UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10

KAY AND ASSOCIATES, INC.

Employer

and Case 10-RC-15690

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, AFL-CIO

Petitioner

DECISION AND DIRECTION OF ELECTION

The Employer, Kay and Associates, Inc., is an Illinois corporation engaged in the business of technical staffing at its Warner Robins Air Force Base facility in Warner Robins, Georgia (here Warner Robins USAF facility, or the facility) pursuant to a contract with the United States Government. The Petitioner, International Association of Machinists and Aerospace Workers, 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 consisting of all full-time and regular part-time calibration electrical technicians, equipment handlers, supply technicians, janitors, technical librarians and quality process evaluators employed by the Employer at its Warner Robins USAF facility, excluding all office clerical employees, professional employees, managerial employees, guards and supervisors as defined in the Act.[1] A hearing officer of the Board held a hearing and the parties filed post-hearing briefs which have been duly considered.

[1] The unit description was amended at the hearing.

I. POSITIONS OF THE PARTIES AND ISSUES TO BE DECIDED

The Employer contends that three employee job classifications should be excluded from the unit: (1) equipment handlers; (2) technical librarians; and (3) quality process evaluators. The Employer claims that employees in these job classifications do not share a community of employment interests with other unit employees and therefore should be excluded. The Petitioner disputes this assertion, contending that the wall-to-wall unit sought, including the three disputed classifications, is appropriate. There are approximately 54 employees in the unit sought, including 8 employees in the three disputed classifications.

II. THE EMPLOYER'S OPERATIONS

The Employer operates a precision measurement equipment laboratory (PMEL) in a 24,000 square foot facility located in Building 162 at the Warner Robins USAF base. From this facility, the Employer serves customers located not just at the Warner Robins USAF base, but also customers located at USAF bases east of the Mississippi River and in some parts of Europe. Equipment is delivered to the Employer's facility either directly by the customer or by outside shipper. The Employer's first government contract to perform services at the facility was for a four-year term commencing on July 1, 2002. The current contract expires on May 31, 2008; at the time of the hearing, the Employer was negotiating a six-month extension through November, 2008. During the extension period, the government will solicit bids from other contractors and the contract will be recompeted.[2]

The Employer's principal task at the facility is to calibrate and repair a wide range of sophisticated electronic equipment (such as oscilloscopes, spectrum analyzers, and signal generators), as well as physical dimensional equipment (such as pressure gauges and torque

[2] There was no contention that the instant petition should be dismissed in view of the status of the Employer's contract with the government covering the facility.

wrenches) and other mostly nonelectronic equipment. According to the Employer's Program Manager at the facility, retired Army officer Warren Hughes, the Employer basically tests or repairs equipment that "is used to test or diagnose anything, such as a volt meter or temperature or pressure gauges." Pursuant to the government contract, the Employer is bound by a five-day turnaround time for all equipment items submitted. The Employer is subject to fine if it exceeds this five-day period for 5% of equipment processed monthly. The Employer is regularly audited by the USAF Metrology and Calibration Center, and has passed all audits to date.

The 24,000-square-foot facility housing the Employer's operation contains three laboratories, including laboratory A, where physical dimensional equipment is calibrated and repaired, and laboratories B and C, where electronic equipment is calibrated and repaired. The Employer's space also houses special areas dedicated to specific types of equipment, such as a sound room, cold room, light room, and a surface plate area. These dedicated areas are used to calibrate and repair approximately 40% of the 40,000 items processed annually by the Employer. Also housed at the facility are a technical library; a quality processing area; a parts room; two employee break areas, a shipping and receiving and loading dock area (which sometimes functions as a third employee break area); administrative offices; and offices for government personnel.

Management at the Employer's facility is headed by Hughes, the Employer's Program Manager at the site. Reporting to him directly are four managers: Valerie Hughes, Officer Manager; Randall Francis, Training Manager; Mike Grube, Operations Manager and Production Control Manager; and Chuck Kulpa, Quality Assurance Supervisor. The Employer operates two shifts at the facility, five days per week, Monday through Friday: (1) the day shift, from 6:00 AM to 2:30 PM; and (2) the night shift, from 2 PM to 10:30 PM.

III. EMPLOYEES IN THE UNIT SOUGHT

As is noted above, there are approximately 54 employees in the wall-to-wall unit sought by the Petitioner, including the 8 disputed employees: 2 equipment handlers; 2 technical librarians; and 4 quality process evaluators. The Employer and the Petitioner agree that the following employees should be included in the unit: 33 full-time technicians; 9 part-time technicians; 2 janitors; and 2 supply employees. Most of the employees in the unit sought, including 7 of the 8 disputed employees, work full-time on the day shift. Only about 11 employees work the night shift, including 7 part-time technicians, 3 full-time technicians, and 1 of the 2 disputed librarians. All employees in the unit sought, including the 8 disputed employees, work pursuant to individual employment contracts.

