

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Eighteenth Region

HOME DEPOT HOME SERVICES BATH
REMODELING GROUP, INC.¹

Employer

and

UNITED ASSOCIATION OF JOURNEYMEN
AND APPRENTICES OF THE PLUMBING AND
PIPEFITTING INDUSTRY OF THE UNITED
STATES AND CANADA, LOCAL NO. 15

Petitioner

Case 18-RC-17558

DECISION AND DIRECTION OF ELECTION

Petitioner seeks to represent a unit of plumbers employed by the Employer at its St. Paul, Minnesota facility. Petitioner asserts that these employees perform work that constitutes a distinct craft, and therefore a separate unit consisting of the plumbers is appropriate. The Employer contends that a unit consisting of plumbers is inappropriate and that the petition should be dismissed, as the proposed unit does not include bath installers (who it asserts are also plumber apprentices), kitchen installers, measurers and warehouse assistants. In its brief, the Employer states that, at a minimum, the unit must include the 17 bath installers registered as plumber apprentices. Based on the evidence and the relevant Board cases, I conclude that the petitioned-for unit limited to plumbers is an appropriate unit.

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

Under Section 3(b) of the Act, I have the authority to hear and decide this matter on behalf of the National Labor Relations Board. Upon the entire record in this proceeding, I find:

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.²
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. There is no evidence of bargaining history and no contention that there is a contract bar.
6. The parties are not aware of any petitions pending involving other facilities of the Employer.
7. The first part of this decision will describe the Employer's operations and managerial and supervisory hierarchy. The second section will describe the employees' terms and conditions of employment, including job duties and work interaction;

² The Employer, Home Depot Home Services Bath Remodeling Group, Inc., is a Delaware corporation with a principal office and place of business in Kansas City, Missouri, and a place of business in St. Paul, Minnesota, from which it sells, furnishes and installs custom kitchens and baths. During the last 12 months, a representative period, the Employer purchased and received goods and materials valued in excess of \$50,000 directly from suppliers located outside the State of Minnesota at its St. Paul, Minnesota facility, and earned gross revenues in excess of \$1 million.

customer surveys of the installation team; tools and materials used; qualifications contained in job postings; and benefits, compensation and working conditions. The third section will describe record evidence related to whether installers are plumber apprentices. Finally, I will analyze Board precedent and explain my conclusion that the plumbers constitute an appropriate separate craft unit that does not include other employees, even those employees who the Employer contends are apprentices.

Employer's Operations/Managerial and Supervisory Hierarchy

The Employer sells, delivers and installs customized baths and kitchens in customers' homes. The Employer has been in this business since October 2006, when it acquired a company called Jubilee Home Solutions. The Employer has seven locations around the country, including the St. Paul, Minnesota facility involved herein, which services the entire State of Minnesota. It is a subsidiary of Home Depot Installation Services, Inc., which is a subsidiary of Home Depot USA.

James Cannon is the Employer's general manager. Direct reports to Cannon are Kirk Kaiser, director of production, and Andrew Andreas, director of sales. John Fisher is the regional production manager with responsibility over the Minnesota branch. Mike Grover is the branch manager for the Minnesota branch on the production side. Reporting to Grover are Jason LaBelle, the segment manager, who is also a master plumber; Ed Nystuen, bath manager; Derris Amsler, kitchen manager; and Dan Anderson, inventory manager. There are seven project supervisors listed beneath Nystuen on the organizational chart introduced by the Employer, and beneath them are

the job titles of “Bath Installers (46)” and “Plumbers (6)”.³ Under Amsler is one Kitchen Supervisor, and below him are “Kitchen Installers (8)” and “Measurers (3).” The warehouse assistant reports to Inventory Manager Anderson.

The parties stipulated that LaBelle, Nystuen, Amsler, Anderson, the project supervisors, and the kitchen supervisors are supervisors within the meaning of Section 2(11) of the Act.

Terms and Conditions of Employment

a. Employee Job Duties and Work Interaction

Sales consultants and/or measurers go into a customer’s home and provide an estimate for a project, such as a design upgrade to a kitchen or bath, which may include, for example, the installation of a sink or toilet. The quoted price includes the total cost of the project and is not broken down into fixtures, labor, etc.

