

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

EP HENRY CORPORATION¹

Employer

and

Case 4-RC-21277

HEAVY AND GENERAL LABORERS UNION
LOCAL NO. 172 OF SOUTH JERSEY

Petitioner

**REGIONAL DIRECTOR'S DECISION AND
DIRECTION OF ELECTION**

The Employer, EP Henry Corporation, manufactures concrete building products at four facilities, including a facility in Wrightstown, New Jersey. The Petitioner, Laborers Local 172, 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 the Employer's production and maintenance employees at the Wrightstown facility.

The parties stipulated that the petitioned-for unit is appropriate. However, the Employer contends that the petition should be dismissed based on its contention that the unit is expanding and the Employer does not currently employ a substantial and representative complement of the ultimate workforce.

A Hearing Officer of the Board held a hearing on April 11, 2007, and both parties filed briefs. I have considered the evidence and the arguments presented by the parties concerning the expanding unit issue, and, as discussed below, I have concluded that the Employer currently employs a substantial and representative complement of employees. Accordingly, I have directed an election in the petitioned-for unit.

In this Decision, I will first present an overview of the Employer's operations. Then, I will review the relevant case law concerning expanding units. Next, I will present in detail the relevant facts, including the Employer's plans for future operations. Finally, I will explain the reasoning that supports my conclusion.

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

I. OVERVIEW OF OPERATIONS

The Employer has manufacturing facilities in Wrightstown, Vineland, and Woodbury, New Jersey and Parker Ford, Pennsylvania. The Wrightstown facility, which opened in October 2004, is located on a 50-acre site and has two manufacturing buildings, one for “dry cast” products and the other for “wet cast” products. The dry cast products include blocks, pavers, and segmented retaining walls. The smaller wet cast operation has until recently focused on producing “DevonStone” products, but the Employer also produces other items such as stair treads, pier caps, and pool copings. In the wet cast building, the Employer is also beginning to manufacture a new product called, “Cast Veneer Stone,” a wall covering that is meant to replicate the appearance of natural stone. The Employer has asserted that it intends to significantly expand its Cast Veneer Stone operations.

The dry cast building is approximately 100,000 square feet, and the wet cast building is approximately 35,000 square feet. The latter building also houses the plant’s offices. There is a roofed structure between the two manufacturing buildings where the Employer stores its raw materials. Christopher Cox, the only witness at the hearing, is the Employer’s Vice President of Manufacturing.

In addition to its permanent workforce, the Employer employs temporary employees supplied by an employment agency. Cox testified that the Employer uses temporary employees because it is difficult to hire permanent employees in the area that the facility is located, it enables the Employer to hire employees quickly, and it permits the Employer to screen employees for permanent employment.

II. THE RELEVANT LEGAL STANDARDS

The Board will direct an immediate election, notwithstanding 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, Inc.*, 332 NLRB 386 (2000); *Toto Industries (Atlanta)*, 323 NLRB 645 (1997). This policy seeks to avoid depriving current employees of the right to select or reject a bargaining representative while not imposing a bargaining representative on a large number of employees hired in the near future based on the vote of a few currently employed individuals. *Toto Industries*, above.

While there is no hard and fast rule, for this determination the Board generally requires that at least 30 percent of the eventual employee complement is present in at least 50 percent of the anticipated job classifications. *Shares, Inc.*, 343 NLRB 455 fn. 2 (2004), enfd. 433 F.3rd 939 (7th Cir. 2006); *Endicott Johnson de Puerto Rico, Inc.*, 172 NLRB 1676 (1968). In applying these standards, the Board looks at the anticipated size of the employee complement immediately before the Board decision issues where it differs from the size of the employee complement at the time of the hearing, *St. John of God Hospital, Inc.*, 260 NLRB 905 (1982); *Frolic Footwear, Inc.*, 180 NLRB 188 (1969). The Board also looks to factors such as the length of time over which the unit is expected to expand, *Gerlach Meat Co.*, 192 NLRB 559 (1971), and whether the

Employer's expansion plans are concrete or speculative. *Jersey Shore Nursing and Rehabilitation Center*, 325 NLRB 603 (1998); *Meramec Mining Co.*, 134 NLRB 1675 (1961). Where new classifications are to be created, the Board considers whether these classifications require different tasks and skills than the existing classifications. *Toto Industries*, above; *Libbey Glass Division, Owens-Illinois, Inc.*; 211 NLRB 939, 940 (1974); *Frolic Footwear*, above at 189; *Endicott Johnson*, above.