As to supervision, there are 33 day shift technicians who are directly supervised by 2 lead technicians, Tom Stewart and Nathaniel Wilson. Stewart oversees the work of the approximately 13 day shift technicians who work on physical dimensional equipment, while Wilson oversees the remaining 20 technicians who work on electronic equipment. The 9 or 10 night shift technicians are supervised by the third lead technician, Dave Roberts.[3] Roberts also oversees the 1 disputed librarian who works the night shift. All 3 lead technicians report directly to Operations and Production Control Manager Mike Grube. The remaining 11 employees in the unit sought work on the day shift, 6 of whom are directly supervised by Operations and Production Control Manager Grube, including the 2 supply employees and 2 janitors, as well as the 2 disputed equipment handlers; the remaining 5 day shift employees, including the 4 disputed quality process evaluators, and 1 of the 2 disputed librarians, are supervised by Chuck Kulpa, Quality Assurance Supervisor. As is noted above, Grube and Kulpa report directly to Program Manager Hughes.

[3] At the hearing, the parties stipulated and I find that Stewart, Wilson, and Roberts are Section 2(11) supervisors.

As to wages, all employees in the unit sought are paid at an hourly rate based on area wage determinations made by the government. The wage rates for the 8 disputed employees are as follows: the 2 equipment handlers, $14; the 2 disputed librarians, $17; and the 4 quality process evaluators, $25.83. The technicians earn from $23.33 per hour (for general technicians) to $25.33 per hour (for senior technicians).[4] All employees in the unit sought, including the 8 disputed employees, receive the same fringe benefits, including health insurance and pension (401(k)) benefits. Pursuant to the government contract, the Employer is obligated to pay fringe benefits at the rate of $3.01 per hour per employee. All employees in the unit sought, including the 8 disputed employees, are required to account for time worked by filling out time sheets. All employees receive training from Training Manager Randall Francis in security and cardio-pulmonary resuscitation (CPR).

As to other training requirements, the Employer hires as technicians only individuals who have attended military precision measurement equipment school or who have received equivalent training in civilian technical school.[5] The same educational prerequisite is required of the 4 disputed quality process evaluators. The 2 disputed librarians are required to have attended specific librarian classes. The disputed equipment handlers are not trained to calibrate equipment and are regarded as unskilled labor. However, they are required to use small forklifts and hand tools, and must be generally familiar with how to handle all types of equipment calibrated or repaired by the Employer. The equipment handlers are also trained to input limited data in the Employer's computer database, and must be able to verify equipment processed by the Employer.

[4] The record does not reveal the wage rates for the 2 janitors and the 2 supply employees whom both parties would include in the unit.
[5] About two-thirds of the technicians have a military background.

As to employee duties, the technicians perform the actual testing or repair of equipment submitted to the Employer. They are responsible to verify the accuracy and reliability of test measurement and diagnostic equipment. In performing their tasks, the technicians are required, for each item, to follow specific written technical procedures set out in technical manuals. The technical manuals and procedures are located in the library at the Employer's facility. The technicians are assigned to laboratories based on their experience and education.[6] There are 13 senior technicians and the balance are general technicians. The senior techs are more experienced and generally have the ability to work on more diverse equipment and to provide training and assistance to general technicians. Senior techs also monitor the list of work to be done.

The 2 disputed librarians work in the library where technical manuals and written procedures are stored. As is noted above, the technicians are required to follow these written procedures for each item each and every time they perform work. They are therefore required to retrieve and sign out the written material from the library for each item. The 2 disputed librarians (1 on day shift and 1 on night shift) are required to maintain the 4,000 to 5,000 different manuals, by updating and posting changes. They are also required on a daily basis to identify which manuals have not been replaced. Both the technicians and the 4 disputed quality process evaluators could visit the library as much as 2 or 3 times per day to retrieve the necessary written procedures to perform their work.

