

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

RECOVERY CAFE

Employer

and

Case 19-RC-356493

**UNITED FOOD AND COMMERCIAL
WORKERS LOCAL 3000**

Petitioner

DECISION AND DIRECTION OF ELECTION

Recovery Café (“Employer”) is a non-profit corporation engaged in the business of providing social services and mental health services.

On December 11, 2024, United Food and Commercial Workers Local 3000 (“Petitioner”) filed an election petition in Case 19-RC-356493. The parties stipulated at hearing in Board Exhibit 2 that the Petitioner is seeking to represent a unit of all full-time and regular part-time café support specialists, community volunteer and engagement coordinators, data support specialists, emerging member managers, finance managers, kitchen managers, monitoring and evaluation managers, office and facilities managers, recovery specialists, resource development officers, special project managers, senior engagement manager, and program manager at its facilities located at 2022 Boren Ave. Seattle, WA 98121 (“SLU facility”) and 4202 6th Ave. S. (“SODO facility”), Seattle, WA 98108. The petitioned-for unit included approximately 16 employees.

While the Employer initially contested the appropriateness of the requested unit of employees arguing that the SLU facility and SODO facility did not share a community of interest, the Employer shifted their argument at the hearing and in their post-hearing brief to allege that the Recovery Café’ employees and the Recovery Café Network employees did not share a community of interest. Specifically, the Employer argues that the job classifications of emerging member manager, special projects manager, data support specialist, and monitoring and evaluation specialist are the Recovery Café Network classifications that do not share a community of interest with the other Recovery Café job classifications. Additionally, the Employer contends that petitioned-for Recovery Café employees with the job classifications of program manager, finance manager, and office and facilities manager are confidential employees as defined by the Act. Finally, the Employer contends that Recovery Café petitioned-for employees with the job classification program manager should also be excluded from any appropriate unit as supervisors within the meaning of Section 2(11) of the Act.

A Hearing Officer of the National Labor Relations Board (“Board”) held a videoconference hearing on December 20 and December 23, 2024. Both parties filed post-hearing briefs.

Based on the record, the parties' briefs, and relevant Board law, I determine that the Employer has met their burden to demonstrate that the Recovery Café classifications and the Recovery Café Network classifications do not share a community of interest. In other words, I determine that the Recovery Café Network classifications of emerging member manager, special projects manager, data support specialist, senior engagement manager, and monitoring and evaluation manager do not share a community of interest with the Recovery Café classifications.

However, I further find that the Recovery Café classifications of program manager, finance manager, and office and facilities manager are not confidential employees within the meaning of the Act, and that the program manager is not a supervisor within the meaning of the Act and should be included in the petitioned-for unit.

I. APPROPRIATENESS OF THE PETITIONED-FOR UNIT

A. Facts

The Recovery Café began as one café that provided addiction recovery services for individuals in Seattle, Washington. Over decades, it steadily evolved and grew until it included two café locations. In 2016, the Recovery Café began to receive significant interest from groups in other cities who wanted to receive help starting their own cafes in their own communities. As a result, the Recovery Café Network was created to help provide systemic help to other communities in starting their own Recovery Cafes while not taking away focus from the work that the Seattle area cafes were performing.

There are two locations for Recovery Café—the SLU facility and the SODO facility. The SODO facility is a café setting that provides two meals a day. People can eat, chat, and play games. There are also rooms available for small-group recovery meetings and other classes. The hours are 9 to 3 during the week.

The SLU facility is a café setting that provides two meals a day. It also has a similar set-up as the SODO facility. People can eat, chat, and play games. There are rooms for meetings and classes. The location is open 12 to 6 on Tuesday through Saturday.

The Recovery Café Network (RCN) employees perform their work remotely, has remote employees who live outside the Seattle metro area, but does have offices available for use at the SODO facility. Testimony from all employee witnesses indicates that Network staff come into their offices once a month.

The classifications at issue in the Recovery Café Network are the monitoring and evaluation manager, emerging member manager, data support specialist, senior engagement manager, and special projects manager. The Associate Executive Director testified that the monitoring and evaluation manager, emerging member manager, the data support specialist, senior engagement manager, and the special projects manager are all Network positions. There are also three fully remote associate directors connected to the Network who do not work in the state.

1. Departmental Organization

The Employer is a non-profit organization with a Board of Directors that oversees the organization. While the Board of Directors oversees the Executive Director, there are also two co-founders with permanent positions on the Board and managerial positions.

Employer Exhibit 1 is an organizational chart that shows the Board of Directors oversees a Board Executive Committee that oversees the Executive Director. The Executive Director is then slightly lower than the two co-founders who oversee two different portfolios within the organization. One co-founder is the Director of Vision & Strategy, and the other is the Director of Program Design & Training. From the organizational chart, the Director of Program Design & Training oversees Recovery Café employees at the SLU facility, the SODO facility, and some of the Network employees. The Director of Vision and Strategy oversees the majority of the Network employees, the Director of Finance and Administration, and the Director of Development.

The Associate Executive Director testified that there is a difference between the Recovery Café and the Recovery Café Network. Recovery Café is the legal organization and the actual café operations that started in Seattle to provide direct services in Seattle. The Recovery Café Network is a program within the broader organization that is designed specifically to help other organizations in different cities start their own operations.

She further testified that the Network employees have offices available to them at the SODO facility and that they come in monthly to utilize the space located on the second floor. When the SODO facility initially opened in January 2020, the Network staff came in every day. The Associate Executive Director testified that the Network employees do not meet with the café employees. The Network employees work on the second floor exclusively, and there are only 2-3 organization wide meetings a year. However, both Network employees who testified stated that they do interact with café employees, mostly program staff. For example, the Senior Engagement Manager testified that he interacts with café recovery specialists when organizing visits to the Seattle cafés for members of the network. The Recovery Network Director testified that program and network staff do work together for immersion visits. While they do this type of collaboration, testimony shows that immersion visits occur only 2 to 4 times a year.