Assuming that the Board finds a substantial and representative employee complement, future proceedings are not foreclosed should the expansion of the unit occur differently than expected. *Bekaert Steel Wire Corp.*, 189 NLRB 561, 562 (1971). Finally, the expansion is only pertinent to the extent that it occurs within the petitioned-for bargaining unit, assuming it to be a separate appropriate unit. *Yellowstone International Mailing*, above at 386; *Bekaert Steel Wire Corp.*, above at 562.

III. FACTS

The dry cast operation

The Employer employs about 48 dry cast production and maintenance employees, who work on two shifts that run from about 6:00 a.m. to 3:00 p.m. and 3:00 p.m. to 11:00 p.m. Employees in the dry cast operation include cast machine operators, cuber operators, quality control employees, forklift operators, a front loader operator, tumbler machine operators, tumble line laborers, clean-up employees, and a "floater."² Fifteen of the dry cast employees are temporary employees provided by the Protocall employment agency, which supplies the Employer's contract labor, and the remaining 33 are employed directly by the Employer. The parties stipulated that temporary employees should be excluded from the bargaining unit. There are also three maintenance employees who perform duties in both the wet cast and dry cast buildings.

The dry cast plant has two large cast mold machines. One such machine is used primarily to make pavers, and the other produces blocks and segmented retaining walls. Each machine is fed from a separate batch mixture of sand, rock, cement, and pigment. The machine infuses the mix into various product molds, where it is subjected to high frequency vibration and hydraulic pressure that casts the mix in the desired product form. The molded product is then moved to a kiln for overnight curing. Following the curing process, some of the product may be split to present a rough, stone-like exterior surface, or "tumbled" in a large cylindrical tumbler machine to create an aged appearance, before being packaged and moved to the facility's inventory.

The paver mold machine is run by one operator, who is responsible for mixing the concrete batch and for the general supervision and maintenance of the machine. Cuber operators

² The record does not disclose to what extent these positions are reflected in job descriptions or formal job titles.

handle the product after it has been cured in the kiln and prepare it for storage in the yard. Quality control employees check the finished product on the conveyor belt.

The block mold machine operator performs a similar function to the paver mold machine operator. Cuber operators handle the block product as it exits the kiln and split it as required. Splitter quality control employees monitor the block product to ensure that it conforms to quality parameters.

There are three tumbler machines, each operated by a single tumbler operator. The tumbler line laborers remove the product from the tumbler machine and package it. Forklift operators transfer all of the dry cast packaged and palletized products to the yard.

In addition to the employees assigned to operations in the dry cast building, there is a yard forklift operator who loads customers' trucks, a front-end loader operator who loads raw materials into hoppers to be moved into the manufacturing buildings via conveyor belt, and a clean-up crew. Dry cast employees report to Plant Manager Ken Andrearczyk.

The wet cast operation

The wet cast operation was designed to run on a continuous basis to manufacture DevonStone, but because the demand for the product has been much lower than anticipated, the Employer has been running production of DevonStone only one or two times per month. Due to the underutilization of the wet cast machine, the Employer has explored the production of other wet cast products such as stair treads, pier caps, and pool copings. The record does not indicate the scale or frequency of such production.

The wet cast process is generally similar to the dry cast process, but it differs insofar as the mold material is more fluid than the dry cast material. After the product is mixed in the wet cast machine, it is kiln-cured, packaged, palletized, and transported to the yard by forklift. There is one machine operator for all wet cast operations, and he also operates the machine for Cast Veneer Stone. Generally, a forklift operator and another employee are assigned to work with this machine operator, and these employees are sent from the Cast Veneer Stone operation. Like the dry cast employees, the wet cast employees report to Plant Manager Andrearczyk when manufacturing wet cast products. Although Cox testified that increased demand for wet cast products will cause the Employer to augment the wet cast complement to five or six permanent employees, the Employer did not present evidence as to how and when this increase might occur.

The Cast Veneer Stone operation

The Employer plans to produce the Cast Veneer Stone as a separate operation within the wet cast building without significant interchange of employees with the other operations and under separate supervision. The process for making Cast Veneer Stone is similar to the Employer's other wet cast processes: the concrete material is loaded into a machine, molded, and then cured in a kiln before being packaged and otherwise readied for shipment. However, it involves more manual tasks, as employees make the gum rubber molds, prepare and apply

coloring directly to the mold, and manually add concrete to the corner molds, remove the cast product from the mold, and package the final product.