While the responsibility of the technician is to repair or calibrate the equipment, the job of the 4 disputed quality process evaluators is to detect deficiencies in the repairs and calibrations completed by the technicians. The Employer is required by the government to check

[6] It appears from the record that technicians work from time to time in special areas dedicated to specific types of equipment (e.g., cold room, light room, etc.). See discussion above, at page 3.

work and the 4 disputed quality process evaluators check 4% of all completed items, selected at random by the Employer's computer database. In performing this function, the 4 disputed quality process evaluators go through a complete calibration process again for each specific equipment item, to make sure it meets all required specifications and parameters. In the event there is a nonconformity, or incorrect or improper calibration, then the quality process evaluator initiates a quality discrepancy report. As part of this process, the technician's supervisor is required to verify the nonconformity. If there is such verification, then the technician is required to repeat the work again, so they can identify what, if anything, what went wrong when the technician initially performed the calibration, or the root cause of the nonconformity. It is then up to management, not the quality process evaluators, to determine any corrective action to prevent recurrences of the problem.

By contract, the Employer is required to keep the quality process evaluation function separate from the production function, in order to ensure that the quality process evaluators remain objective. However, this is not a physical separation. Though the 4 disputed quality process evaluators are based in the center section of the facility, quite often they must perform their tasks in different areas of the facility to use specific equipment used by the technicians. Also, Program Manager Hughes testified that the quality process evaluators walk freely throughout the facility just to observe, and that the technicians referred to them as the "PMEL police." The record reflects that in the course of their duties, the 4 disputed quality process evaluators come into regular contact with the technicians.

The principal task of the 2 disputed equipment handlers is to ensure that the submitted equipment is in the correct place to be fixed and is returned to the correct customer. They unload equipment delivered by customers at the loading dock, deliver it to government schedulers for

computer entry and assignment. Thereafter, the equipment handlers distribute the equipment to the assigned area, and then retrieve the finished equipment and transport it to the shipping and receiving area for delivery back to the customer. They are directly supervised by Mike Grube, the Operations and Production Control Manager, who also directly supervises 4 other employees whom the parties would include in the unit: the 2 supply employees and 2 janitors. In performing their duties, the 2 disputed equipment handlers work throughout the Employer's facility.

As to regular contact among employees in the unit sought, the 2 disputed equipment handlers come into daily contact with virtually all employees in the facility, including technicians and the disputed quality section employees.[7] The technicians and the disputed quality process evaluators visit the library regularly every day. It is clear from the record that from time to time, they converse with the disputed librarians if they have questions about manual updates.[8] The technicians and the disputed quality process evaluators also regularly communicate with each other to resolve or correct nonconformities, or to determine how to repair or calibrate a specific equipment item.[9]

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[7] In its post-hearing brief, the Employer claims that equipment handlers have little, if any, contact with technicians. However, Program Manager Hughes testified that equipment handlers "deal with just about everybody" in the course of their duties, including the technicians and the quality section employees. Further, former employee Stanley Bielawski testified that if an equipment handler had a question regarding the handling of a specific type of equipment, he would consult with the quality assurance employees, the supply employees, or the technicians. Bielawski left the Employer's employ only a few weeks before the hearing. During the period he worked for the Employer he functioned at different times as a technician and as a quality process evaluator.

[8] In its post-hearing brief, the Employer states, "Technicians do not consult with Librarians when obtaining procedures." However, Program Manager Hughes testified that a technician will consult with the librarian if he has a question about how up-to-date the procedure is, or if he has any other questions about the materials that the librarian may be able to answer. Former employee Bielawski corroborated this testimony. He testified that technicians checked out the materials on their own from the library, but "if they find perhaps something is missing, something is not most current, [or] if there is any question, at that point they would approach one of the librarians to get a resolution to whatever the issue may be."

[9] In its post-hearing brief, the Employer claims that contact between quality process evaluators and technicians is "limited." However, former employee Bielawski testified that though he may not have, in each and every instance, conversed with a technician when he checked work as a quality process evaluator, "quite often" he did, if he needed "to ask a technical question" or to "get additional clarification on a matter." Program Manager Hughes corroborated this testimony, stating that quality process evaluators communicate with technicians to resolve nonconformities, and

As to interchange, the record reveals several instances of disputed and nondisputed employees moving between classifications. For example, Program Manager Hughes testified that the quality process evaluators are "usually hand-picked" from among the most highly qualified unit technicians. The former employee who testified stated that he recently switched from quality process evaluator to senior technician for several months, then back to quality process evaluator. Also in the past year, a disputed equipment handler became an apprentice technician, after having attended courses at a local community college.