Organizationally, the Associate Executive Director consistently testified that the Recovery Café and the Recovery Café Network are separate entities with different missions, different websites, and a different organizational structure. Even the network staff when discussing the limited collaboration between café staff and network staff also testified that the work of the network employees was different from the café staff and that there was not a lot of integration between the staffs.

2. Skills, Training, and Job Functions

The job classifications in the petitioned-for unit include Recovery Café classifications of café support specialist, recovery specialist, kitchen and facility manager, community volunteer and engagement coordinator, resource development officer, and Recovery Café Network

classifications of monitoring and evaluation manager, emerging member manager, data support specialists, senior engagement manager, and special projects manager. Broadly speaking, the job classifications on the café side do not have educational requirements and require in-person work while the classifications on the network side have educational requirements and do not require in-person work.

The café support and recovery specialists work primarily in the cafes and provide direct services to individuals who come into the café to utilize their services. The café support specialist is a part-time position, on-call that works less than 15 hours per week. Their job functions include providing support and coverage for the recovery specialists. They are not remote workers and have no education requirement for their position. Recovery specialists are the primary floor staff at the cafes. They interact with individuals who come to the café by greeting them, serving food, and leading recovery circles. They are also not remote workers and have no educational requirements for the position.

The kitchen facility manager is also a classification that works in the cafes. This position performs the same work as a recovery specialist and manages the kitchens. They inventory the food, purchase food, perform meal planning, and prepare the meals. They are also not remote workers and have no educational requirements for the position.

The community volunteer and engagement coordinator is another classification for a café employee. Their job duties include coordinating volunteers, conducting volunteer orientations, and providing support to volunteers. This position allows for some remote work but is mostly in-person and also has no educational requirements.

The only café employee classification in the petitioned-for unit with an education requirement of a bachelor's degree is the resource development officer. This employee works with the Director of Development on the fundraising team and helps with fundraising, planning and executing fundraising events, communication with donors, sending a donor newsletter, sending thank you letters, and maintaining the donor database.

The Recovery Café Network classification of monitoring and evaluation manager oversees the network database that tracks each member cafes program activities and attendance. They evaluate the data being collected, monitor the quality of the data collected, and provide collective impact reports. A bachelor's degree is required for this position, and it is performed remotely.

The emerging member manager is the classification that oversees member cafes in the network for their first two years. They provide support to the member cafes including weekly check-ins, trainings, and answering questions. A bachelor's degree is required for this position, and it is performed remotely.

The data support specialist provides support for the network database called Agency. This database is used by the cafes in the network including the two Seattle cafes. The data support specialist also provides database support for the recovery café network hub. A bachelor's degree is required for this position, and it is performed remotely.

The senior engagement manager manages full members of the Recovery Café Network which means providing support for established cafes in the network. He helps them document and develop best practices. He also provides support for casual visits to the Seattle cafes but is no longer involved in immersion visits.

The special projects manager does special projects for the network including updating the Hub platform or planning and executing special events for the cafes. This position does project management, creates and designs resources for the network, and provides training support. A bachelor's degree is required for this position, and it is performed remotely.

3. Functional Integration, Contact, and Interchange

As noted above, the network employees have office space in the SODO facility but only come in once a month. While the Recovery Café Network senior engagement manager testified that there is collaboration between the program staff and the network staff, he also indicated that he has not performed that collaborative work since he was promoted from emerging member manager. Furthermore, when he referenced employees who he worked with regularly, that staff was network staff. The Network Director also testified that immersion visits do not occur as frequently as the senior engagement manager indicated.

Regarding functional integration, the senior engagement manager testified that the network staff would not exist without the program staff. However, testimony regarding the day-to-day tasks and job requirements do not show integration between café employees and network employees beyond the fact that café employees will provide support for trainings organized, lead, and facilitated by network staff.

While there was testimony about monthly resource days where network staff are encouraged to participate, this testimony lacked specificity as to how network employees participated, how frequently they participated, and whether it was part of their job duties to participate. Additionally, there was testimony that the Network Director used to lead recovery circles; however, he testified that he did that once, pre-pandemic and has not done so since.

There was no testimony or evidence presented that there is interchange between the network and café classifications.

4. Terms and Conditions of Employment

The petitioned-for unit consists of hourly employees across the café and network employees. All employees are also paid with the same payroll system on the same schedule. Everyone also has the same benefits except café workers receive more sick time because they interact directly with members of the public. The same work rules and policies apply to all employees.

5. Supervision

The recovery and café support specialists and the kitchen and facility manager are supervised by the site operation manager at each facility. At the SLU facility, that position is vacant. As a result, the recovery and café specialists at that facility are being supervised by the Executive Director.

The resource development officer is supervised by the Director of Development. The community volunteer and engagement coordinator is supervised by the program manager. The monitoring and evaluation manager is supervised by the director of programs. The emerging member manager is supervised by the associate director of learning and training. The data support specialist is supervised by the senior engagement manager.

B. Parties' Positions

1. Petitioner's Position

The Petitioner contends that the Act only requires that a petitioned-for unit be an appropriate one not the most appropriate unit, and that the network employees in the petitioned-for unit do share a community of interest with the café employees because they all provide support to members in differing ways. Additionally, the petitioned-for unit only includes classifications that are compensated hourly and have the same benefits. The Petitioner also notes that network employees are invited to participate in café programs like the monthly resource connection day and that there is collaboration between network and café staff in doing immersion visits and other training together.

2. Employer's Position

The Employer contends that the petitioned-for unit seeks to form a bargaining unit made up of two separate, distinct categories of employees who do not share a community of interest. Specifically, the Employer argues that the network employees (monitoring and evaluation manager, emerging member manager, data support specialist, and special projects manager) do not share a community of interest with the café employees. The Employer argues that the network employees do not have functional integration with the café staff, do not share common supervision with the café staff, do not share the same job skills and functions, do not have more than de minimis interchange or contact, do not share departmental organization with the café employees, and do not share the same general working conditions.