At the time of the hearing, the Employer had approximately 19 to 21 employees engaged in the production of Cast Veneer Stone on one shift, including machine operators, mold fillers, stripping and boxing employees, forklift operators, loader operators, clean-up employees, corner production employees, color makers, color applicators, and packaging assembly employees. All but the machine operator and a forklift operator were temporary employees supplied by Protocall, and the Employer plans to hire at least one employee to make gum rubber molds. The Employer has hired a Product Manager and a Quality Assurance Technician to oversee the Cast Veneer Stone operation.

In order to produce Cast Veneer Stone, the Employer modified the wet cast machine and acquired additional conveyors and handling equipment. Cox indicated that the Employer is still in the “trial and error” stage of production, and as of March 28 the Employer had not finalized certain details, such as color offerings and packaging dimensions. Currently, the Employer is producing only a single style of Cast Veneer Stone in one color, though it plans to increase its product line to six styles and up to eight colors. The Employer is building a shop at its Wrightstown facility, where it will make gum rubber molds for the Cast Veneer Stone. The Employer expects a capital outlay of about \$200,000 to modify the equipment and up to \$1,000,000 to produce molds for this process.

The Employer formally announced its plan to produce Cast Veneer Stone to its distributors at a trade show in mid-February 2007, and it informed some of its employees of its plans on about March 28, 2007. The Employer selected the Wrightstown facility for the production of the product because this plant was underutilized.

Regular production of this product began in late March 2007.³ At the time of the hearing, the Employer had not yet offered it to the public, although the Employer expected to do so beginning in late April 2007 and already has one customer order. Unlike for DevonStone, the Employer has no business plan for Cast Veneer Stone.

The Employer currently produces about 2,000 square feet of flat Cast Veneer Stone and 140 linear feet of corner stone per day. Its maximum production capacity is 20,000 square feet and 750 linear feet a day.

The Employer plans eventually to operate the Cast Veneer operation with four shifts running 24 hours, seven days a week. Cox estimated that the Employer will need approximately 26 to 40 employees per shift for a minimum of 104 and a maximum of 160 additional employees to engage in round-the-clock production. He testified that it will take up to one year to become fully operational.

Cox further indicated that he intends to replace the temporary Cast Veneer Stone employees with permanent employees. The Employer’s prior practice as to hiring temporary

³ The Employer produced only samples of the product in late 2006.

employees is not clear, as he did not know how many temporary employees have become regular employees in the past.

The ultimate size of the Cast Veneer Stone employee complement will depend on the demand for the product.⁴ The record includes a recent article from a trade publication, *Masonry Magazine*, which reported that sales for this type of product are growing quickly. However, the Employer provided no market analysis or sales projections to support its claims that product demand would impel the Employer to operate at its envisioned level of production.⁵

Cox indicated that he planned to add a second shift to the Cast Veneer Stone line in approximately six weeks, contingent on the planned hire of two additional supervisors, but at the time of the hearing, he had not yet procured these supervisors. The Employer also had not hired or recruited any new production and maintenance employees to work on the Cast Veneer Stone line.

Beyond his expectation of a second shift, Cox was unable to provide any details as to when and by how much the Employer would add to its Cast Veneer Stone employee complement over the next year. In addition, though Cox indicated that full production would require the construction of additional building space, he acknowledged that the Employer currently had no specific plans to add such space.

Employee Skills and Training

Most of the Employer's production and maintenance employees are unskilled or semi-skilled. All necessary training for the Employer's operations is conducted on the job, principally by other employees under the direction of the management staff.⁶ Temporary employees receive the same training as regular employees. For dry cast employees, only the tumbler operators and the cuber operators need more than a few weeks of on-the-job training to be fully productive. For Cast Veneer Stone, the mold shop employee requires about three to four weeks of on-the-job training, mold fillers and corner production employees require two to three weeks of training, color applicators and stripping and boxing employees require two weeks of training, and color makers require an unspecified amount of training each time a new color is introduced.

⁴ Cox testified that the potential for this product line is "scary incredibly good," that "the marketplace has been quoted upwards to \$1 billion annually in the United States," and that "manufacturers who are currently in this product line are sold out." However, the Hearing Officer sustained an objection to this testimony because it appeared to be beyond the witness' personal knowledge and was speculative. Accordingly, I have given no weight to this testimony.

⁵ Cox noted that several of its current customers obtain their Cast Veneer Stone from other suppliers. He presumed, without explanation, that those customers would buy the Employer's version of the product once it became available.

⁶ Other than instructions for the color application process for the Cast Veneer Stone operation, the Employer has no training manuals or materials.

