

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

KEOLIS TRANSIT SERVICES, LLC

Employer

and

Case 28-RC-350291

**AMALGAMATED TRANSIT UNION
LOCAL 1433, AFL-CIO, CLC**

Petitioner

DECISION AND DIRECTION OF ELECTION

I. INTRODUCTION

Following the filing of the instant petition under Section 9(c) of the National Labor Relations Act (the Act), a hearing was held before a hearing officer of the National Labor Relations Board (the Board). Through this petition, Amalgamated Transit Union Local 1433, AFL-CIO, CLC (the petitioner or the Union) seeks to represent a unit of dispatchers, OCC controllers, and road supervisors (petitioned-for-unit) employed by Keolis Transit Services, LLC (the Employer), at its Tempe and Mesa, Arizona facilities (Employer's facilities, the facilities, or its facilities).

The record reflects that there are approximately 50 employees employed in the petitioned-for-unit at the facilities, including approximately 26 road supervisors. At the hearing, the Petitioner and the Employer stipulated, and I find, that petitioner is a labor organization within the meaning of Section 2(5) of the Act, that the Employer is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act and is subject to the jurisdiction

of the Board,¹ and that there is no history of collective bargaining between the parties for the petitioned-for-unit employees.

II. ISSUE AND POSITIONS OF THE PARTIES

The sole issue at hearing was whether the Employer's road supervisors are supervisors under Section 2(11) of the Act. Petitioner's position is that road supervisors are not Section 2(11) supervisors and are rather Section 2(3) employees appropriately included in the petitioned-for-unit. The Employer's position is that road supervisors are supervisors under Section 2(11) of the Act and therefore must appropriately be excluded from the unit.

For the reasons detailed in this decision, and after careful consideration of the arguments made by both parties and the record as a whole, I find that road supervisors are not supervisors as defined by Section 2(11) of the Act. Therefore, pursuant to the stated preference of both parties pertaining to the election method, I am directing a manual election for the petitioned-for-unit employees.

III. FACTS

A. The Employer's Business Operations and Organizational Hierarchy

The Employer is engaged in the business of providing transportation services, including at its facilities relevant to this petition, located in Tempe and Mesa, Arizona. The record reflects that the Employer's General Manager and Assistant General Manager oversee its operations at

¹ At hearing, the parties stipulated the following commerce facts:

The Employer, Keolis Transit Services, LLC, a Delaware limited liability company with offices and places of business in Maricopa County, Arizona, is engaged in the business of providing transportation services. During the 12-month period ending September 11, 2024, a representative period, the Employer, in conducting its business operations described above, derived gross revenues in excess of \$250,000. During the same period of time, the Employer purchased and received at its Maricopa County, Arizona facilities goods valued in excess of \$50,000 directly from points outside the State of Arizona.

the facilities. With respect to the reporting hierarchy relevant to the road supervisors, the record reflects that there are road supervisors employed at the Employer's Tempe, Arizona facility and at its Mesa, Arizona facility, reporting to separate dispatchers employed at each facility, who report to separate Operations Managers employed at each facility. Both Operations Managers report to the Employer's Assistant General Manager.

B. Record Evidence of Road Supervisors' Duties

1. Road Supervisor Written Position Description

At the outset, I note that although the Employer provided a written position description for road supervisors (entitled, "Road/Terminal Supervisor," dated 11/14/2016), the Employer failed to meet its burden to establish that the Employer's road supervisors employed at its facilities have, in fact, performed all of the duties set forth in this written position description. For example, the "Role purpose" portion of this road supervisor position description states that road supervisors "[a]ssist[s] in supervising personnel, which may include recommendations for hiring, performance evaluation, training, work allocation, and problem resolution," but despite the fact that three road supervisors testified at the hearing, the Employer failed to meet its burden to establish that its road supervisors possess such authority or have actually exercised any authority to perform any of these above-enumerated actions on behalf of the Employer.

2. Road Supervisor Duties

The Employer's road supervisors operate its official vehicles within designated geographic areas, to ensure that its transportation operations run smoothly. Road supervisors are responsible for monitoring the Employer's operators' adherence to their assigned schedules and routes, including generating certain Employer documents, such as accident/incident reports and road supervisor daily logs, including trail checks.