C. Analysis

1. Community of Interest Legal Standard

The Act does not require a petitioner to seek representation of employees in the most appropriate unit possible but only in an appropriate unit. *Overnite Trans. Co.*, 322 NLRB 723 (1996). As a result, in deciding the appropriate unit, the Board first considers whether the unit

sought in a petition is appropriate. *Id.* When deciding whether the unit sought in a petition is appropriate, the Board focuses on whether the employees share a “community of interest.” *NLRB v. Action Automotive*, 469 U.S. 490, 494 (1985). The factors the Board considers in making this determination are whether the employees sought are organized into a separate department; have distinct skills and training; have distinct job functions and perform distinct work, including inquiry into the amount and type of job overlap between classifications; are functionally integrated with the Employer’s other employees; have frequent contact with other employees; interchange with other employees; have distinct terms and conditions of employment; and are separately supervised. *United Operations, Inc.*, 338 NLRB 123 (2002). The Board has made it clear that it will not approve of fractured units—that is combinations of employees that are too narrow in scope or that have no rational basis. *Seaboard Marina*, 327 NLRB 556 (1999). However, all relevant factors must be weighed in determining community of interest, and no one factor is more important than another.

2. *Application*

a. Departmental Organization

An important consideration in any unit determination is whether the proposed unit conforms to an administrative grouping or departmental organization that already exists within the Employer’s operation. Thus, for example, generally the Board would not approve a unit consisting of some, but not all, of an employer’s production and maintenance employees. *See, Check Printers, Inc.*, 205, NLRB 33 (1973). In certain circumstances, the Board will approve a unit although other employees in the same administrative grouping are excluded. *Home Depot USA*, 331 NLRB 1289, 1289-91 (2000).

Here, the evidence shows that the petitioned-for unit does not conform to the departmental organization of the Employer. While the monitoring and evaluation manager does report up to the same Director of Program Design and Training who ultimately oversees the SODO and SLU facilities, all the other network employees report up to the Recovery Café Network Director who ultimately reports to the Director of Vision & Strategy. Additionally, the network employees have infrequently used offices in the SODO facility, but day-to-day, they perform their work remotely and are focused on other organizational priorities than the café staff. For example, in the Recovery Café, the café support, recovery specialists, kitchen manager, program manager, and community volunteer and engagement coordinator are focused on providing direct services to individuals who come to the SODO and SLU facilities and doing the logistical work to provide services at these facilities. In contrast, in the Recovery Café Network, the monitoring and evaluation manager, emerging member manager, data support specialist, and special projects manager are focused on providing support to cafés across the country and supporting the formation of new cafes. Their organizational missions are different, and they ultimately report to different Directors.

Accordingly, I find that this factor does not weigh in favor of a shared community of interest within the petitioned-for unit.

b. Skills and Duties, Training, and Job Functions

For this factor, the Board analyzes whether employees perform the same basic function or have the same duties, whether there is overlap in job functions, or whether they work together as a team in order to decide if this factor weighs in favor of finding a community of interest. Additionally, the Board looks at whether the employees must meet similar requirements to obtain employment, whether they have similar licensure requirements, similar job descriptions, use similar equipment, participate in similar training programs, or if they have similar job descriptions. *Casino Aztar*, 349 NLRB 603; *J.C. Penny Company, Inc.*, 328 NLRB 766 (1999); *Brand Precision Services*, 313 NLRB 657 (1994); *Phoenician*, 308 NLRB 826 (1992).

Here, I again find that the evidence does not show the network employees share the same requirements for employment, have similar job descriptions, or perform the same basic job functions as the café employees. Network employees all require bachelor's degrees while café employees have no educational requirements. Day-to-day, café employees are performing job tasks and functions designed to support providing direct services to individuals of the public while network employees are performing job functions designed to support providing services to member cafes and facilitating the growth of more recovery cafes throughout the country.

On balance, I find that this factor does not weigh in favor of a shared community of interested in the petitioned-for unit.

c. Functional Integration, Contact, and Interchange

Interchange, in community of interest, refers to both temporary work assignments between two groups of employees and also to transfer between the groups. Frequent interchange "may suggest blurred departmental lines and a truly fluid work force with roughly comparable skills." *Hilton Hotel Corp.*, 287 NLRB 359, 360 (1987). As a result, the Board has held that the frequency of employee interchange is a critical factor in determining whether employees who work in different groups share a community of interest sufficient to justify their inclusion in a single bargaining unit. *Executive Resource Associates*, 301 NLRB 400, 401 (1991) (citing *Spring City Knitting Co. v. NLRB* 647 F.2d 1011, 1015 (9th Cir. 1981)).

Functional integration refers to when employees' work constitutes integral elements of an employer's process or business. It exists when employees in a unit work on different phases of the same product or a single service as a group. Additionally, it could also exist when the employer's workflow involves all employees in the unit. Evidence that employees work together on the same matters, have frequent contact with one another, and perform similar functions are relevant when examining whether functional integration exists. *Transerv Sys.*, 311 NLRB 766 (1993). Also relevant is the amount of work-related contact among employees including whether they work beside one another. See *Casino Aztar*, 349 NLRB at 605-606.

Here, there was no evidence or testimony presented about frequent interchange between network and café employees other than the Recovery Café Network senior engagement manager stating that he has helped café staff on the floor when he has seen a need. The example he provided

was of bringing water out. There was no evidence presented of café employees becoming network employees or vice-versa, and there was no indication that café employees substitute for network employees.

Regarding functional integration, the evidence is more mixed. As the Recovery Café Network Senior Engagement Manager testified, the mission of the network staff would not exist without the cafes and their mission. The café employees' work is an integral element of the network employees' work because without the Seattle cafes, there would be no Recovery Café Network. However, day-to-day, the work of the café employees is not an integral element of the network employees work, which focuses on database management, trainings, and support for other cafes. The workflow of the café employees is not impacted by the workflow of the network employees. The impact of the café employee's workflow on network employees is de minimis.