Fixtures and installation materials are ordered from outside vendors and delivered to the warehouse. The warehouse assistant monitors all of the inventory in the warehouse and is involved in the shipping and receiving of the products.

Kitchen installers only work on kitchens, and bath installers only work on bathrooms. Installers pick up materials and fixtures from the warehouse and bring them to the job site, using their own personal vehicles. Most of the evidence concerned bath installers, whose duties include talking to the customer about the job and the contract, performing demolition, putting fixtures together, setting fixtures into place, caulking,

³ Plumbers reported to Master Plumber LaBelle up until about a month before the hearing, when they were changed over to reporting to project supervisors. This change took place just prior to the filing of the petition. LaBelle is still available as a resource on technical plumbing issues, however.

installing tub skirts, installing acrylic walls (“surround”), shower doors and caddy shelves, installing tile and hardibacker, setting cabinets and counter tops, doing sheetrocking, taping, mudding, and trim work, and cleaning up and hauling away debris.

Plumbers may work on either baths or kitchens, although one of the plumbers testified that he works only on bathrooms and the other testified he works mainly on kitchens. The State of Minnesota requires a journeyman’s license any time there is plumbing that involves connecting to “live” pipes. Live pipe is anything that would be used for water distribution or anything that is connected to a sewer. It also includes gas pipes. The Employer’s journeyman plumbers, who are required to have licenses,⁴ perform virtually all of the work involving live pipes. This would include disconnecting pipes and traps so the installers can do the demolition, removing and replacing shower valves, shutting off the water, installing toilets, and reconnecting and soldering pipes. An Employer witness testified that a plumber’s apprentice could connect to live pipe if a licensed journeyman was on site at the time. However, there was no testimony by the Employer that installers are assigned this work.

In its brief, the Employer pointed to four instances of an installer performing what it considered to be live pipe work set forth on an exhibit containing all of the work performed by installers during fiscal year 2007. Those instances included “fix drain system on both sinks”; “toilet, tub, wainscoating, vanity”; “helped the plumber install new shower valve, overflow and faucet”; and “change lead pipe to PVC.”

⁴ LaBelle testified that when plumbers are hired by the Employer, he makes sure they have a plumbing license.

One plumber who testified for Petitioner stated that he could ask an installer to cut pipe, help install the valve, go turn the water off, or help put the overflow on. However, when asked for specifics on how often this happens, he replied that most of the time it doesn't and stated, "no, they are never helping." This witness explained that the installers have many things to do. For example, they may have "demo'd" the bathroom and started to install hardibacker by the time the plumber gets there. Then, they must wait for the plumber to complete the plumbing portion of the job so that they can continue with their own work in order to get the project ready for inspection. A plumber is at a particular job between two and four hours, working on the live pipes, and then leaves for the next job site. The plumbers do not supervise the installers, although they may be working in close proximity. Another plumber testified that very rarely will installers disconnect the water lines and drain from the system. However, he has never seen them do it and if it is done, it's before he gets there.

Similarly, the record does not contain evidence that plumbers regularly assist the installers with their work. The plumber who normally works in kitchens testified that if there is no plumbing work to do, he may assist in demo or do a little painting, but that this does not happen very often—maybe twice a month. The other plumber who testified stated that he may help an installer carry out a cast iron tub, so that the installer isn't breaking his back. In its brief, the Employer, using its exhibit containing fiscal year 2007 plumber duties, referred to the following instances of a plumber assisting an installer: "helped installer set vac and vanity hookup"; "help remove tub and vanity"; and "helped installer set tub."

b. Customer Survey Forms

Customer survey forms are provided to customers at the onset of a project, for submission to the Customer Care Center once the project is completed. Data generated from the survey is entered into a computer system, which produces a rating. That single rating will apply to the entire installation team working on the project and will be used in evaluating employees for the purpose of granting bonuses and raises.

