisor is ultimately responsible for handling the matter once it is brought to his attention. A limited exception to this is that the plant shift manager, as the designated safety official, can remove someone from a job if he believes the employee is unfit for their shift. There is no evidence that maintenance supervisors are involved in the discipline of operations or operations support employees.

Degree of Skills and Training

Maintenance employees use some special tools and equipment, such as flukes, that are not used by operations employees. When seeking to fill electrical technician positions, the Employer considers candidates who have commercial nuclear experience, nuclear Navy experience, an "AA degree", 6 years of experience, or apprenticeship experience. One-third of the Employer's electrical technicians possess formal apprenticeship experience. Because their job duties require them to weld, mechanical technicians are required to have a welding certification and pass a welding test conducted by maintenance personnel. Like electrical technicians, the Employer considers candidates for mechanical technician positions who have completed an apprenticeship program and have an "AA degree" or 6 years prior experience.

Operations employees control functions at the facility through electronics and computers. Like the electrical technicians, in filling the position of control room operator, the Employer seeks individuals who have nuclear Navy experience. Evidence was not presented or adduced with regard to the specific experience or educational background required for other classifications within operations or operations support. However, Human Resources Manager

Sharon Mulder stated in uncontroverted testimony that in most cases the experience required for operations and operations support personnel is about the same as that for maintenance employees.

With regard to training, maintenance and operations employees are required to attend many of the same training sessions, including: OSHA training; hazardous material training; high angle rescue training; forklift training; decontamination training; toxic area training in Maryland where instruction is provided regarding the use of protective equipment and gear used during toxic entries; and basic training which covers the core operations of the Employer's facility. Maintenance employees have also attended some maintenance-oriented training classes in Maryland that were not attended by operations or operations support employees. The record is unclear as to the length and frequency of the training.

Frequency of Contact and Interchange

Although the Employer permits employees to transfer from one department to another pursuant to a transfer policy described in the employee handbook, limited evidence was presented regarding transfers involving the maintenance department. According to the Employer's human resources manager, there have been an unspecified number of temporary transfers from operations to maintenance. However, no evidence was presented regarding the circumstances that prompted the transfers, the length of the transfers or the frequency with which they have occurred. During the past three years, there have been a total of six or seven permanent transfers to or from the maintenance department. The record does not disclose the classifications involved in the permanent transfers or contain any other specifics regarding those transfers.

Maintenance and operations employees work together as teams on tasks including performing toxic entries; cleaning up spills; decontaminating work areas; cleaning up explosives; handling, bagging and storing hazardous wastes; and equipment maintenance and repair. The Employer anticipates that when the facility becomes fully operational, the toxic entries will occur a minimum of four times per 24-hour period. The toxic entry itself lasts no more than two hours. However, it takes about an hour prior to the entry for the medical screening, loading 35 to 40 pounds of gear, and setting up radio communications and heart monitoring. It takes another hour after the entry for employees to process out through the air locks, decontaminate their suits and equipment and get out of their suits. Although the record does not establish how often the tasks other than the toxic entries are or would be performed, no one testified that the other tasks were unusual or infrequent.

When operations employees work with maintenance employees on maintenance and repairs, the operations employee's role is limited to assisting the maintenance employee. The assistance provided by operations employees consists of ensuring that the equipment being repaired is stable and will not turn on (referred to as "lock-outs"), handing tools to the maintenance employee, holding things down, and giving the maintenance employee a "hand." With the exception of lock-outs, these tasks are performed at the direction of the maintenance employee. A maintenance employee testified that operations employees play such a limited role because they are not trained to repair equipment.

Maintenance employees and operations employees may attend meetings together where their performance of a unique task is discussed. The record is silent regarding the length and frequency of these meetings.

