

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

GREYSTONE PROGRAMS, INC.

Employer

and

Case 3-RC-11423

**INTERNATIONAL TRANSPORT WORKERS
UNION OF AMERICA, AFL-CIO¹**

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended (“Act”), a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board.

Pursuant to Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, I find:

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

The parties stipulated, and I find, that Greystone Programs, Inc., (“Greystone”) is a not-for-profit New York corporation with its principal place of business located in Poughkeepsie, New York where it is engaged in providing regional and community-based service programs to individuals with developmental disabilities. During the last twelve months, a representative period, Greystone has derived gross revenues in excess of \$250,000, and has purchased goods, materials and supplies valued in excess of \$10,000, from vendors located within the State of

¹ The Petitioner’s name appears as amended at the hearing.

New York, each of which other enterprises had received these goods directly from points outside the State of New York.

The parties stipulated, and I find, that International Transport Workers Union of America, AFL-CIO, (“Petitioner”) is a labor organization within the meaning of Section 2(5) of the Act.

A question affecting commerce exists concerning the representation of certain employees of Greystone within the meaning of Section 9(c)(1) and Sections 2(6) and (7) of the Act.

The petition, as amended at hearing, seeks a bargaining unit of the Employer’s full-time and regular part-time direct support professionals, resident specialists and facility technicians; excluding all office clerical employees, and all professional employees, guards and supervisors as defined in the Act.

The parties stipulated that the following employees should be included in the unit: all full-time and regular part-time direct support professionals (“DSPs”), residential specialists and facility technicians² employed by the Employer at all of its facilities located in New York State. There is no dispute by the parties as to the inclusion of these employees within the unit.

The parties stipulated, and I find, that the resident directors are supervisors within the meaning of Section 2(11) of the Act and that they should be excluded from the unit on that basis. The parties further stipulated, and I find, that the unit found appropriate should exclude all office clerical employees, and all professional employees,³ guards and supervisors as defined in the Act.

The parties also stipulated at the hearing that there is no history of collective bargaining

² The record indicates that the facility technicians are maintenance employees, but does not indicate at which facilities they work or how many are employed. However, the parties agree that facility technicians should be in the unit.

³ No party contends, nor do I find, that the direct support professionals are professional employees within the meaning of Section 2(12) of the Act.

and that there is no collective-bargaining agreement which would be a bar to an election.

There are three issues herein. First, Greystone contends that the Board does not have jurisdiction in this matter. Second, Greystone contends that should the Board assert jurisdiction, the petitioned-for unit should include DSP teachers, DSP teacher assistants and DSP mentors because they share a community of interest with the other employees in the petitioned-for unit. Third, the parties dispute the number of hours an employee must work per month in order to be included in the unit.

As a threshold issue, Greystone contends that the Board does not have jurisdiction in this matter because it cannot engage in meaningful bargaining because the New York State Office of Children and Family Services (“OCFS”) and the New York State Office of Mental Retardation and Developmental Disabilities (“OMRD”) exert significant control over its terms and conditions of employment; and because it is a joint employer with the State of New York and therefore is exempt under the Act.

Greystone has facilities in Dutchess and Orange counties. It is comprised of 11 group homes, a day-care center, and an administrative office facility. The administrative office facility also houses a day rehabilitation program.

Ten of the group homes are in Dutchess County, and one is in Orange County.⁴ Each of these facilities provides day-to-day living assistance to approximately six adults with disabilities. The group homes are staffed 24 hours a day, 7 days a week.

The day-care center, called Club Aspire, is located in Orange County. This facility is licensed by OCFS and caters to children 2.9 to 5 years of age. It is open five days a week, from

⁴ The 11 group homes and their locations are as follows: Warwick, in Warwick; Riverside, in Wappinger Falls; New Hackensack, in Wappinger Falls; Harmony Hill, in Pauling; Pleasant Ridge, in Pleasant Ridge; Route 9G, in Statburg; Falkill Road, in Hyde Park; Dancing Bear, in Pine Plains; Greystone House, in Hyde Park; Van Kirk, in Hyde Park; and Salt Paint, in Salt Paint.