c. Tools and Materials Used

Plumbers pick up small parts and materials they need for their work either from the warehouse or directly from a wholesaler. In order to perform functions related to live pipe, they use torches, solder, fittings and flux. Installers had access to these tools and materials, but the Employer took that access away from the installers in the spring of 2007. This was after the Employer contacted the State to determine what an apprentice could or could not do under the Plumbing Code if there was or was not a journeyman present. Both plumbers and installers use screwdrivers, hammers, chisels, wrenches, drills and channel locks.

d. Qualifications in Job Postings

The job posting for installers contains, as a minimum qualification, 3 years of residential or commercial remodeling experience. The posting lists "Primary Skills" as trim carpentry, drywall and mudding, cabinetry, framing, flooring, painting and sweating copper. The posting lists "common remodeling tools" as an additional desired skill. The posting for the plumbing professional requires 3 years of residential or commercial plumbing experience, and asks for "Primary Skills" of valve hook up, tub and toilet

setting, cabinetry—setting vanities, pipe bending, knowledge of pipe fittings and sweating copper. “Common plumbing tools” is an additional desired skill.

e. Benefits, Compensation and Working Conditions

The plumbers, bath installers, kitchen installers, measurers and warehouse assistant are hourly paid. The wage range for plumbers is \$25 to \$28.85. Bath installers receive \$10 to \$28. The pay range for kitchen installers is \$14 to \$21. The record does not reveal how much measurers or the warehouse assistant are paid. All of the hourly employees fill out manual time sheets, which are then transferred into a time card system referred to as the “Genesis system.” The employees enter this data using computer terminals in the St. Paul facility. All of the employees are paid every other Friday, for a two-week pay period which runs from Monday through Sunday.

Plumbers, bath installers, kitchen installers and measurers use their own vehicles to travel to the job sites and are compensated for mileage at 37 cents per mile. Their mileage is reported on the same form.

Hourly employees receive identical benefits, which include such things as sick and personal days, vacations, holidays, bereavement pay, jury duty and leaves of absence. They are all subject to the same Home Depot Code of Conduct.

Applicants for plumber, bath installer, kitchen installer, measurer, and warehouse assistant positions fill out identical job applications. There is an initial screening interview, followed up with a behavioral interview. The interviewer uses the same screening questionnaire for plumbers, bath installers and kitchen installers. When employees are hired, they receive the same orientation or “on-boarding” packet.

The plumbers, bath installers, kitchen installers, measurers and warehouse assistant wear identical uniforms—gray polo shirts and a cap or hat containing the Employer logo.

There is one employee break facility at the St. Paul location. The record does not reflect the circumstances under which employees would use the facility. All employees are entitled to a 30-minute unpaid lunch, which they schedule at their convenience. Plumbers take their lunch breaks at the job site.

There are two entrances to the St. Paul facility. There are no special doors for any group of employees. There is open parking at the facility which all employees may use. There is a branch bulletin board, and notices for all employees are posted on that board.

There is a weekly staff meeting at the St. Paul facility, which is attended by plumbers, bath installers, kitchen installers, measurers and warehouse assistants. There are no regularly scheduled separate meetings for plumbers.

The same Human Resources support is provided to plumbers, bath installers, kitchen installers, measurers and warehouse assistants. There is an HR administrative assistant at the St. Paul facility, who is the contact person for any benefit or payroll issues. If necessary, she refers issues to the Human Resources manager in the Employer's Atlanta office. All employees may use the "aware line," which is operated by a third-party vendor, if there are issues that haven't been resolved.

Apprentice Issue

The Employer's segment manager/master plumber, Jason LaBelle, testified that the 46 bath installers are plumber apprentices.⁵

a. Procedures to Become a Licensed Plumber

In the State of Minnesota, there are two ways to become a licensed plumber. An individual may fill out a form, including his or her education, pay a \$25 fee, and become registered as an apprentice. The Minnesota Department of Labor & Industry will provide a card, and the hours worked on the job will be recorded on the card annually (hereinafter "registration card process"). The other way to become a plumber is to go through a more structured state-registered apprenticeship training program. This includes on-the-job training as well as vocational training. Apprentices are eligible to take a journeyman examination after completing a set number of hours of plumbing work. According to Petitioner's organizer, those using the registration card process need 7,000 hours before taking the test, and those going through the state-registered training program need 8,500 hours, which apparently includes 1,000 hours of vocational training.