IV. CONTROLLING LEGAL PRINCIPLES AND ANALYSIS

The controlling legal principles for the determination of an appropriate unit are well established. See, e.g., Overnite Transportation Co., 322 NLRB 723 (1996). The unit requested by a petitioner is the starting point for any unit determination. As the Petitioner herein accurately noted at the hearing, if the petitioned-for unit is an appropriate unit, even though it may not be the only appropriate unit or the most comprehensive unit, the inquiry ends. If, however, the unit sought is inappropriate, the Board may scrutinize the alternative proposals of the parties and, in its discretion, select a unit that is different from the alternative proposals. However, an election will not be directed in a unit that is only an arbitrary segment of a broader grouping of employees sharing a sufficient community of interest. Seaboard Marine, 327 NLRB 556 (1999). Likewise, the Board will not countenance the arbitrary exclusion of employees who share a community of interest with employees in the unit sought. See Boeing Co., 337 NLRB 152 (2001).

The key issue in an appropriate unit finding is whether employees in the unit sought share a community of employment interests. In analyzing this issue, the Board considers a number of

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on other issues related to quality. Further, he indicated that technicians might consult with quality process evaluators if they are confused about how to perform a calibration procedure.

factors, including bargaining history;[10] extent of functional integration of operations; similarity of skills, qualifications, and work performed; similarity in wages, hours, benefits and other working conditions; extent of centralization of management and common supervision; and extent of interaction and interchange among employees. See Ore-Ida Foods, 313 NLRB 1016 (1994), affd. 66 F.3d 328 (7th Cir. 1995).

Weighing these factors in the case at hand, I find that the unit sought by the Petitioner, including employees in the disputed classifications, is an appropriate one. Contrary to the assertions of the Employer, the disputed equipment handlers, librarians, and quality process evaluators share a sufficient community of employment interests with other unit employees and I shall, therefore, include them in the unit, as sought by the Petitioner. In reaching this conclusion, I note the following.

First, as to functional integration, it is clear that the job duties of all employees in the unit sought are inextricably related to the Employer's ultimate task: to repair and calibrate customer equipment accurately and expeditiously. The technicians actually perform the repair and calibration work, and the disputed quality process evaluators check it for accuracy. The technicians must follow written technical procedures for each and every work item and the disputed librarians maintain the accuracy of library resources on these procedures. The principal task of the 2 disputed equipment handlers is to ensure that the customer's equipment is in the correct work area to be fixed and is returned to the correct customer. Thus, it is clear that the Employer's operation is functionally integrated.

Notwithstanding this functional integration, the Employer emphasizes that it is required by contract to separate the quality function from the production function and that this aspect of its administrative set-up is an important consideration militating against inclusion of the quality

[10] There apparently is no history of collective bargaining for employees in the unit sought.

function employees. I note, however, that Program Manager Hughes testified that the Employer is not mandated to impose a physical separation, but rather a separation between employee functions. In any case, I have taken into account the different employee functions in reaching my findings herein.

A second important factor influencing my conclusion herein is that all unit employees, including employees in the disputed classifications, share a number of terms and conditions of employment in common. They are all paid at an hourly rate, ranging from $14 to $25.83; the 4 disputed quality process evaluators earn only fifty cents more per hour than the senior technicians. All unit employees are required to keep time sheets. The Employer contributes the same dollar amount per hour worked toward employee benefits and all unit employees receive the same health and pension (401(k)) benefits. All unit employees share the same break areas and, for some part of the day, may actually work in the same locations (e.g., technicians and the disputed quality process evaluators; technicians and disputed librarians). The work of the disputed equipment handlers takes them to virtually every work area at the facility.

Third, unit employees share common supervision and are required to have similar training and skills. As to supervision, the disputed equipment handlers are directly supervised by Operations and Production Control Manager Mike Grube, who also directly supervises nondisputed janitors and supply employees. Further, the 2 lead technicians who directly supervise technicians are direct reports to Grube. Likewise, 1 of the 2 disputed librarians who works the night shift is directly supervised by the third lead technician, Dave Roberts, who also directly supervises night shift technicians. Roberts, like the other 2 lead technicians, is a direct report to Grube. Although the disputed quality process evaluators and the day shift librarian are directly supervised by Chuck Kulpa, the Quality Assurance Supervisor, both Kulpa and Grube

report directly to the Program Manager. As to training and skills, there is no difference between the basic training required of the disputed quality process evaluators and the technicians. Furthermore, the disputed librarians and equipment handlers are required to be familiar, albeit in varying degrees, with appropriate procedures and customer equipment.

Finally, the record demonstrates regular contact and significant interchange among all employees, including those in disputed classifications. It is apparent that there is regular and daily contact among technicians and the disputed librarians and quality process evaluators. The same is true of the disputed equipment handlers, whose job duties put them in daily contact with virtually all employees in the facility, including technicians and quality process evaluators. As to interchange, the Employer acknowledges that the 4 disputed quality process evaluators are "hand-picked" from the ranks of technicians. There is also evidence that a former employee switched from quality process evaluator to senior technician, then back to quality process evaluator again. Further, at least one equipment handler has been promoted recently to apprentice technician. In my judgment, such interchange is significant in a unit this size.