8 a.m. until 6 p.m., and one weekend day per month. Club Aspire offers two programs: an after-school rehabilitation program which focuses on children with developmental disabilities; and a regular day-care center. Both programs are available to the general public.

Greystone's administrative office is in Poughkeepsie, New York, in Dutchess County. It provides administrative services for all of the Employer's locations, including training to its off-site employees. The administrative building also houses a day rehabilitation program called Project Fame.

The Employer's operations are regulated by OCFS and OMRD. OMRD promulgates regulations with respect to the meals offered to the Employer's clients, the clients' personal hygiene, fire safety, activities, staffing requirements,⁵ and the physical appearance of the group homes. It also funds approximately 98 percent of Greystone's budget.

Greystone's budget is determined every November by the Chief Executive Officer ("CEO") Catherine Doyle and the finance committee of Greystone's board of directors.⁶ The board of directors has final discretion concerning whether the proposal is approved. Usually the board of directors approves the budget sometime in December before the new fiscal year begins on January 1. Neither OMRD nor OCFS are involved in this budget approval process.

The initial budget proposal is based on the previous year's rate sheets, which are prepared and set by OMRD and which determine the level of reimbursement. The rate sheet includes the wages, some statutory benefits⁷ and administrative/support expenses that OMRD will cover. These reimbursement numbers influence how many full-time equivalents ("FTEs") Greystone

⁵ OMRD requires that Greystone meet certain minimum threshold staffing requirements.

⁶ The record is silent as to how the board of directors is selected, whom it is composed of and what, if any, authority it answers to.

⁷ Benefits included on these rate sheets cover mandated items such as FICA, workmen's compensation, and disability. It also includes such non-mandated items as health insurance, vacations, tuition assistance, and pension plans.

hires. On occasion, Greystone will hire more FTEs or increase employee benefits as they deem necessary. Greystone can spend more than the budgeted OMRD rate sheet amounts with the understanding that they will not be reimbursed for these expenses. Therefore, while significantly influenced by the OMRD rate sheets, Greystone has the final authority in setting hourly rates, increasing or changing fringe benefits and determining staff size. In May 2003, Greystone decided to implement across-the-board wage increases. No State agency was involved in that decision.

Throughout the year, Greystone bills OMRD for its various programs and is then reimbursed. At the end of the fiscal year, Greystone prepares a certified fiscal report for OMRD's review. If Greystone spends more money than allotted by OMRD, OMRD asks Greystone to provide an explanation as to why it went over budget and does not reimburse it for these excesses. Greystone can file a retroactive appeal for these funds which OMRD may approve or disapprove. An appeal can take up to two years to process.

Aside from its budgetary role, there are OMRD regulations prepared by the Office of Counsel of the Regulatory Affairs Unit, Part 633, called the Protection of Individuals Receiving Services in Facilities Operated which detail all of the criteria Greystone must use in selecting its employees. At minimum, Greystone must verify and/or review a job applicant's last place of employment, related volunteer and work experiences (particularly with OMRD or another state agency), educational history (along with proper documentation), work and personal references, relevant licenses, special skills, criminal records, and any driving violations. All job applicants are screened by the New York State Department of Social Services to determine if the applicant has ever been the subject of a child abuse or a maltreatment report. Apart from these mandatory requirements, Greystone is permitted to have, and does have, some of its own requirements

above and beyond what OMRD mandates. For example, Greystone will ask for immigration dates, work experience as far back as when the individual was first employed, any academic hours received and what the applicant's understanding of Greystone's mission is.