Petitioner represents plumbers and apprentices, but does not currently represent any apprentices who are not in a state-registered apprenticeship program. It also does not represent carpenters or electrical employees.

⁵ In one section of the Employer's brief, the Employer contended that both bath and kitchen installers are apprentices. This is inconsistent with LaBelle's testimony and the Employer's position as stated on the record. Further, the Employer entered into evidence a compilation of work performed by installers, which LaBelle used to identify duties he believed constituted apprentice work. The Employer stated on the record that the compilation did not include the work performed by kitchen installers. Finally, the Employer provided promotional advertisements for bathroom projects, but no such advertisements for kitchens. This made it impossible to glean from those ads whether there may be kitchen projects, such as cupboard installation, that may not impact plumbing.

b. Evidence Concerning Whether the Employer's Installers Are Apprentices

The Employer does not have a state-registered apprenticeship program. Rather, some installers have obtained cards by going through the registration card process. LaBelle recently discovered, however, that the State only had records of 19 of the 46 bath installers having done so. He has since assisted the installers in filling out the forms. His understanding of State law is that anyone assisting in the installation of plumbing needs to be registered as an apprentice. A Petitioner witness testified that after the petition was filed, the Employer announced at a mandatory meeting that installers needed to submit forms to the State to become apprentices.

A component of the registration card process is that the hours worked as an apprentice be certified and submitted to the State on July 1 of each year. This is the responsibility of LaBelle, who carries a master plumber's license. LaBelle reports the installers' apprentice hours to the State using time sheets they have submitted. The time sheets list all of the various functions the installers have performed in a given day, but do not designate how much time was spent on each. From those sheets, LaBelle determines what work was apprentice plumber work, estimates how much time was likely spent performing those duties, and reports those hours accordingly.

LaBelle estimated that an installer spends about 40 to 50 percent of his time performing plumbing apprentice duties. As an example, he reported 400 hours to the State for one installer for one six-month period. LaBelle includes such things as meeting with customers and demolition in the reported hours. Petitioner's organizer disputes that those functions constitute plumbing hours, except to the extent that pipes

may have to be disconnected before demolition, a function the Employer's plumbers, and not the installers, perform. Although the Employer entered into the record a compilation of the bath installers' time sheets setting forth their job duties, it did not submit records of the actual hours reported to the State as apprentice work.

According to Petitioner, State law requires that apprentices be directly supervised by a licensed plumber; however, that is not the situation with the Employer's bath installers. The two journeyman plumbers who testified stated that they do not supervise the installers.⁶ The project supervisors are not licensed plumbers. LaBelle is a licensed master plumber, but works in an office at the St. Paul facility. According to LaBelle, he visits the job sites to investigate when an issue comes up, and randomly visits job sites to check on quality. Two plumbers testified that LaBelle is only rarely seen by them on a job site. On the other hand, the Employer testified that LaBelle directs all the plumbing work, and that there is no specified time-keeping or record-keeping system for reporting apprentice hours.

The Employer has no established program for the advancement of installers to plumber positions. LaBelle is aware of just one installer who has expressed an interest in becoming a plumber. LaBelle testified that two other installers, who were out-of-state plumbers, were interested in finding out if they could count those hours toward apprenticeship. One has since become a manager. There is no evidence that any installers have become plumbers. The current plumbers were hired as journeymen and were not previously employed by the Employer as apprentices (but had completed apprenticeships elsewhere).

⁶ No installers or project supervisors testified at the hearing.

