

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14

AMERICAN RED CROSS, HEART OF AMERICA BLOOD SERVICES REGION

Employer

and

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL
IMPLEMENT WORKERS OF AMERICA-UAW

Petitioner

Case 33-RC-4866

**REGIONAL DIRECTOR'S
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; hereinafter referred to as the Board.

Pursuant to the provisions of 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, the undersigned finds:

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 herein.¹
3. The labor organization involved claims to represent certain employees of the Employer.
4. A 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.
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:²

All full-time, part-time, and per diem Collections Specialist I & Records Management Specialist/Document Review, Collections Specialists I, Collections Specialists II, Collection Specialists II/CUC, Collections Specialist II/MPC, Collections Specialist II/MPC/MUC, Collections Specialist II/MUC, Collections Technician I, Marrow Donor Services Coordinator, Mobile Unit Assistant I, Mobile Unit Assistant I/Collection Specialist I, Mobile Unit Assistant II, Mobile Unit Assistant II/Collection Specialist I, Mobile Unit Assistant II/Collection Technician I, Mobile Unit Supply Clerk, Training Specialist-Donor Services, Administrative Assistant II, Donor Counselor I, Records Management Specialist/Document Reviewer, Scheduler, Education Coordinator, Maintenance Assistant, Mechanic, Hospital Services Courier, Hospital Services Technician I, Hospital Services

Technician II, Hospital Services Training Specialist, Laboratory Technician, Laboratory Technologist I, Lead Laboratory Technician, Technical Assistant, Training Specialist-Component, Clerical Assistant I, Clerical Assistant II, Stock Inventory Assistant, Lead Laboratory Technologist, Quality Control Specialist, Hospital Services Quality Control Specialist, Biomedical Facilities/Equipment-Technician Lead, Collections Specialist II Lead, Collections Assistant, Document Control Specialist, Communications Specialist, Volunteer Recruitment Representative, Data Entry Specialist, Information Systems Specialist, Customer Service Representative-Mobile Pheresis, Customer Service Representative, Donor Recruitment Representative, Donor Services Analyst, Lead Donor Recruitment Representative, Lead Telerecruiter, New Account Developer, Receptionist (Galesburg), Telerecruiter, Telerecruiter-Pheresis, Network Specialist II, QA Specialist, Clerical Assistant-Production Room, and Biomedical Facilities Equipment Technician employed by the Employer at its Peoria, Illinois facility, EXCLUDING all Team Leaders, office clerical employees, professional employees, guards and supervisors as defined in the Act.

DIRECTION OF ELECTION³

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees in this unit will vote on whether or not they wish to be represented for purposes of collective bargaining by:

**INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL
IMPLEMENT WORKERS OF AMERICA-UAW**

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 that period because they were ill, on vacation, or temporarily laid off.⁴ 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: (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

LIST OF VOTERS

To ensure 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, 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). Accordingly, it is hereby directed that within 7 days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list, containing the full names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). This list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized (overall or by department, etc.). Upon receipt of the list, I will make it available to all parties to the elections. To be timely filed, the list must be received in the Subregional Office, 300 Hamilton Boulevard, Suite 200, Peoria, Illinois 61602-1246, on or before **July 7, 2004**. No extension of time to file this list will be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this list. Failure to comply with this

requirement will be grounds for setting aside the elections whenever proper objections are filed. The list may be submitted by facsimile transmission at (309) 671-7095 or by electronic mail at Subregion33@nlrb.gov. Since the list will be made available to all parties to the election, please furnish a total of **two** copies, unless the list is submitted by facsimile or electronic mail, in which case no copies need be submitted. If you have any questions, please contact the Subregional Office.

NOTICE OF POSTING OBLIGATIONS

According to Section 103.20 of the Board's Rules and Regulations, the Employer shall post the Notices of Election provided by the Board in areas conspicuous to potential voters for a minimum of 3 working days prior to the date of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

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 **July 14, 2004**. The request may not be filed by facsimile.



Dated July 1, 2004
at St. Louis, Missouri

/s/ [Ralph R. Tremain]
Ralph R. Tremain, Regional Director, Region 14

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- 1 The Employer, American Red Cross, Heart of America Blood Services Region, an unincorporated operating unit of the American National Red Cross, is engaged in the collection, manufacture, and distribution of blood products in various counties within Illinois, Iowa, and Missouri, all managed from its Peoria, Illinois facility.
 - 2 The parties stipulated that the unit, as amended at hearing, is appropriate. Although the unit description refers to the included classifications as employed at the Peoria, Illinois facility, the record establishes that many of the employees in the included classifications do not literally work at the Peoria facility, rather they are field employees and/or are based at other locations within the Employer's regional area. However, it is clear from the parties' posture at hearing and the Employer's brief, that the parties intended that the described classifications encompass all of the employees employed by the Employer within that classification regardless of work location. There are approximately 260 employees in the stipulated unit.
 - 3 The parties disagree as to whether the election should be conducted manually or by mail ballot. Although the record contains some evidence and arguments relevant to this issue, which will be considered in establishing the mechanics of the election herein, the parties are not entitled to litigate this issue at hearing; the Board has repeatedly held that issues concerning the mechanics of an election are left to the discretion of the Regional Director. *San Diego Gas & Electric*, 325 NLRB 1143, 1144 (1998); *Halliburton Services*, 265 NLRB 1154 (1982); *Manchester Knitted Fashions, Inc.*, 108 NLRB 1366 (1954); NLRB Casehandling Manual (Part 2) Representation Proceedings Sec. 11301.4. Accordingly, I will not resolve this issue here.
 - 4 Per diem employees shall be eligible to vote if they regularly averaged 4 or more hours of work per work for the last quarter prior to the eligibility date, as set forth in *Davison-Paxon Co.*, 185 NLRB 21 (1970).