Accordingly, I find that these factors do not weigh in favor of a shared community of interest within the petitioned-for unit.

d. Terms and Conditions of Employment

Terms and conditions of employment include whether employees receive similar wage ranges and are paid in a similar fashion; whether employees have the same fringe benefits; and whether employees are subject to the same work rules, disciplinary policies, and other terms that might be described in an employee handbook. *See, Overnite Trans. Co.*, 322 NLRB 347 (1996).

Here, the evidence does show that all the employees in the petitioned-for unit are paid hourly, receive the same benefits, and are subject to the same work rules and employee handbook.

Accordingly, I find that this factor weighs in favor of a shared community of interest within the petitioned-for unit.

e. Supervision

Another community-of-interest factor is whether the employees in dispute are commonly supervised. In examining supervision, most important is the identity of employees' supervisors who have the authority to hire, to fire, or to discipline, or to supervise the day-to-day work of employees. *See, Executive Resources Associates*, 301 NLRB 400, 420 (1991); *NCR Corporation*, 236 NLRB 215 (1978). Common supervision weighs in favor of placing the employees in dispute in one unit; however, it is not dispositive especially where there is no evidence of interchange, contact, or functional integration. *United Operations*, 338 NLRB 123, 125 (2002). Conversely, separate supervision does not mandate separate units especially where there is evidence of interchange, contact, or functional integration. *Casino Aztar*, 349 NLRB 603, 607, fn. 11 (2007).

Here, the evidence shows that there is not common supervision of the network and café employees other than for the Recovery Café Network monitoring and evaluation manager. The monitoring and evaluation manager is supervised by the Director of Program Design and Training who ultimately oversees both café facilities. While common supervision is not dispositive in and

of itself, the fact that there is also not overlap in day-to-day activities, contact, or interchange indicates that this factor does not weigh in support of a shared community of interest within the petitioned-for unit.

3. Conclusion

Based on the record evidence and the factors above, I conclude that the petitioned-for unit is not an appropriate unit, and the Employer has provided sufficient evidence to show that there is not a shared community of interest between the network and café employees. Accordingly, an appropriate unit will not include the Recovery Café Network classifications of monitoring and evaluation manager, emerging member manager, data support specialist, senior engagement manager, and special projects manager.

II. SUPERVISORY AND CONFIDENTIAL STATUS

A. Facts

The program manager, office and facilities manager, and finance manager report to different heads. The program manager reports to the Director of Program Design and Training while the office and facilities manager and finance manager report ultimately to the Executive Director. There was no direct testimony as to whether these classifications are considered café or network employees. Instead, the Employer contends that the program manager should be excluded because they are a supervisor within the meaning of Section 2(11) of the Act, and that they are a confidential employee. The Employer further alleges that the office and facilities manager and finance manager are confidential employees.

Program Manager:

The program manager is involved in program development for the Employer. Specifically, they provide support to the café and recovery specialists and the operations managers to implement recovery programs at the Seattle cafes. The program manager also oversees the community volunteer coordinator, oversees the volunteer program, and is the lead for inputting the Seattle cafes' data into the Agency database. They have been performing these job duties for a while, but manager was added to their job title in September 2024 in recognition of their workload.

The Associate Executive Director testified that the program manager's recommendation is the reason why the current community volunteer coordinator was hired; however, the program manager testified that she was unaware that her recommendation was why the coordinator was hired. She did remember providing her input about the community volunteer coordinator but did not remember to whom she gave it, and she did not believe that she was the reason he was hired. The program manager further testified that she has participated in interview panels but that she does not make the hiring decisions.

Both witnesses testified that any termination or discipline would be done in consultation with human resources and others.

The program manager does assign work to the community volunteer coordinator and has evaluated his performance. Again, the Associate Executive Director's testimony about the program manager's evaluation of her direct report was more definitive while the program manager's testimony was equivocal. The program manager testified that she did do an evaluation of the community volunteer coordinator, but her testimony seemed to indicate that she felt like her evaluation needed to be signed off on. She also stated that in terms of assigning work that work is divided up collaboratively, and that she does not approve his work schedule.

Regarding adjusting grievances and dealing with employee complaints, both witnesses testified about how the program manager does address complaints from individuals who come into the cafes and is someone who de-escalates situations in the café that might occur between employees and members of the public. The program manager testified that she might address low level concerns between co-workers, but she could not think of an example of doing so and would mostly forward those concerns to human resources. She also testified that all program staff have the authority to resolve conflicts that occur on the floor with members of the public, and that she does not think she has a special authority in this arena.

Finally, the program manager uses confidential information in her role, according to the Associate Executive Director, because she attends all the board meetings to take the minutes. As a result, the program manager sees and receives all the board documents including financial reports, operational data, and audit reports. The program manager is present when organizational policy and strategic goals are set including discussions about the Union, the unionizing process, and labor priorities. The program manager testified that she does have access to this information, but that she does not create it—she merely collates reports and takes notes.

Office and Facilities Manager:

The officer and facilities manager oversees the Seattle café facilities and supports the IT infrastructure for the Employer. Specifically, he will order supplies, change lightbulbs, contract with outside vendors to do work in the cafes, makes sure that the facilities are up to date on inspections, and provides IT support to users. He has IT administrative access to all of the Employer's systems. While the Associate Executive Director testified that he has access to all the financial and human resources information and data, the office and facilities manager testified that he has access but does not control any of it. For example, he testified that he has access to QuickBooks, but that QuickBooks is controlled by another employee. He also testified that he has access to the donor database but has never accessed it.

Regarding policy, the office and facilities manager testified that he has informally created policies around purchasing and that he has been working on a computer security policy. He further testified that he has not made these policies on his own.

The Associate Executive Director testified that the office and facilities manager has access to every employee's human resources file, is involved in terminations, and is involved in human resources investigations. Specifically, she testified that he would review the security cameras for

human resources when requested. The office and facilities manager testified that he has only reviewed security camera footage twice in the past fifteen years.