Analysis

The Board has long held that a “craft unit” consists of a distinct and homogeneous group of skilled journeyman craftsmen who, together with helpers or apprentices, are primarily engaged in the performance of tasks that are not performed by other employees and which require the use of substantial craft skills and specialized tools and equipment. *Burns & Roe Services Corp.*, 313 NLRB 1307, 1308 (1994); *Mirage Casino-Hotel*, 338 NLRB 529, 532 (2002). In determining whether a petitioned-for craft unit is appropriate, the Board examines (1) whether the employees take part in a formal training or apprenticeship program; (2) whether the work is functionally integrated with the work of the excluded employees; (3) whether the duties of the petitioned-for employees overlap with the duties of the excluded employees; (4) whether the employer assigns work according to need rather than on craft or jurisdictional lines; and (5) whether the petitioned-for employees share common interests with other employees. *Id.*

Based on the evidence and the record as a whole, I conclude that the plumbers constitute a distinct and homogeneous group of craft employees who may appropriately be represented in a separate unit that does not include the bath installers, kitchen installers, measurers and the warehouse assistant. Additionally, while apprentices are generally included in a craft unit, I conclude that the installers in this case are not, in fact, plumber apprentices.

My conclusion that the plumbers constitute a craft is based on the facts that they have gone through an apprenticeship program, are licensed as journeymen, and

perform skilled plumbing work using specialized tools that other employees do not use. The record is clear that the Employer regularly assigns the skilled plumbing work (i.e., live pipe work) along craft lines; that is, only to the journeyman plumbers, and not to the installers. The plumbers are the only employees that the Employer allows access to the tools necessary to perform that work. This is despite the fact that the Employer could assign such work to installers who have registered with the State as apprentices, if they were under appropriate supervision by licensed plumbers. *Mirage Casino-Hotel, supra*.

Further, while I recognize that the bath installers perform some functions that are related to and overlap with plumbing work, such as setting tubs and putting together fixtures, they also deliver material to the site, engage in demolition, meet with customers, and haul away debris. These are functions that do not require employees to be skilled plumbers and that are only rarely, if ever, performed by the journeyman plumbers. The Employer, in its job postings, seeks plumbing experience and skill with plumbing tools when it hires plumbers, as opposed to remodeling experience and skill with remodeling tools when it hires installers. The work of the installers appears to be more akin to remodeling than to plumbing. Even though some of the installers' work may be considered plumbing work, the Board has concluded that the performance of unskilled or lesser-skilled work by some employees does not negate the appropriateness of a separate unit consisting of the skilled craftsmen. *Mirage Casino-Hotel, supra*; *Schaus Roofing & Mechanical Contractors, Inc.*, 323 NLRB 781 (1997); *Burns and Roe Services Corp., supra*; *E.I. du Pont & Co.*, 162 NLRB 413 (1966). There is no evidence that measurers or the warehouse assistant performs any plumbing or plumbing-related work.

I have considered the fact that the plumbers and installers have work-related contact with one another, and that customer surveys evaluate them as a team. However, the record reveals that plumbers go to the customer's home for the specific purpose of performing the work that requires a license—i.e., the “live pipe” work. They disconnect pipes if required before installers can perform demolition, and they reconnect pipes after new fixtures have been set. Once that work is completed, which requires an average of two to four hours, they leave the job site and go to another. Installers perform work on the job site before the plumbers arrive and after the plumbers leave. In other words, it does not appear that the installers and plumbers constitute a team that works together throughout the course of an entire project. Rather, the plumbers perform the specialized functions that require a license at multiple sites in the course of a day. Measurers and the warehouse assistant are not on the job site with the plumbers or installers at all. In these circumstances, I conclude that the work is not so functionally integrated as to destroy the appropriateness of a separate craft unit consisting of plumbers. *E.I. du Pont & Co., supra.*

As described above, plumbers, installers, bath and kitchen installers, measurers and the warehouse assistant have similar benefits and working conditions, and there is some common supervision. Further, the top pay rate of plumbers and bath installers varies by only 85 cents (although the low end of the bath installer pay scale is \$15 below the lowest pay rate for plumbers). I conclude that the factors that demonstrate some common interests do not outweigh the fact that the plumbers' training, skill level, licensing, and job assignments, consisting almost exclusively of skilled plumbing work,

are significantly different than those of the other employees who perform a variety of functions but virtually no skilled plumbing work. *Schaus Roofing, supra*.