Road supervisors complete accident/incident reports and gather appropriate photos to document collision events (including injury and non-injury), non-collision events (including illness or injury), and incident events (without collision or injury). Road supervisors complete such accident/incident reports and submit these reports and any applicable photos to the Employer's responding supervisor for signature and to the Employer's safety department by end of shift or by 0600 hours the following day.

Road supervisors complete their required daily logs, on their assigned Employer tablets, to document a minimum of five checks per shift of each Employer coach, including each coach's location, route, direction, scheduled departure, actual departure, and any applicable comments. Road supervisor daily logs also document farebox calls to document fare disputes, as well as a minimum of two per shift of interline checks and trail checks. Interline checks and trail checks track the Employer's operators' locations and travel times, to confirm the Employer's operations align with its routes. Road supervisors document such interline checks and trail checks using their road supervisor daily logs, detailing their observations each shift, such as the reason for the report (e.g., routine road checks), any actions taken, and any professionalism displayed by the operators.

Further, a critical part of the road supervisors' role is to ensure the Employer's compliance with its safety standards, including overseeing its vehicle inspections, monitoring its adherence to safety regulations, and addressing potential hazards, such as identifying and addressing road hazards or assisting with minor repairs to the Employer's vehicles.

Road supervisors are also responsible for documenting certain operational issues that arise, as well as their firsthand observations of the Employers' operators' job performance. For example, road supervisors prepare reports documenting their observations of the Employer's

operators performing their driving duties, such as its operators' non-compliance, delays, and/or any other material observations. These road supervisor reports are submitted to the Employer, for the Employer to determine whether to take any further action. Road supervisors also provide direct assistance to the Employer's operators, by offering its operators guidance for certain operational challenges, such as equipment malfunctions, to ensure its operators adhere to its established policies.

3. No Record Evidence Establishing Road Supervisor Section 2(11) Supervisory Indicia

a. No Record Evidence of any Hiring, Transfer, Suspension, Layoff or Recall, Promotion, or Discharge Authority

The record provides no evidence that road supervisors participate in the Employer's hiring, transfer, suspension, layoff or recall, promotion, or discharge of any employees.

b. No Authority to Assign Work

The record evidence reflects that the assignment of operator work, such as assigning the operators' routes or shifts, is determined by the Employer's dispatchers and its Operation Command Control (OCC) department. Road supervisors merely relay instructions from the Employer's OCC department to its operators, without the use of any independent judgment or exercising any discretion whatsoever.

c. No Authority to Reward Employees

There is no record evidence showing the Employer has given the road supervisors authority to reward its employees, including providing employees any gift cards.

d. No Disciplinary Authority

Paramount among road supervisors' duties is to observe, document, and report to the Employer operational and safety-related issues impacting the Employer's operators and its

equipment. This includes observing operators during mandatory checks and inputting these observations using their assigned work tablets into the road supervisor daily log, maintained and accessible to the Employer through its centralized management system.

When serious incidents like accidents occur, road supervisors report these events through accident/incident reports to the Employer to determine next steps. Road supervisor accident/incident reports are factual and do not involve any corrective or managerial decisions. Road supervisors aim to ensure that the Employer's operators comply with its established standards. Even though road supervisors may conduct investigations, road supervisors must follow instructions from the Employer, its OCC department, or its safety department.

During the hearing, the testimony from three road supervisors demonstrated that they primarily focus on routine, procedural tasks, such as conducting trail checks to monitor operators' compliance with the Employer's safety standards, like proper lane usage, making full stops, appropriately using turn signals, accurately completing the Employer's standardized forms to document operator performance, and providing those form to the Employer to determine next steps.

Based on the foregoing and the record as a whole, there is insufficient record evidence to establish that road supervisors discipline employees.

e. No Authority to Responsibly Direct Employees, Adjust Employee Grievances, or to Effectively Recommend any Supervisory Indicia

There is no record evidence reflecting the Employer has given the road supervisors authority to responsibly direct employees, adjudicate employee grievances, or effectively recommend any of the above-enumerated Section 2(11) supervisory indicia.

f. No Exercise of Independent Judgment in any Supervisory Indicia

At hearing, the Employer argued that its road supervisors are Section 2(11) supervisors because they exercise independent judgment by: requiring Employer equipment changes; monitoring operators for their punctuality and adherence to the Employer's contractually mandated obligation to maintain Valley Metro's publicly released schedules; adjusting operator schedules as needed, to ensure continuity of service; temporarily removing operators from service when necessary; directing employees to undergo drug and alcohol testing; and by assigning work to operators by providing verbal counseling regarding prospective corrections to their conduct or performance.