Finance Manager:

The finance manager performs the daily finance tasks of the organization including depositing checks, paying bills, reconciling accounts, preparing grant reports, and sending invoices for government grants. The finance manager has access to all of the financial information of the organization including payroll information and is part of the budgeting process with the Director of Finance. The Associate Executive Director testified that she believes the finance manager would be deeply involved in creating proposals for wages in bargaining, and that their budgeting work directly impacts organizational policies and strategies; however, she also testified that the finance manager is not involved in making financial policy.

B. Parties' Positions

1. Petitioner's Position

The Petitioner contends that the Employer has not presented sufficient evidence to show that the program manager is a supervisor or that any of the disputed classifications are confidential employees. Specifically, the Petitioner argues that the program manager does not meet the supervisory indicia and that the Employer merely proved that the disputed classifications have access to confidential information but did not show the second prong of the labor-nexus standard that they effectuate, formulate, or determine labor policy.

2. Employer's Position

The Employer argues that the program manager exercises significant independent judgment in the exercise of their job duties and that their one direct report meets the threshold for supervisory indicia. Regarding the confidential status of the disputed classifications, the Employer contends that these employees' access to confidential information is sufficient to meet the labor-nexus standard.

C. Analysis

1. Legal Standard

Supervisory status under the Act depends on whether an individual possesses authority to act in the interest of the employer in the matters and in the manner specified in Section 2(11) of the Act, which defines the term supervisor as follows:

The term "supervisor" means 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 of a merely routine or clerical nature, but requires the use of independent judgment.

The language of Section 2(11) sets forth three requirements that must be met to establish supervisory status: (1) the putative supervisor must possess at least one of the 12 enumerated supervisory functions, (2) the putative supervisor must exercise independent (as opposed to routine or clerical) judgment in exercising that authority, and (3) that authority must be held “in the interest of the employer.” *NLRB v. Kentucky River Community Care, Inc.*, 532 U.S. 706, 713 (2001).

Only individuals with the power “effectively to recommend” the actions described in Section 2(11) fall within the statutory definition of supervisor. *See, e.g., Energy Systems & Service*, 328 NLRB 902 (1999). “The authority to effectively recommend generally means that ‘the recommended action is taken without independent investigation by superiors, not simply that the recommendation is ultimately followed.’” *Veolia Transportation Services, Inc.*, 363 NLRB No. 188, slip op. at 5 (2016) (quoting *Children’s Farm Home*, 324 NLRB 61, 61 (1997)).

The definitive statement of the Board’s current interpretation of “independent judgment” is set forth in *Oakwood Healthcare, Inc.*, 348 NLRB 686 (2006). In that case, the Board defined “independent judgment” to be “at a minimum” the authority to “act or effectively recommend action, free of the control of others” and to “form an opinion or evaluation by discerning and comparing data.” *Id.* at 693. The Board reiterated that independent judgments “contrasts with actions that are of a merely routine or clerical nature,” and noted that an individual’s authority may meet the “dictionary definitions” of “independent judgment” yet “still not rise above the merely routine or clerical.” *Id.* Rather, the asserted supervisory authority “must be independent, it must involve a judgment, and the judgment must involve a degree of discretion that rises above the ‘routine or clerical.’” *Id.* A judgment does not rise above the clerical or routine when “there is only one obvious and self-evident choice,” or, in the case of assignment, if an assignment is made “solely on the basis of equalizing workloads.” *Id.* In terms of meeting the evidentiary burden to establish supervisory authority, purely conclusory evidence and testimony that lacks specificity (particularly with respect to the factors weighed or balanced in exercising putative supervisory authority) will not be sufficient to establish independent judgment. *See, e.g., Pacific Coast M.S. Industries*, 355 NLRB 1422 (2010); *Austal USA, LLC*, 349 NLRB 561, 561 fn. 6 (2007); *Croft Metals, Inc.*, 348 NLRB 717, 722 (2006); *See also G4S Government Solutions, Inc.*, 363 NLRB No. 113, slip op. at 2 (2016) (finding independent judgment had not been established with respect to lieutenants’ authority to direct because, inter alia, testimony concerning what variables lieutenants might consider in directing subordinates was vague and lacked even general examples of the choices lieutenants might make in doing so).

The Board has a duty to not construe the statutory language too broadly because the individual found to be a supervisor is denied the rights protected under the Act. *See St. Francis Medical Center-West*, 323 NLRB 1046, 1047 (1997); *Hydro Conduit Corp.*, 254 NLRB 433, 437 (1981).

The burden of establishing supervisory status rests on the party asserting that status. *NLRB v. Kentucky River Community Care, Inc.*, 532 U.S. 706, 711-712 (2001); *Oakwood Healthcare, Inc.*, 348 NLRB 686, 687 (2006). Any lack of evidence is construed against the party asserting supervisory status. *Dean & Deluca New York, Inc.*, 338 NLRB 1046, 1048 (2003); *Elmhurst Extended Care Facilities*, 329 NLRB 535, 536 fn. 8 (1999). Conclusory statements without supporting evidence do not establish supervisory authority. *Veolia Transportation Services, Inc.*, 363 NLRB No. 188, slip op. at 8 (citing *Lynwood Manor*, 350 NLRB 489, 490 (2007)). “Supervisory status is not established where the record evidence is ‘in conflict or otherwise inconclusive.’” *Id.* (quoting *Phelps Community Medical Center*, 295 NLRB 486, 490 (1989)).

Regarding confidential status, the Board’s long-standing policy decision is to exclude these employees from bargaining units although confidential employees are not necessarily Section 2(11) supervisors or Section 2(13) agents of an employer. While they have the right to engage in Section 7 activities and to receive the protections of the Act, the Board has found them not suitable for inclusion in a bargaining unit due to their close relationship with management-side individuals who formulate labor policy. Confidential employee status is limited “to only those employees who assist and act in a confidential capacity to persons who formulate, determine, and effectuate management policies in the field of labor relations.” *NLRB v. Hendricks County Rural Electric Corp.*, 454 U.S. 170 (1981). This standard is known as the “labor-nexus” standard. *Id.*

Additionally, employees may be found to be “confidential employees” depending on their access to confidential information. Confidential employees are employees who (1) share a confidential relationship with managers who formulate, determine, and effectuate management policies in the field of labor relations and (2) assist and act in a confidential capacity to such persons. *Waste Management de Puerto Rico*, 339 NLRB 262, 262 fn. 2 (2003). Employees who have “regular access to confidential information concerning anticipated changes that may result from collective-bargaining negotiations” are also confidential employees. *Crest Mark Packing Co.*, 283 NLRB 999 (1987).