Two of the cases that the Employer cites in its brief in support of its position are *Firestone*, 223 NLRB 904 (1976), and *Boeing*, 337 NLRB 152 (2001). Those cases are distinguishable from the instant case. *Firestone* involved craft severance, not initial organizing, and the Board applied its policy of not disturbing an existing unit with a 28-year bargaining history. There is, of course, no bargaining history in this case. Further, the proposed unit in *Firestone*, unlike the unit proposed by Petitioner in the instant case, consisted of a wide range of skilled, semi-skilled and unskilled workers. In the instant case, Petitioner has proposed a unit consisting of a distinct and homogeneous group of skilled employees.

In *Boeing*, the Board found that the employees in the petitioner's proposed unit and the other employees had the same skills, qualifications and certifications. Further, the groups of employees attended the same training and certification classes. There was no specialized training for the employees in the proposed unit. The employees did the same kind of work but on different equipment. Finally, there was evidence of permanent transfers into each other's groups. The facts in *Boeing* are far different than the facts in the instant case.

The Employer contends that the installers, as apprentices, should be included if a craft unit is found to be appropriate. Although the Board typically includes apprentices in a craft unit, the record reflects that the installers in this case are not, in fact, plumber apprentices with interests aligned with the plumbers. There is no evidence that the 46 installers have any expectation of moving into plumber positions, and no evidence that

any installers ever have. The Employer only employs six journeyman plumbers. None of these individuals were apprentices with the Employer before being hired as journeymen. The Employer has no program for the advancement of the installers. The Employer does not assign skilled plumbing work to installers under the supervision of licensed plumbers, and, in fact, installers are not supervised on the job by licensed plumbers.

While the Employer states in its brief that, at a minimum, the installers that have apprentice registration cards should be included in the unit, the Employer also correctly points out elsewhere in its brief that the Board concluded in *Sand's Electric*, 155 NLRB 39 (1965), that compliance with state licensing requirements is not material to the Board's determination of an individual's apprenticeship status. In other words, the fact that employees do not have state-required apprenticeship cards does not mean they are not apprentices, but, by the same token, the fact that certain employees do possess cards does not establish that they are apprentices. I conclude, for the reasons stated above, that the record in this case does not support a finding that the installers are apprentices who must be included in the plumber craft unit.

8. 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 journeyman plumbers employed by the Employer at its 700 Prior Avenue, St. Paul, Minnesota facility; excluding bath installers, kitchen installers, measurers, and warehouse assistant, and guards and supervisors as defined in the Act, as amended.

DIRECTION OF ELECTION

An election by secret ballot will be conducted by the undersigned among the employees in the unit found appropriate 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 the date below, and who meet the eligibility formula set forth above. 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 persons 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 employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.⁷

⁷ To ensure that all eligible voters 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 that may be used to communicate with them. Excelsior Underwear Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Co., 394 U.S. 759 (1969). Accordingly, it is directed that two copies of an election eligibility list containing the full names and addresses of all the eligible voters must be filed by the Employer with the Regional Director within seven (7) days of the date of this Decision and Direction of Election. North Macon Health Care Facility, 315 NLRB 359 (1994). The Regional Director shall make the list available to all parties to the election. In order to be timely filed, this list must be received in the Minneapolis Regional Office, 330 South Second Avenue, Suite 790, Minneapolis, MN 55401-2221, on or before close of business **March 14, 2008**. No extension of time to file this list may be granted by the

Those eligible shall vote whether or not they desire to be represented for collective-bargaining purposes by **United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local No. 15.**

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. **This request must be received by the Board in Washington by 5:00 p.m. (Eastern Time) on March 21, 2008.** The request may be filed through E-Gov on the Board's website, www.nlr.gov,⁸ but may not be filed by facsimile.

Signed at Minneapolis, Minnesota, this 7th day of March, 2008.

/s/ Robert W. Chester

Robert W. Chester, Regional Director
Region Eighteen
National Labor Relations Board
330 South Second Avenue, Suite 790
Minneapolis, MN 55401-2221

Regional Director except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the filing of such list. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

⁸ To file a request for review electronically, go to www.nlr.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 the "File Documents" button under that heading. A page then appears describing the E-filing terms. At the bottom of the page, check the box next to the statement indicating that the user has read and accepts the E-File 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 original correspondence in this matter and is also located under "E-Gov" on the Board's website, www.nlr.gov.