Contrary to the Employer's bare assertions, the record lacks evidentiary support establishing that road supervisors exercise any such independent judgment. Testimony indicates that road supervisors merely follow directives from the Employer's OCC and/or Safety departments when addressing operational disruptions such as mechanical issues or traffic rerouting rather than road supervisors implementing their own strategies. In sum, the record reflects that during such operational disruptions, road supervisors merely apply pre-determined solutions made by the Employer's OCC and/or Safety departments, without exercising any independent judgment.

Additionally, the record reflects that road supervisors lack the authority to independently modify schedules or routes. Rather, the record reveals that such assignments of work and scheduling decisions are solely determined by the Employer's dispatchers or its OCC controllers.

Further, two road supervisors testified that when they observe that the Employer's operators appear impaired, they report their observations to the Employer's Safety and/or OCC

departments to determine whether the operators should be removed from service due to illness, injury, and/or suspected intoxication. While road supervisors may initiate drug and alcohol testing, such actions are strictly governed by the Employer's established protocols, such as those outlined in the Employer's Accident/Incident Reports and Federal Transit Administration (FTA) Post-Accident Drug and Alcohol Testing Decision forms. The record evidence establishes that these Employer protocols do not allow for the exercise of independent judgment by its road supervisors.

In sum, based on the foregoing and the record as a whole, contrary to the Employer's assertions, the record evidence does not support that its road supervisors exercise any independent judgment in performing their job duties.

4. No Road Supervisor Secondary Supervisory Indicia

The record establishes that road supervisors wear the same work clothing as the Employer's petitioned-for-unit dispatchers and OCC controllers, typically consisting of Employer-issued shirts in various colors and black pants. While road supervisors may attend certain Employer training and safety meetings, there is no record evidence to show that road supervisors are included in the Employer's decision-making processes reserved for its supervisors and managers. Furthermore, the record does not reveal that road supervisors have access to any of the Employer's confidential information like its supervisors and managers.

The absence of such secondary indicia, such as distinct uniforms or participation in management only meetings, further underscores the lack of any record evidence establishing road supervisors' Section 2(11) supervisory authority. The exclusion of road supervisors from the Employer's managerial meetings demonstrates that road supervisors' responsibilities are more closely aligned with its petitioned-for-unit employees than with its management. This lack of

record evidence further shows that the Employer does not treat its road supervisors as statutory supervisors, but rather as its operational employees, tasked with its coordination and oversight activities, devoid of the independent judgment required to confer supervisory status under Section 2(11) of the Act.

IV. ANALYSIS

As detailed below, I find that the Employer has not met its burden of establishing that its road supervisors are Section 2(11) supervisors. I find that the record evidence reflects that road supervisors lack the requisite independent judgment, authority, and discretion required by the Act to qualify as Section 2(11) supervisors.

A. *The Legal Standard for Section 2(11) Supervisory Status under the Act*

Section 2(3) of the Act excludes from the definition of “employee” “any individual employed as a supervisor.” Section 2(11) of the Act defines a supervisor as:

Any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not merely of a routine or clerical nature, but requires the use of independent judgment.

Possession of any one of these authorities is sufficient to confer supervisory status if the authority is exercised with independent judgment and not in a routine manner. *Oakwood Healthcare, Inc.*, 348 NLRB 686 (2006); *NLRB v. Kentucky River Community Care, Inc.*, 532 U.S. 706, 711 (2001). As the Board explained in *Oakwood*, “to exercise independent judgment an individual must at a minimum act, or effectively recommend action, free of control of others and form an opinion or evaluation by discerning and comparing data.” *Oakwood* at 692.