In reaching my conclusion herein, I have considered the two cases cited by the Employer as controlling in this case, Penn Color, 249 NLRB 117, 1120 (1980) and Beatrice Foods, 222 NLRB 883 (1976). In my view, neither of these cases is apposite here. In Penn Color, the union sought to exclude the quality control and research employees from a production and maintenance unit, whereas here the Petitioner seeks to include them. The disputed quality control employees in Penn had different educational requirements than the production and maintenance employees, and had the option to be salaried. In the instant case, the educational requirements for the technicians and quality process evaluators are the same, and both groups are paid on an hourly basis at similar rates. In Penn, there was no interchange between employee groups, whereas

here, the quality process evaluators are "hand-picked" from the ranks of the unit technicians.[11] In Beatrice Foods, the disputed employees were separately located and had no regular contact with unit employees. This is simply not the case here, as my review of the record demonstrates.

Based on the foregoing and the record as a whole, I find that employees in the disputed classifications share a sufficient community of employment interests with nondisputed employees to be included in the unit. As I have stated above, this is based on my findings of functional integration, similarity of wages, benefits, and other terms and conditions, and regular contact and significant interchange between the equipment handlers, librarians, and quality process evaluators and the nondisputed employees. See Celotex Corp., 180 NLRB 62 (1969); and Maine Sugar Industries, 169 NLRB 186 (1968). Accordingly, I find that the petitioned-for unit is an appropriate one and I shall therefore, direct an election in the unit sought by Petitioner.

V. CONCLUSIONS AND FINDINGS

Based upon the entire record in this matter and in accordance with the discussion above, 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 in this case.[12]

3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.

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[11] Also, in Penn, there was evidence that the disputed employees were separately hired, fired, and evaluated. Though there is different direct supervision of the quality process evaluators in the instant case, there is no evidence that they are separately hired, fired, and evaluated.

[12] The parties stipulated that the Employer's contract with the United States Government covering the Warner Robins USAF facility is valued in excess of $500,000 per year and that the Employer is engaged in commerce within the meaning 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)(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.

> All full-time and regular part-time calibration electrical technicians, equipment handlers, supply technicians, janitors, technical librarians, and quality process evaluators employed by the Employer at its Warner Robins Air Force Base facility in Warner Robins, Georgia, excluding all office clerical employees, professional employees, managerial employees, guards and supervisors as defined by the Act.

VI. DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they wish to be represented for purposes of collective bargaining by International Association of Machinists and Aerospace Workers, AFL-CIO. The date, time, and place of the election will be specified in the notice of election that the Board's Regional Office will issue subsequent to this Decision.

A. Voting Eligibility

Eligible to vote in the election are those in the unit who are employed during the payroll period ending immediately before 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. Unit employees 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.

B. Employer to Submit List of Eligible 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 seven (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. 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.

To be timely filed, the list must be received in the Regional Office, Suite 1000, Harris Tower, 233 Peachtree Street, N.E., Atlanta, Georgia 30303, on or before May 16, 2008. 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 election whenever proper objections are filed. The list may be submitted by facsimile transmission at (404) 331-2858. 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 in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

C. Notice Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to 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 full 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 non-posting of the election notice.

VII. 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, NW, Washington, DC 20570-0001. This request must be received by the Board in Washington by 5:00 P.M., (EDT) on May 16, 2008. The request may

be filed electronically through E-Gov on the Board's web site, www.nlrb.gov,[13] but may **not** be filed by facsimile.

Dated at Atlanta, Georgia, on this 2nd day of May, 2008.

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Martin M. Arlook, Regional Director
National Labor Relations Board
Harris Tower – Suite 1000
233 Peachtree St., N.E.
Atlanta, Georgia 30303-1531

[13] To file the request for review electronically, go to www.nlrb.gov and select the E-Gov tab. Then click on the E-Filing link on the menu. When the E-File page opens, go to the heading Board/Office of the Executive Secretary and click on the "File Documents" button under that heading. A page then appears describing the E-Filing terms. At the bottom of this page, check the box next to the statement indicating that the user has read and accepts the E-Filing terms and click the "Accept" button. Then complete the filing form with information such as the case name and number, attach the document containing the request for review, and click the Submit Form button. Guidance for E-filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter and is also located under "E-Gov" on the Board's web site, www.nlrb.gov.