Approximately twice a year, OMRD sends about three individuals to perform an audit at each Greystone facility. These audits generally last two to four days. Personnel records, medical records, individual living records, petty cash records and customer diets are reviewed. If the audit reveals that an employee was not qualified, or if abuse or neglect of a client is suspected, OMRD will immediately have that individual terminated. This has happened on at least twelve different occasions for a variety of reasons such as: poor work performance, no show, neglect of duties, abuse/neglect of client, falling asleep on the job, or intoxication. All incidents of employee misconduct must be reported to OMRD within 24 hours. Greystone must then conduct an investigation of the incident within five days and OMRD reviews the results. Incident reports are also reviewed during the audit. OMRD will make the ultimate decision as to who is terminated. If Greystone refuses to follow this directive, it is subject to sanctions.

If Greystone is found to perform poorly in the audit, OMRD can issue a statement of deficiency requiring Greystone to respond in a corrective action plan within ten days. Greystone could lose its operating license or lose significant funding from OMRD, if it does not take corrective action.

The 11 group homes are each staffed by a residential director and by DSPs. The DSPs report to their group home's resident director. DSPs assist the residents throughout the day, assisting them with showering, toileting, shopping for food, money management and anything else concerning daily living activities. The DSPs' duties are similar at the 11 homes.⁸ The DSPs

⁸ The record does not indicate the number of DSPs employed in the group homes.

are required to have a high school diploma. They are hourly paid, with wages ranging from \$9.50 to \$15.00 per hour. It appears from the record that the DSPs work in three shifts to maintain round-the-clock coverage in the group homes.⁹ All of the Employer's employees receive the same fringe benefits, which include health insurance, life insurance, tuition assistance, three weeks of paid vacation, nine holidays and 12 sick days.

Some of the group homes are also staffed by residential specialists, but the record does not indicate whether there are residential specialists at all 11 group homes, or the number of residential specialists employed by Greystone. Residential specialists have responsibilities similar to those of the DSPs, but also are responsible for planning activities for the clients, such as recreational programs, outings and vacations. The residential specialist is a salaried position which requires a college degree and good writing skills.¹⁰ The record indicates that the DSPs and the residential specialists transfer between group homes, either by the employee's request or by the Employer as the need arises.

Project Fame is a day rehabilitation program housed in the Poughkeepsie office building. DSPs working in Project Fame perform the same duties, and receive the same wages and benefits as the Employer's other DSPs.¹¹

The Employer's Aspire day-care center is located in Sugarloaf, New York, and is staffed by 10 to 12 DSP teachers and DSP teacher assistants.¹² They are supervised by the director of community support services. They work with young children in the day-care center and with

⁹ The record does not specify the length or hours of the work shifts.

¹⁰ The record is silent as to the salaries of the residential specialists.

¹¹ The record does not establish the number of DSPs working in Project Fame, or any other specific information about Project Fame.

¹² The record does not indicate the specific number of DSP teachers and teacher assistants, but does indicate that there are more assistants than teachers.

children with autism or developmental disabilities in the after-school program at the day-care center. The record does not specify what specific job duties the DSP teacher or teacher assistants perform. Until recently, the DSP teachers were called “child care specialists.” The DSP teachers are not required to have a college degree or any certifications. The only educational requirement is that they earn at least 16 college credits. The record does not disclose the job qualifications of the teacher assistants. Both the teachers and the teacher assistants work in shifts from about 7 a.m. to 6 p.m. DSP teachers and teacher assistants are paid \$8.75 to \$12.00 per hour. The DSP teachers and teacher assistants do not work, or transfer to positions, in the group homes.

Greystone employs 19-20 DSP mentors who perform duties similar to those of the DSPs in the group homes, except they assist clients with their day-to-day living needs in the clients’ private homes. Specifically, the DSP mentors help clients with hygiene, shopping, reading, transportation and other activities. The DSP mentors are supervised separately from the DSPs in the group homes.¹³ The DSP mentors are part-time employees (20 hours per week) and are paid \$9.50 to \$15.00 per hour. The DSP mentors receive the same fringe benefits as the Employer’s other employees. The DSP mentors report to the Poughkeepsie administrative office to submit their time sheets and for job training. The DSP mentors may supplement their hours by working up to an additional 20 hours per week in the group homes assisting the group home residents.