However, this designation is also meant to be narrow. *Dunn & Bradstreet*, 240 NLRB 160, 163 (1979). The Board has also found an employee was not confidential when the employee had no way of knowing from statistical data that he prepared what labor policy proposals might result. *American Radiator & Standard Sanitary Corp.*, 119 NLRB 1715, 1720-1721 (1958). In *Swift & Co.*, 119 NLRB 1556, (1958), the Board found that the fact that some employees may be entrusted with business information to be withheld from their employer’s competitors or that their work may affect employees’ pay scales did not render such employees either confidential or managerial. Similarly, in *Consol. Papers, Inc.*, 179 NLRB 165 (1969), the Board found that a high-ranking supervisor who did research and formulated recommendations relied upon by an employer’s negotiator did not render said supervisor a person who “formulates, determines, or effectuates” labor relations policy, and as such the high-ranking supervisor’s secretary was not a confidential employee under the labor-nexus standard. *See also Holly Sugar Corp.*, 193 NLRB 1024, 1026 (1971) (that corporate officials consulted with certain supervisors before bargaining sessions did not render the secretaries of those supervisors confidential employees).

The party asserting confidential status bears the burden of proof. *Crest Mark Packing Co.*, 283 NLRB 999 (1987).

2. Application

a. Supervisory Indicia

i. Hire

Merely participating in interviews along with higher management is insufficient to establish supervisory status. *Springfield Terrace LTD*, 355 NLRB 937, 945 (2010) (citing *Training School at Vineland*, 332 NLRB 1412, 1417 (2000)). Instead, the record must show that weight is given to the individual's recommendation, and this weight must be specifically established in the record. *F.A. Bartlett Tree Expert Co.*, 325 NLRB 243, 245 (1997) (holding evidence concerning authority to make referrals is insufficient where weight given to such referrals is not established in record); *Waverly-Cedar Falls Health Care*, 297 NLRB 390, 392 (1989), enf'd. 933 F.2d 626 (8th Cir. 1991).

Here, the evidence is mixed on whether the program manager effectively recommended hiring for her direct report. While the Associate Executive Director testified that the program manager's recommendation was dispositive, the program manager was not aware that her recommendation was pivotal. It is unclear whether the weight of her recommendation was specifically established. Additionally, there is no other evidence that the program manager has been involved in hiring beyond sitting on interview panels.

On balance, I find, therefore, that the evidence on hiring does not tend to establish that the program manager has hiring authority or can effectively recommend hiring within the meaning of the Act.

ii. Transfer

There was no evidence presented on the program manager's ability to recommend or approve transfers. Accordingly, I have not evaluated this factor in weighing the supervisory authority of the program manager but do find that the lack of evidence weighs against finding that the program manager has supervisory authority.

iii. Discipline, Suspend, or Discharge

Merely reporting facts supporting discipline is insufficient to constitute an effective recommendation of discipline. *Veolia Transp. Servs.*, 363 NLRB 908 (citing *Williamette Industries, Inc.*, 336 NLRB 743, 744 (2001)). *See also*, *Loyalhanna Health Care Associates*, 332 NLRB 933, 934 (2000) (warning merely reportorial where it simply described incident, did not recommend disposition, and higher authority determined what, if any, discipline was warranted.)

Here, there was no specific evidence presented of the program manager issuing discipline, discharging an employee, or suspending an employee. While the Associate Executive Director testified that the program manager would be empowered to initiate these actions, the program manager testified that she believed any discipline would need to be done in consultation with human resources.

Accordingly, I find that the evidence on discipline, suspension, and discharge does not establish that the program manager has disciplinary authority, ability to suspend employees, or ability to discharge employees within the meaning of the Act.

iv. Promote and Reward

There was no evidence presented on the program manager's ability to promote or reward. Accordingly, I have not evaluated these factors in weighing the supervisory authority of the program manager but do find that the lack of evidence weighs against finding that the program manager has supervisory authority.

v. Assign

The Board defines "assign" as referring "to the act of designating an employee to a place (such as a location, department, or wing), appointing an employee to a time (such as a shift or overtime period), or giving significant overall duties, i.e. tasks, to an employee." *Oakwood Healthcare Inc.*, 348 NLRB 686, 689 (2006) When work is assigned in a recurrent, predictable pattern, it does not involve the independent exercise of judgment. *Shaw, Inc.*, 350 NLRB 354, 355-56 (2007) (no independent judgment where assigned tasks were recurrent and predictable and involved rotating unskilled and routine duties among available crew to vary work and equalize burdens); *NJ Newspapers Co.*, 322 NLRB 394 (1996) (rotation of employees between workstations does not involve use of independent judgment).

Independent judgment in assigning work is also not found where there is only one obvious and self-evident choice. *Brusco Tug & Barge Co.*, 359 NLRB 486, 491 (2013), incorporated by reference *Cook Inlet Tug & Barge, Inc.*, 362 NLRB No. 111, slip op. at 2, fn. 8 (2015) (assignment of tasks to sole deckhand). *See also, Peacock Productions of NBC Universal Media, LLC*, 364 NLRB No. 104, slip op. at 3 (2016) (assignment of duties to sole associate producer).

Here, the program manager testified that she does not maintain or make her direct report's work schedule and that task assignments are done collaboratively. Additionally, she has only one direct report. It is not exercising independent judgment to assign work when you only have one person to assign the work to.