In addition to the factors identified in the Act, the Board also considers secondary indicia that can provide support for a supervisory finding but are not sufficient alone to establish

supervisory status. *Training School at Vineland*, 332 NLRB 1412, 1412 fn. 3 (2000). Secondary indicia may include factors such as a higher rate of pay, or an employer holding out the employee as a supervisor. *American Commercial Barge Line Co.*, 337 NLRB 1070, 1072 (2002); *Carlisle Engineered Products*, 330 NLRB 1359, 1360 (2000).

The burden of establishing supervisory status rests on the party asserting that status. *Croft Metals, Inc.*, 348 NLRB 717, 721. (2006). Supervisory status cannot be established by record evidence which is inconclusive or otherwise in conflict. *Phelps Community Medical Center*, 295 NLRB 486, 490 (1989). Mere inferences or conclusory statements, without detailed, specific evidence, are insufficient to establish supervisory authority. *Lynwood Manor*, 350 NLRB 489, 490 (2007); *Golden Crest Healthcare Center*, 348 NLRB 727, 731 (2006). Any lack of evidence in the record on an element necessary to establish supervisory status is construed against the party asserting supervisory status. *Dean & Deluca New York, Inc.*, 338 NLRB 1046, 1048 (2003). The Board looks to evidence of supervisory authority in practice, not simply paper authority; job descriptions or other documents suggesting the presence of supervisory authority are not given controlling weight. See *Golden Crest Healthcare Center*, 348 NLRB at 731, citing *Training School at Vineland*, 332 NLRB at 1416.

B. Analysis of Section 2(11) Supervisory Indicia for Road Supervisors

1. The Employer Failed to Meet its Burden to Establish any Hiring, Transfer, Suspension, Layoff or Recall, Promotion, Discharge, or Reward Authority

As noted above, as the party asserting road supervisors are supervisors under Section 2(11) of the Act, the Employer carries the burden of establishing supervisory status. *Croft Metals, Inc.*, 348 NLRB 717, 721. (2006). The Employer has failed to meet its burden of presenting sufficient record evidence to establish that road supervisors have any hiring, transfer,

suspension, layoff or recall, promotion, discharge, or reward authority on behalf of the Employer.

2. The Employer Failed to Meet its Burden to Establish Authority to Assign Work

Similarly, the Employer has failed to meet its burden of presenting sufficient record evidence to establish that road supervisors have the authority to assign work. Rather, the record evidence reflects that the assignment of operator work, such as assigning the operators' routes or shifts, is determined by the Employer's dispatchers and its OCC department. Road supervisors merely relay instructions from the Employer's dispatchers and/or its OCC department to its operators, without using any independent judgment or exercising any discretion whatsoever.

3. The Employer Failed to Meet its Burden to Establish Disciplinary Authority

Likewise, the Employer has failed to meet its burden to present sufficient record evidence to establish that road supervisors have authority to discipline employees. As noted above, in cases of minor operator infractions, such as improper signaling, road supervisors provide immediate coaching and guidance to operators, aimed at correcting operator performance rather than taking any disciplinary action. See *Altercare of Wadsworth Center for Rehabilitation*, 355 NLRB 565, 565 (2010); *Promedica Health Systems*, 343 NLRB 1351, 1351 (2004). Such road supervisor verbal coaching merely warns the Employer's operators about their observed behavioral and/or performance issues, rather than the Employer issuing any written discipline to the operators. See *Franklin Hospital Medical Center*, 337 NLRB 826, 830 (2002); *Crittenton Hospital*, 328 NLRB 879 (1999).

Further, there is no record evidence establishing that the Employer treats such road supervisor verbal coaching as its verbal discipline. The record reflects that such road supervisor

verbal coaching of the Employer's operators focuses on the operators adhering to the Employer's policies and supporting its operations, rather than making or recommending any decisions about the appropriateness of any discipline issued to the Employer's operators. See *Lancaster Fairfield Community Hospital*, 311 NLRB 401, 403-404 (1993).

4. The Employer Failed to Meet its Burden to Establish any Authority to Responsibly Direct Employees, to Adjust Employee Grievances, or to Effectively Recommend any Supervisory Indicia

The Employer has also failed to meet its burden to establish any record evidence that road supervisors have authority to responsibly direct employees, to adjust employee grievances, or to effectively recommend any of the Section 2(11) supervisory indicia set forth above.