Greystone raises the issue of the Board’s jurisdiction in this matter. It argued at the hearing and in its post-hearing brief that the Board’s jurisdictional test established in Res-Care, Inc., 280 NLRB 670 (1986), should apply herein. However, the Board in Management Training Corp., 317 NLRB 1355 (1995), rejected as unworkable and unrealistic, the Res-Care

¹³ The record does not identify the name of the supervisor of the DSP mentors.

jurisdictional test which had examined whether an employer with close ties to an exempt entity had control over essential terms and conditions of employment such that it was capable of engaging in meaningful collective bargaining. Instead, the Board held that “in determining whether the Board should assert jurisdiction...[it]... will only consider whether the employer meets the definition of ‘employer’ under Section 2(2) of the Act, and whether such employer meets the applicable monetary jurisdictional standards.” *Id.* at 1358. Thus, Greystone’s contentions that the Board does not have jurisdiction due to the lack of control exercised by its management staff or due to the characteristics of Greystone have been rejected by the Board. Management Training Corp., *supra*.

In the instant case, since the parties have stipulated that Greystone satisfies the monetary jurisdictional standards, it must be determined whether Greystone is an “employer” within the meaning of the Act. Section 2(2) of the Act provides that the term “employer” shall not include “any State or political subdivision thereof.”¹⁴ In NLRB v. Natural Gas Utility District of Hawkins County, 402 U.S. 600, 604-605 (1971) (herein “Hawkins”), the Supreme Court held that an entity is exempt from the Board’s jurisdiction as a political subdivision if it is either created directly by the state, so as to constitute a department or an administrative arm of the government; or administered by individuals who are responsible to public officials or to the general electorate.

Neither prong of the Hawkins test is satisfied here. Greystone does not satisfy the first prong of Hawkins, as it did not present any evidence and does not argue that it was created by the State. Although the record reveals that Greystone is licensed by OMRD, it is a private not-

¹⁴ Greystone argues during the hearing, but not in its post hearing brief, that Greystone is a joint employer with State of New York and therefore is not an “employer” under Section 2(2) of the Act. The only evidence that it provided to support this assertion was the degree of control OCFS and OMRD had over Greystone. This, in itself, is insufficient to establish a joint employer. M.G. Sturgis, Inc. 331 NLRB 1298, 1301 (2000).

for-profit corporation. The record is silent as to how Greystone was created. The second prong of the Hawkins test requires that, for an entity to be deemed “administered by” individuals responsible to public officials or to the general electorate, those individuals must constitute a majority of the board. FiveCAP, Inc., 331 NLRB 1165 (2000); Enrichment Services Program, Inc., 325 NLRB 818 (1998). To be “responsible to public officials or the general electorate,” such individuals must have direct personal accountability to public officials or the general electorate, as the case may be. *Id.* To be considered accountable to the general electorate, the electors eligible to vote for members of the board must be sufficiently comparable to the electorate for general political elections in the state. *Id.* Here, no evidence was presented that a majority (or any for that matter) of Greystone’s board of directors are either directly responsible to public officials or to the general public. Accordingly, Greystone is not a state or political subdivision and is therefore an “employer” within the meaning of Section 2(2).

Based upon the foregoing, and the parties’ stipulation, I find that Greystone is an employer engaged in commerce within the meaning of Sections 2(2), and (6) of the Act, and that it will effectuate the policies of the Act to assert jurisdiction in this proceeding.

The Employer contends that DSP teachers, DSP teacher assistants and DSP mentors should be included in the unit because they share a community of interest with the employees in the petitioned-for unit. The Union argues that the DSP teachers and DSP teacher assistants should be excluded from the unit because they don’t work in the group homes. The Union would also exclude the DSP mentors from the unit.¹⁵ I conclude that the petitioned-for unit, including those DSP mentors who regularly work part-time as DSPs in the group homes, is an appropriate

¹⁵ The record does not disclose the basis on which the Union would exclude the DSP mentors. The Union did not submit a post-hearing brief.

unit.¹⁶ As DSPs also work in Project Fame, the Employer’s day rehabilitation program, I shall include them in the unit.