Accordingly, I find that the evidence on assigning work does not establish that the program manager has authority to assign work within the meaning of the Act.

vi. Responsibly Direct

For direction to be responsible, the person directing and performing the oversight of the employee must be accountable for the performance of the task by the other person such that some adverse consequence may befall the one providing the oversight if the tasks performed by the employee are not performed properly. *Oakwood Healthcare, Inc.*, 348 NLRB at 691-692. (holding charge nurses did not engage in responsible direction because there was no evidence they must take corrective action against employees they direct or that they themselves face adverse action for others' inadequate performance).

Here, there was no evidence presented that the program manager was evaluated based on her leadership or supervision of her direct report or that she was held accountable for his actions or performance. While the program manager did provide an evaluation of the community volunteer coordinator, there is not sufficient evidence to establish that she responsibly directs him.

Accordingly, I find that the evidence on responsible direction does not establish that the program manager has authority to responsibly direct other employees within the meaning of the Act.

vii. Adjust Grievances

The Board has held that limited authority to resolve "squabbles" between employees is insufficient to demonstrate the authority to adjust grievances. *Bay Area-Los Angeles Express*, 275 NLRB 1063, 1077 (1985) (holding responses to employee and business agent complaints to pacify them is insufficient to demonstrate authority to adjust grievances within the meaning of Section 2(11)).

Here, the program manager testified that she refers complaints between co-workers to human resources, and the Associate Executive Director's testimony about the program manager's use of independent judgment to deal with complaints focused on her ability to deal with conflicts that occur with the members of the public.

Accordingly, I find that the evidence on adjusting grievances does not establish that the program manager has the authority to adjust grievances of other employees within the meaning of the Act.

viii. Layoff and Recall

There was no evidence presented related to these factors. Accordingly, I have not evaluated these factors in weighing the supervisory authority of the program manager but do find that the lack of evidence weighs against finding that the program manager has supervisory authority.

b. *Confidential Status Indicia*

As noted above, confidential status for employees is meant to be defined narrowly, and Board precedent establishes that the labor-nexus required is significant. It is not enough that an employee merely has access to confidential information.

Here, the evidence shows that all three disputed classifications (program manager, office and facilities manager, and finance manager) have access to confidential information, but that access is not sufficient to establish a labor-nexus between their access and the formulation, determination, or effectuation of labor policy.

For example, the program manager collates information for board meetings, but she does not create that information. Similar to the secretaries in *Holly Sugar Corp.* and *Consol Papers*, the program manager's ability to view the information does not transmute her into a person who can effectuate policy. Her own un rebutted testimony corroborates this view as she said, "I don't entirely understand every aspect but I just know when there are discussions, I note the motions." Furthermore, the information and data that she pulls together for board meetings is available to other program staff including employees who the Employer does not dispute should be in the petitioned-for unit.

Similarly, the office and facilities manager also has access to confidential information in that he has IT administrative access to all the Employer's systems and has access to video surveillance that can be used in workplace investigations. Again, the Employer has not established that this access leads to formulation, determination, or effectuation of labor policy. The evidence shows that the office and facilities manager can login and fix problems with, for example, QuickBooks, but not that he has any role in formulating budget policy or setting labor policy as a result of this access.

Additionally, the office and facilities manager's un rebutted testimony shows that he does not have access to all the information within the Employer's databases. For example, he stated that he has never accessed the donor database. Conclusory statements from the employer about his theoretical total access weighed against the specific evidence from the employee about his actual access support a finding that he may not even have access to all the confidential information that the Employer alleges. The Employer also placed great emphasis on the office and facilities manager's ability to review video footage in furtherance of workplace investigations; however, again, the employee testified that he has only reviewed surveillance footage twice in fifteen years. Finally, while the office and facilities manager does create policy, this policy-making is unrelated to labor relations.

The Employer also did not provide more than conclusory statements that the finance manager formulates, determines, or effectuates labor policy based upon their access to confidential information. Testimony from the Associate Executive Director merely established that the finance manager has access to the financial information but affirmatively stated that she was not involved in the formation of financial policies. Again, while her work may be used in formulating policies,

as in *American Radiator & Standard Sanitary Corp.*, that does not mean that she herself is determining policy and a confidential employee.

Accordingly, I find that the evidence on confidential status does not establish that the program manager, office and facilities manager, or finance manager are confidential employees.

3. Summary

I find that the record lacks sufficient evidence to establish that the program manager utilizes independent judgment to hire, discipline, suspend, discharge, promote, assign, responsibility direct other employees, or to adjust their grievances.

I also find that the record lacks sufficient evidence to establish that the program manager, office and facilities manager, or finance manager are confidential employees. Accordingly, the Employer failed to meet its burden of showing that they are supervisors or confidential employees within the meaning of the Act, and the program manager, office and facilities manager, and finance manager are appropriately included in the unit of petitioned-for employees.

III. CONCLUSION

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

1. The rulings at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.¹
3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act and 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 Sections 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 café support specialists, community volunteer and engagement coordinators, finance managers, kitchen managers, office and facilities managers,

¹ The parties stipulated to the following commerce facts: The Employer, Recovery Café, is a Washington nonprofit corporation engaged in the business of social services and mental health services at its facilities located in Seattle, Washington. During the last 12 months, a representative period, the Employer in the conduct of its operations derived gross revenue in excess of \$200,000. During the same period, the Employer purchased and received goods valued in excess of \$50,000 directly from points located outside of the State of Washington.

recovery specialists, resource development officers, and program manager at the Employer's facilities located at 2022 Boren Ave. Seattle, WA 98121 ("SLU facility") and 4202 6th Ave. S. ("SODO facility"), Seattle, WA 98108.

Excluded: All Recovery Café Network employees monitoring and evaluation manager, emerging member manager, data support specialist, senior engagement manager, and special projects manager, confidential employees, guards and supervisors as defined in the Act.

There are approximately 16 employees in the unit found appropriate.

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 United Food and Commercial Workers Local 3000.

A. Election Details

As set forth above, I have determined that a manual election will be held.