IV. ANALYSIS

As noted above, the Board's general guideline is to find a substantial and representative complement of employees where at least 30 percent of the eventual number of employees is employed in at least 50 percent of the anticipated classifications. As of the hearing, the Employer's total work complement included approximately 38 to 40 of its own permanent employees and approximately 31 to 36 temporary employees supplied by Protocall. The vast majority of the Employer's employee complement, approximately 36 permanent employees and 15 temporary employees, work in the dry cast operation performing 10 basic jobs.⁷ There are, at most, three employees for wet cast products -- the machine operator and one or two other employees who assist him -- but these employees are also part of the Cast Veneer Stone operation. While the Employer expressed a desire to expand its wet cast operation and to increase the complement to five or six employees, it offered no evidence of a specific plan or time frame to do so, and an increase in the production of these products would obviously be contingent on the demand for them.

At the time of the hearing, there were approximately 19 to 21 employees on the Cast Veneer Stone line, but all but two or three of them were temporary employees supplied by Protocall. Although Cox testified that within one year the Employer expects to increase its Cast Veneer Stone work complement to between 104 and 160 employees on four shifts, the Employer has not provided evidentiary sufficient support to establish that this prediction will come to fruition. Thus, the Employer's expansion plans are contingent on a vast increase in sales of its product, and the Employer has presented no evidence, other than Cox' hopeful testimony, that there will such be an increase. Indeed, the Employer has not conducted any business analysis to project future sales of the product, which it is releasing to the market for the first time.⁸ Moreover, a large expansion of this business line would require a concomitant expansion of the facility, and the Employer has no current building plans. Thus, the Employer has not established with a reasonable degree of certainty that it will expand its Cast Veneer Stone production to a four-shift operation within a year.

Cox' prediction that the Employer will add a second shift to produce Cast Veneer Stone in the near future is also without sufficient evidentiary support. While the Employer has hired two managers, it has not hired, or even started to recruit, any new employees, nor obtained the necessary supervisors.

Similarly, the Employer's plans to replace temporary contract employees with its own employees are indefinite. The Employer has operated the Wrightstown facility from its inception with a substantial number of temporary employees, and it has operated the Cast Veneer Stone line almost entirely with temporary employees. The Employer has not demonstrated to what extent it has had a practice of offering permanent employment to its temporary employees.

⁷ This number includes the maintenance employees who also perform some work in the wet cast area.

⁸ In any case, sales projections are not always accurate, as demonstrated by the Employer's incorrect projections for DevonStone.

Thus, it is speculative as to how many of the Employer's eventual Cast Veneer Stone employees will be employed by the Employer rather than by temporary agencies.

Under the Employer's most optimistic scenario, the current employee complement constitutes less than 30 percent of an eventual complement of 200 employees (40 current employees plus 160 employees to be hired). If the Employer had concrete plans for such hiring, the petition would be dismissed.

However, in order to dismiss a petition based on an expanding unit, the Board requires more than mere speculation as to future plans. *Jersey Shore Nursing and Rehabilitation Center*, 325 NLRB 603, 604 (1998); *Meramec Mining Company*, 134 NLRB 1675 (1961). See also *General Engineering, Inc.*; 123 NLRB 586, 587 (1959). The Board hesitates to deny employees the opportunity to express their free choice in an election based on vague, tentative predictions where various uncertain events must occur prior to an increase in the employee complement. *Bekaert Steel Wire Corp.*, 189 NLRB 561 (1971). In this case, based on all of the areas of uncertainty as to its expansion and hiring plans, the Employer has failed to demonstrate that its current workforce is not substantial and representative of the anticipated unit.

Moreover, even if the Employer soon adds a second shift to the Cast Veneer Stone line, replaces all temporary Cast Veneer Stone employees with permanent employees, and hires additional wet cast employees, the current complement is still sufficient to satisfy the Board's guidelines. There are now no more than 21 permanent and temporary Cast Veneer Stone employees on the first shift. If the Employer adds a second shift of the same size, and both shifts are comprised solely of the Employer's employees, the Employer's total production and maintenance complement would be 78 employees: 42 Cast Veneer Stone employees and 36 dry cast⁹ and maintenance employees.¹⁰ If an additional six employees were added to the wet cast operation, the projected complement would be 84 employees. The Employer now employs about 40 employees or about 48 percent of 84, well above the Board's 30 percent guideline as to the total employee complement.