The Act only requires the petitioned-for unit to be an appropriate unit; it does not require the unit be the only appropriate or even the most appropriate unit. The Boeing Co., 337 NLRB No. 24, slip op. at 2 (December 20, 2001); Overnite Transportation Company, 322 NLRB 723 (1996). The Board’s procedure for determining an appropriate unit under the Act is to first evaluate the petitioned-for unit. If the unit is found appropriate, thereby ensuring employees “the fullest freedom” in exercising their rights under the Act to select a representative of their own choosing, then the inquiry into the appropriateness of the unit ends. Overnite Transportation Company, *supra*.

A unit is appropriate when the employees in the petitioned-for unit share a community of interest. NLRB v. Action Automotive, Inc. 469 U.S. 490, 494 (1985). In Kalamazoo Paper Box Corp., 136 NLRB 134, 137 (1962), the Board enumerated factors to be assessed in determining whether a community of interest sets a group of employees apart from other employees:

[A] difference in method of wages or compensation; different hours of work; different employment benefits; separate supervision; the degree of dissimilar qualifications, training and skills; differences in job functions and amount of working time spent away from the employment or plant situs...; the infrequency or lack of contact with other employees; lack of integration with the work functions of other employees or interchange with them; and the history of bargaining.

The record discloses that DSP teachers and DSP teacher assistants are supervised separately from the DSPs. Specifically, the teachers and teacher assistants report to the director of community support services, while the DSPs report to the resident directors. The teachers and teacher assistants work solely with children in the Employer’s day-care center and in the after-

¹⁶ Specifically, those DSP mentors who work in the Employer’s group home as DSPs on a regular part-time basis are included in the bargaining unit. See the discussion concerning part-time employees, *infra*.

school rehabilitation program at the day-care center. In contrast, the DSPs do not work at the day-care center; they work solely with adult clients in the group homes or in Project Fame. The teachers and teacher assistants work different schedules than the DSPs in the group homes, as the day-care center is staffed from 7 a.m. to 6 p.m., while the DSPs work in three shifts to maintain round-the-clock coverage in the group homes. It does not appear from the record that the teachers and teacher assistants work with or have any contact with the DSPs, and there is no evidence of integration of work functions or interchange between the teachers and teacher assistants, and the DSPs.

The DSP mentors, unlike the DSPs, are part-time employees who work 20 hours per week in clients' private homes. While they perform duties similar to the DSPs in the group homes they, like the DSP teachers and assistants, are supervised separately from the DSPs. As the DSP mentors service clients' private homes on a part-time basis, it does not appear that they work shift schedules similar to the DSPs in the group homes, where it is necessary to maintain round-the-clock coverage. Thus, the record is insufficient to establish that the DSP mentors who work exclusively in clients' homes share a community of interest with the employees in the group homes sufficient to warrant their inclusion in the unit.

However, the record indicates that the DSP mentors may supplement their part-time income by working up to an additional 20 hours per week as part-time DSPs in the same group homes as the other DSPs. The record does not establish the number of DSP mentors who do so, or how often they work in the group homes. Accordingly, to the extent that any DSP mentor also works in a group home as a regular part-time DSP, they shall be included in the unit as a regular, part-time DSP.

I note that while the employee classifications at issue herein (DSP teachers, DSP teacher assistants and DSP mentors) share a few, limited terms and conditions of employment with employees in the petitioned-for unit,¹⁷ these similarities are insufficient to overcome the lack of common supervision, regular contact, interchange, and functional integration with the DSPs in the petitioned-for unit. See The Salvation Army, 225 NLRB 406 (1976) (Board found separate unit of employees at a social service center appropriate based on differences in jobs and functions, separate supervision, and lack of interchange with other employees); Ramada Inn West, 225 NLRB 1279, 1280 (1976) (Board found petitioned-for unit appropriate, noting in particular the requested employees' separate supervision, lack of interchange with other employees on a regular basis, and lack of a high degree of integration of functions and mutuality of interest with other employees.) Cf. Mount St. Joseph's Home for Girls, 227 NLRB 404 (1976), in which the Board found that child care workers and counselors working in separate group homes constituted an appropriate unit where they had, inter alia, the same overall supervision, were subject to the same labor relations and personnel policies, were paid according to the same pay scale, and where they transferred from home to home depending on existing vacancies.