Maintenance and operations employees are also assigned to the Employer's fix-it-now (FIN) team. The FIN team reports to the plant shift manager and is responsible for responding to unspecified "emergent conditions" at the direction of the plant shift manager. Besides responding to emergent conditions, team members also "walk down packages" and assist with the preparation and planning of future unspecified activities. While on the FIN team, the crew members typically only do work for the FIN team and do not perform their normal jobs. The maintenance manager or maintenance superintendent determines which maintenance employees are on the team while the operations manager or plant shift manager selects the operations employees. The number of members on the FIN team was not established at the hearing. In the future, employees will rotate onto to the FIN team for six-month terms.

Analysis

The facts of this case lead me to conclude that the petitioned-for maintenance employees do not constitute a functionally distinct and cohesive grouping of employees appropriate for collective bargaining purposes. Maintenance, operations, and operations support employees all share common wages, benefits, and working conditions. While the maintenance employees have some separate skills, employees in all three departments participate in a number of the same training sessions. See *F.M. Schaefer Brewing Co.*, 198 NLRB 323 (1972) (Board found separate maintenance unit was not appropriate where wages were similar, employees participated in similar training, and maintenance employees were assigned to work in production areas where they had close contact with production employees) In addition, maintenance employees here have regular contact with the operations and operations support employees and there have been both temporary and permanent transfers of maintenance employees with the other two departments. The functional integration and interaction between maintenance employees and

employees in the other departments is also significant because of the extremely hazardous nature of the work. Maintenance employees who perform toxic entries will spend significant time with operations support employees while preparing for the entry and immediately after exiting the toxic area. Additionally, FIN teams will be comprised of employees from maintenance and operations. See *Chromalloy Photographic*, 234 NLRB 1047 (1978) (Board found camera repair and maintenance employees did not possess a community of interest where they were part of a single highly integrated process and performed work closely related to the production of the employer's final product).

I reach this conclusion despite the fact that the maintenance employees are in a separate department with separate supervision, and the fact that when working with maintenance employees the operations employees do not perform the high-level repairs performed by maintenance employees and are primarily assisting by handing out tools and performing other minor tasks at the direction of maintenance employees. I recognize that the Board has found that this type of aid is unskilled work and peripheral to the actual repair work performed by maintenance employees and does not warrant the inclusion of production employees in a maintenance unit. *Ore-Ida Foods*, 313 NLRB 1016, 1020 (1994); *Yuengling Brewing Co. of Tampa*, 333 NLRB 892, 893 (2001). My finding that the operations and operations support employees must be included in the unit with maintenance employees is not based on such assistance. Rather, I rely on the common training and working conditions, the lack of significant differentiation in wages, and the functional integration necessitated by working in highly hazardous circumstances which require significant contact and dependence to perform tasks that could otherwise be performed without a great deal of interaction or dependence on other employees.

The cases relied upon by the Petitioner in its post-hearing brief are distinguishable and do not compel a finding that a separate maintenance unit is appropriate. In *Ore-Ida*, supra, the employer required new maintenance hires and transfers to complete an appropriate craft apprenticeship program and the wages of the maintenance employees were clustered at the two highest wage rates paid by the employer. Here, only about one-third of the electrical technicians have completed an apprenticeship program. With regard to wages, here the average wage rate is between \$19 and \$24 for three classifications of employees in maintenance, three classifications in operations, and five classifications in operations support, with the two highest average wage rates being paid to an operations department employee and an operations support department employee. In *Capri Sun*, 330 NLRB 1124 (2000), the Board found that the maintenance employees were much more skilled than the production employees and generally were paid from 7 to 20 percent more than the production employees. In addition, when filling the entry level mechanic positions, the employer advertised for applicants with excellent mechanical aptitude and troubleshooting abilities, the ability to read wiring diagrams, and the ability to perform basic wiring up to 480 volts, while the production positions, with one exception, required no mechanical aptitude. Here, as noted above, the significant difference in wages and skills is not apparent. For example, the Employer's preference that its control room operators have nuclear Navy experience suggests highly skilled individuals are employed in these positions thus accounting for the fact that they are higher paid than any maintenance classification.