5. The Employer Failed to Meet its Burden to Establish any Exercise of Independent Judgment in any Section 2(11) Supervisory Indicia

Furthermore, the Employer has failed to meet its burden to establish that road supervisors exercise any independent judgment in any of the above-enumerated Section 2(11) supervisory indicia. Rather, the record indicates the road supervisors' decisions are routine in nature, based solely on their first-hand observation of the operators while performing their job duties. For instance, when road supervisors observe situations warranting following the Employer's reasonable suspicion procedures, road supervisors do not determine on behalf of the Employer whether an operator is impaired or if the operator should appropriately be issued any discipline by the Employer. *Veolia Transportation Services*, 363 NLRB 1879, 1881-1882 (2016). Instead, road supervisors act based on their firsthand observation of the Employer's operators by following the Employer's applicable reasonable suspicion procedures and report their observations to the Employer to determine whether any further action is warranted. *Id.*

Further, the record reflects that when road supervisors encounter any operational disruptions, road supervisors simply follow directives from the Employer's OCC and/or its

Safety departments rather than implementing their own strategies, using any independent judgment. Additionally, contrary to the Employer's assertions, the record reflects that road supervisors lack the independent authority to modify operators' schedules or routes.

C. The Employer Failed to Meet its Burden to Establish any Secondary Indicia

Finally, the Employer has failed to meet its burden to establish that road supervisors have sufficient secondary indicia to confer Section 2(11) supervisory status. In the absence of evidence that an individual possesses one of the primary indicia of Section 2(11) supervisory status, "secondary indicia are insufficient by themselves to establish supervisory status." *Ken-Crest Services*, 335 NLRB 777, 779 (2001).

V. CONCLUSIONS AND FINDINGS

Based upon the entire record in this matter and in accord with the discussion above, I find and conclude as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. As stipulated by the parties, the Employer is engaged in commerce within the meaning of Sections 2(6) and 2(7) of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this case.

3. As stipulated by the parties, the petitioner is a labor organization within the meaning of Section 2(5) 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 purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time and regular part-time Dispatchers, OCC Controllers, and Road Supervisors employed by the Employer at its facilities located at 2050 West Rio Salado Parkway, Tempe, AZ 85281, and 3320 North Greenfield Road, Mesa, AZ 85215.

EXCLUDED: All other employees, office and clerical employees, managers, guards and supervisors as defined in 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. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by the **Amalgamated Transit Union Local 1433, AFL-CIO, CLC**.

A. Election Details

The manual election will be held at the Employer's Tempe, Arizona facility located at 2050 West Rio Salado Parkway, Tempe, AZ 85281, on Wednesday, February 12, 2025 from 11:00 a.m. to 1:00 p.m., and 7:00 p.m. to 9:00 p.m.

The manual election will be held at the Employer's Mesa, Arizona facility located at 3320 North Greenfield Road, Mesa, AZ 85215, on Thursday, February 13, 2025 from 10:30 a.m. to 12:30 p.m., and 6:00 p.m. to 8:00 p.m.

The ballots will be commingled and counted immediately following the closing of the final polling session on Thursday February 13, 2025, at 8:00 p.m., at the Employer's Mesa, Arizona facility, located at 3320 North Greenfield Road, Mesa, AZ 85215.

The Employer will release employees to vote during their scheduled shift at the time the employee chooses to vote. The Employer will not require employees to clock out for time spent voting, nor will the Employer penalize any employee who it releases for the purpose of voting.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending Saturday, January 11, 2025, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Employees engaged in an 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 that 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.

C. Voter List

As required by Section 102.67(1) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the Regional Director and the parties by **January 28, 2025**. The list must be accompanied by a certificate of service showing service on all parties. **The Region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted at its facilities. The Notice must be posted at its facilities so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some and/or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees.

The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays.

However, a party shall be estopped from objecting to the non-posting of notices if it is responsible for the non-posting, and likewise shall be estopped from objecting to the non-distribution of notices if it is responsible for the non-distribution.

Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

VII. RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this Decision after the election on the grounds that

it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001, and must be accompanied by a statement explaining the circumstances concerning not having access to the Agency's E-Filing system or why filing electronically would impose an undue burden. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review. Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

DATED at Phoenix, AZ, this 24th day of January 2025.

/s/ Cornele A. Overstreet

Cornele A. Overstreet, Regional Director