The Employer argues that any employee who works eight or more hours per month should be included in the unit because any employee who works less is no longer considered to be an employee by the Employer's definition and is terminated.¹⁸ The Union argues that an employee must work four or more hours per week in order to be included in the unit. I shall

¹⁷ While the Employer, in its post-hearing brief, points out that the teachers, teacher assistants and mentors enjoy the same fringe benefits as the DSPs, the record establishes that all of the Employer's employees receive the same fringe benefit terms.

¹⁸ Those employees who work at least 32 hours per work are considered to be full-time employees by the Employer. Greystone employs approximately 25-40 employees that it refers to as "per diem" or "relief" employees who are not full-time but work at least 8 hours per month.

include part-time employees in the unit based on the following. In determining the status of part-time employees in the health care industry, "the Board has utilized various eligibility formulae as guidelines to distinguish 'regular' part-time employees from those whose job history with the employer is sufficiently sporadic that it is most accurately characterized as 'casual'." Sisters of Mercy Health Corporation, 298 NLRB 483 (1990). Consistent with the formula used by the Board in that case, I find eligible to vote those part-time employees who regularly averaged 4 or more hours of work per week during the quarter (13 weeks) prior to the eligibility date. Id. at 483-484. See also Davison-Paxon Co., 185 NLRB 21, 24 (1970).

Based upon the foregoing, and the parties' stipulation, I find, that the following employees constitute a unit appropriate for the purposes of collective bargaining with the meaning of Section 9(b) of the Act:

All full-time and regular part-time direct support specialists (DSPs), residential specialists and facility technicians; excluding all resident directors, DSP teachers, DSP teacher assistants, DSP mentors, office clerical employees, and all professional employees, guards and supervisors as defined in the Act.

There are approximately 140 employees in the unit found appropriate herein.

DIRECTION OF ELECTION¹⁹

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate, as described above, at the time and place set forth in the notice of election to be issued subsequently subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding

¹⁹ Because the unit in which an election is directed may be significantly larger than the unit petitioned for, I shall allow the Petitioner until close of business **May 3, 2004**, to submit to me additional cards necessary to support a 30 percent showing of interest in the larger unit, unless a Request for Review by Petitioner challenging my unit determination is timely filed, in which event the submission of the additional showing of interest will be due, if appropriate, 10 days from the date of the Board's action on the Request for Review.

the date of this Decision, including employees who did not work during that 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 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 who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by: **INTERNATIONAL TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO.**

LIST OF VOTERS

In order to insure 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 lists of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359 (1994). Accordingly, it is hereby directed that, within 7 days of the date of this Decision, **2** copies of an election eligibility list, containing the full names and addresses of all eligible voters, shall be filed by the Employer with the Regional Director of Region Three of the National Labor Relations Board who shall make

the list available to all parties to the election.²⁰ In order to be timely filed, such list must be received in the Buffalo Regional Office, Room 901, 111 West Huron Street, Buffalo, New York 14202, on or before April 29, 2004. No extension of time to file the list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

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 Fourteenth Street, NW, Washington, DC 20570. This request must be received by the Board in Washington by May 6, 2004.

DATED at Buffalo, New York this 22nd day of April 2004.

/s/HELEN E. MARSH

HELEN E. MARSH, Regional Director
National Labor Relations Board-Region 3
Thaddeus J. Dulski Federal Building
111 West Huron Street - Room 901
Buffalo, New York 14202

²⁰ 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.