Based on the foregoing, I find that a separate maintenance unit is not appropriate and I will dismiss the petition since the Petitioner has stated that it does not wish to proceed to an election in any alternate unit.³

B. Expanding Unit Issue

Although my decision regarding the appropriate unit makes it unnecessary to decide the expanding unit issue, I will address the issue in the event it is subsequently determined that a separate maintenance unit is appropriate. In determining if the present complement of 70 maintenance employees is a substantial and representative complement of the total anticipated workforce, it is well settled that the Board will direct an immediate election, despite an employer's plan to expand its workforce, when the employer's current complement of employees is "substantial and representative" of the unit workforce to be employed in the near future. *Yellowstone International Mailing*, 332 NLRB 386 (2000). Among the factors the Board considers when making this determination are: the size of the current workforce; the size of the expected ultimate employee complement; the time expected to elapse before a full workforce is attained; the number of existing and anticipated job classifications; and the certainty of the expansion. *Toto Industries, Inc.*, 323 NLRB 645 (1997). The Board will generally find an existing complement of employees is substantial and representative when "approximately 30 percent of the eventual employee complement is employed in 50 percent of the anticipated job classifications." *Yellowstone International Mailing*, supra at 386.

³ In support of its position, the Employer relies upon an unreviewed Decision and Order in Case 36-RC-6105 involving a similar facility operated by the Employer at Umatilla, Oregon. In that case, the Director found an operations, technical (operations) support and maintenance employee unit appropriate although the petitioner sought a unit comprised solely of operations employees. Unreviewed Regional Director decisions are not controlling and I do not rely upon it in reaching my determination. *Rental Uniform Service*, 330 NLRB 334, 336, fn. 10 (1999).

For example, in *Yellowstone International Mailing*, the existing complement of employees constituted 38 percent of the projected workforce and 100 percent of the ultimate job classifications were filled. The Board found this workforce constituted a substantial and representative complement sufficient to proceed with an election. In *Toto Industries, Inc.*, the Board agreed that an existing complement of over 50 percent of the anticipated employees was substantial and representative.

Here, the Employer currently employs 196 unit employees. Seventy of those employees, approximately 36 percent, are maintenance employees. The Employer anticipates hiring 50 more employees before October 1, 2004, and an additional 60 employees in fiscal year 2005 pending approval of its budget. It is unclear how many of the new employees will be maintenance employees. No new job classifications will be added. Thus, the current complement of maintenance employees constitutes 100 percent of the ultimate job classifications. There is no evidence that the proportion of maintenance employees to the other employees will change when the additional employees are hired. That would mean that about 36 percent, or 40, of the 110 new employees would be maintenance employees. Accordingly, the 70 employees currently employed constitute about 64 percent of the projected workforce. I therefore find the Employer's current complement of maintenance employees is "substantial and representative" of the unit workforce to be employed in the near future. *Yellowstone International Mailing*, supra.

K-P Hydraulics Company, 219 NLRB 138 (1975), a case relied upon by the Intervenor in its post-hearing brief, is distinguishable and does not compel a contrary result. The employer in *K-P Hydraulics* employed 40 full-time employees, was operating only one shift and was utilizing 13 job classifications at the time of the hearing. However, the employer anticipated

operating two additional shifts, adding 20 new job classifications and hiring about 100 more employees.

III. CONCLUSIONS AND FINDINGS

Based on the entire record in this proceeding, 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 within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction here.
3. The Petitioner and the Intervenor are labor organizations within the meaning of Section 2(5) of the Act.
4. As explained above, because the Petitioner does not wish to proceed to an election in an appropriate unit, no 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.

IV. ORDER

The petition in this matter is dismissed.

V. RIGHT TO REQUEST REVIEW

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 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by 5 p.m., EDT on **September 29, 2004**. The request may **not** be filed by facsimile.

Dated at Memphis, Tennessee, this 15th day of September 2004.

/S/ Thomas H. Smith

Thomas H. Smith, Acting Regional Director
National Labor Relations Board
Region 26
1407 Union Avenue, Suite 800
Memphis, TN 38104-3627