

March 2, 2004

Re: The Hope School
Case 33-RC-4838

TOM MCLAUGHLIN
AFSCME COUNCIL 31
615 S 2ND ST
PO BOX 2328
SPRINGFIELD IL 62705-2328

Dear Mr. McLaughlin:

Your petition seeking an election among certain employees of The Hope School has been carefully investigated and considered.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your petition for the following reasons:

Your petition seeks an inappropriate collective bargaining unit and is an untimely attempt to intervene in the proceedings of another case. A different labor organization filed a petition in Case 33-RC-4833 on February 6, 2004, seeking a unit of program coordinators employed by the Employer. Because your labor organization had been certified as the representative of certain other employees of the Employer, you were notified by letter of February 6, 2004 of the filing of that petition, provided a copy of the petition, and you were requested to submit any evidence of interest you had for the purposes of intervening in that proceeding. You did not respond to that notification. On February 12, 2004, the Regional Director approved the parties' Stipulated Election Agreement in Case 33-RC-4833 which identified the appropriate unit as being limited to the program coordinators. On February 17, 2004, you filed the petition in the instant matter seeking a unit of employees broader than but including those who are the subject of the election agreement in Case 33-RC-4833. Because you indicated that you would not amend your petition to exclude the program coordinators, and because the parties to the election agreement in Case 33-RC-4833 define the program coordinators as an appropriate unit for whom an election is currently scheduled, the unit you seek is not appropriate and this cannot be viewed as a timely attempt to intervene in the other matter.

Your Right to Obtain a Review of Dismissal Action: Pursuant to the National Labor Relations Board's Rules and Regulations, any party may obtain a review of this action by filing a request for review with the National Labor Relations Board, 1099 14th Street, NW, Washington, DC 20570. If you file a request for review, you must also send a copy to the other parties to this proceeding and to me.

Request for Review Due Date: The request for review must be received by the Executive Secretary for the Board by the close of business at 5:00 p.m. [EST or EDT, as appropriate] on March 11, 2004. However, if you mail the request for review, it will be considered timely if it is postmarked no later than the day before the due date.

Extension of Time to File Request for Review: Upon good cause, the Board may grant special permission for a longer period within which to file a request for review. If you file a

request for extension of time with the Executive Secretary in Washington, you must send a copy of your request to the other parties to this proceeding and to me.

Request for Review Contents: The request for review must contain a complete statement setting forth the facts and the reasons that support your request for review of the decision to dismiss the petition. The request for review and any request for extension of time must include a statement that a copy has been served on the other parties to this proceeding and on me and that service has been accomplished in the same or faster manner as that used to serve the Board.

Very truly yours,

Ralph R. Tremain, RD
Region 14

By: /s/ Will J. Vance
Will J. Vance, Officer-In-Charge
Subregion 33

cc:

EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
OFFICE OF REPRESENTATION APPEALS
FRANKLIN COURT
1099 - 14TH ST NW
WASHINGTON DC 20570

cc:
GLEN FREEBERG
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PO BOX 5810
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