As to classifications, there are currently 10 basic jobs being performed by the Employer's own employees (machine operator, cuber operator, quality control, tumbler operator, tumbler line laborer, forklift driver, loader driver, clean-up employees, maintenance employees, and floater). The Employer asserts that its employees will perform seven new jobs when the Cast Veneer Stone operation is fully staffed (mold filler, color maker, color applicator, stripping and boxing employee, corner production, packaging assembly, and mold shop employees). Thus, as the Employer currently employs employees in 10 of the anticipated 17 classifications, about 59

⁹ Although Cox testified to a general desire to replace the 15 temporary dry cast employees with permanent employees, he did not suggest that they would be replaced at any particular time or that the reasons why the Employer uses temporary employees are likely to become inapplicable.

¹⁰ The Cast Veneer Stone total includes the machine operator who also works in wet cast operations.

These numbers are, by necessity, inexact because the record contains some unclear evidence as to how many employees the Employer employs. The margin of error, however, is not enough to potentially alter these conclusions.

percent of these classifications are already filled, which easily satisfies the Board's 50 percent guideline.¹¹ Accordingly, even with a second shift of permanent Cast Veneer Stone employees and six new wet cast employees, applying the formula that the Board uses for expanding units, the Employer currently employs a substantial and representative complement of employees in the petitioned-for unit. *Shares, Inc.*, above; *Yellowstone International Mailing*, above; *General Cable Corp.*, 173 NLRB 251 (1968).

Therefore, for the above reasons, the Employer's current employees should not be deprived of a representation election based on the Employer's expansion plans.¹²

V. CONCLUSIONS AND FINDINGS

Based upon the entire record in this matter and for the reasons set forth 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.
3. The Petitioner 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.

¹¹ Additionally, the Employer has indicated that it intends to replace the temporary employees on the Cast Veneer Stone line with permanent employees. If the Employer has done so by the time that this Decision issues, the percentage of filled classifications may be significantly higher than 59 percent. See *St. John of God Hospital*, above.

Moreover, the Board has found in several cases that new job titles do not constitute new job classifications under an expanding unit analysis where they involve similar job skills and functions to existing classifications. *Toto Industries (Atlanta)*, 323 NLRB 645 (1997); *Libby Glass Division*, 211 NLRB 939 (1974); *Frolic Footwear, Inc.*, 180 NLRB 188 (1969); *Endicott Johnson de Puerto Rico, Inc.*, 172 NLRB 1676 (1968). In this case, the Employer's dry cast employees already perform work very similar to the work performed by employees on the Cast Veneer Stone line. Although the production of Cast Veneer Stone may require more manual tasks than the other processes, including coloring, most positions do not require prior experience or special skills and are quickly mastered through on-the-job training provided by incumbent employees. Indeed, Cast Veneer Stone operations are already being performed by temporary employees. So arguably, the seven new Cast Veneer Stone jobs may not be new classifications under this analysis.

¹² If circumstances change, the Employer is not precluded from revisiting this matter. See *Bekaert Steel Wire*, above.

5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time production and maintenance employees employed by the Employer at its 2 Farago Boulevard, Wrightstown, New Jersey facility, excluding all other employees, temporary 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 the purposes of collective bargaining by **Heavy and General Laborers Union Local No. 172 of South Jersey**. 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. Eligible Voters

The eligible voters shall be unit employees employed during the designated payroll period for eligibility, including employees who did not work during that period because they were ill, on vacation, or were 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, employees engaged in an economic strike, which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are 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 after the designated payroll period for eligibility; 2) 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 3) employees engaged in an economic strike which began more than 12 months before the election date 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). The 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 election.

To be timely filed, the list must be received in the Regional Office, One Independence Mall, 615 Chestnut Street, Seventh Floor, Philadelphia, Pennsylvania 19106 on or before **May 15, 2007**. No extension of time to file this list shall 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 (215) 597-7658, or by electronic filing through the Agency's website at **www.nlr.gov**. Guidance for electronic filing can be found under the **E-Gov** heading on the Agency's website. Since the list will be made available to all parties to the election, please furnish a total of two (**2**) copies, unless the list is submitted by facsimile or e-mail, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

C. Notice of 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 three (**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 five (**5**) working days prior to 12:01 am 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, D.C. 20570-0001. A request for review may also be submitted by electronic filing through the Agency's website at **www.nlr.gov**. A copy of the request for review must be served on each of the other parties to the proceeding, and with the Regional Director either by mail or by electronic filing. Guidance for electronic filing can be found under the **E-Gov** heading on the Agency's website. This request must be received by the Board in Washington by 5:00 p.m., EDT on **May 22, 2007**.

Signed: May 8, 2007

at Philadelphia, Pennsylvania /s/ [Dorothy L. Moore-Duncan]

DOROTHY L. MOORE-DUNCAN
Regional Director, Region Four
National Labor Relations Board