The election will be held Thursday March 6, 2025, at the following times and locations:

8AM to 9AM at the Employer's SODO facility, 4202 6th Ave. S.,
Seattle, WA 98108.

11AM to 12PM at the Employer's SLU facility, 2022 Boren Ave.
Seattle, WA 98121.

B. Voting Eligibility

Eligible to vote are those in the bargaining unit who were employed during the payroll period ending immediately preceding the date of this decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

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, and, in a mail ballot election, before they mail in their ballots to the Board's designated office; (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 address, 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 **February 21, 2025**. The list must be accompanied by a certificate of service showing services 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/conduc-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 systems 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 proceedings, 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

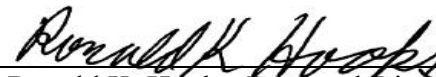
notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer 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 nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution. Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

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 10 business 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 must be E-Filed through the Agency's website and 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: February 19, 2025.



Ronald K. Hooks, Regional Director
National Labor Relations Board, Region 19
915 2nd Ave., Ste. 2948
Seattle, WA 98174-1006



United States of America
National Labor Relations Board
NOTICE OF ELECTION



19-RC-356493

PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by SECRET ballot under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Electioneering will not be permitted at or near the polling place. Violations of these rules should be reported immediately to an NLRB agent. Your attention is called to Section 12 of the National Labor Relations Act which provides: ANY PERSON WHO SHALL WILLFULLY RESIST, PREVENT, IMPEDE, OR INTERFERE WITH ANY MEMBER OF THE BOARD OR ANY OF ITS AGENTS OR AGENCIES IN THE PERFORMANCE OF DUTIES PURSUANT TO THIS ACT SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$5,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off, and also include employees in the military service of the United States who appear in person at the polls. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are *not* eligible to vote.

SPECIAL ASSISTANCE: Any employee or other participant in this election who has a handicap or needs special assistance such as a sign language interpreter to participate in this election should notify an NLRB Office as soon as possible and request the necessary assistance.

PROCESS OF VOTING: Upon arrival at the voting place, voters should proceed to the Board agent and identify themselves by stating their name. The Board agent will hand a ballot to each eligible voter. Voters will enter the voting booth and mark their ballot in secret. **DO NOT SIGN YOUR BALLOT.** Fold the ballot before leaving the voting booth, then personally deposit it in a ballot box under the supervision of the Board agent and leave the polling area.

CHALLENGE OF VOTERS: If your eligibility to vote is challenged, you will be allowed to vote a challenged ballot. Although you may believe you are eligible to vote, the polling area is not the place to resolve the issue. Give the Board agent your name and any other information you are asked to provide. After you receive a ballot, go to the voting booth, mark your ballot and fold it so as to keep the mark secret. **DO NOT SIGN YOUR BALLOT.** Return to the Board agent who will ask you to place your ballot in a challenge envelope, seal the envelope, place it in the ballot box, and leave the polling area. Your eligibility will be resolved later, if necessary.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the voting place and at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

Those eligible to vote are: All full-time and regular part-time café support specialists, community volunteer and engagement coordinators, finance managers, kitchen managers, office and facilities managers, recovery specialists, resource development officers, and program manager at the Employer's facilities located at 2022 Boren Ave. Seattle, WA 98121 ("SLU facility") and 4202 6th Ave. S. ("SODO facility"), Seattle, WA 98108 who were employed by the Employer during the payroll period ending immediately preceding issuance of the Decision and Direction of Election dated February 19, 2025.

EMPLOYEES NOT ELIGIBLE TO VOTE:

Those not eligible to vote are: All Recovery Café Network employees monitoring and evaluation manager, emerging member manager, data support specialist, senior engagement manager, and special projects manager, confidential employees, guards and supervisors as defined in the Act.

DATE, TIMES AND PLACES OF ELECTION

Thursday, March 6, 2025	8AM to 9AM	The Employer's SODO facility, 4202 6th Ave. S., Seattle, WA 98108.
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AND

Thursday, March 6, 2025	11AM to 12PM	The Employer's SLU facility, 2022 Boren Ave., Seattle, WA 98121
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EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



UNITED STATES OF AMERICA
National Labor Relations Board
19-RC-356493



OFFICIAL SECRET BALLOT

For certain employees of
RECOVERY CAFE

Do you wish to be represented for purposes of collective bargaining by

UNITED FOOD AND COMMERCIAL WORKERS LOCAL 3000?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES

☐

SAMPLE

NO

☐

DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY. MARK AN "X" IN THE SQUARE OF YOUR CHOICE ONLY.

If you make markings inside, or anywhere around, more than one square, return your ballot to the Board Agent and ask for a new ballot. If you submit a ballot with markings inside, or anywhere around, more than one square, your ballot will not be counted.

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.



United States of America
National Labor Relations Board
NOTICE OF ELECTION



RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with your employer on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities
- In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- Threatening loss of jobs or benefits by an Employer or a Union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or the mail ballots are dispatched in a mail ballot election
- Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a Union or an Employer to influence their votes

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (503)326-3085 or visit the NLRB website www.nlrb.gov for assistance.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
INSTRUCTIONS TO ELECTION OBSERVERS

The role of observers in an NLRB election is an important one. You are here to see that the election is conducted in a fair and impartial manner, so that each eligible voter has a fair and equal opportunity to express him or herself freely and in secret. As official representatives of the parties in this election, you should undertake your role with a fair and open mind. Conduct yourself so that no one can find fault with your actions during the election. The NLRB appreciates your assistance in this democratic process.

PRINCIPAL FUNCTIONS

- Monitor the election process.
- Help identify voters.
- Challenge voters and ballots.
- Assist Board Agent in the conduct of election.

DUTIES

- BE ON TIME: Observers should report one-half hour before the polls open.
- Identify voters.
- Check off the name of the person seeking to vote. One check before the voter's name is made by one party's observer. One check after the name is made by the other party's observer.
- See that only one voter occupies a booth at any one time.
- See that each voter deposits the ballot in the ballot box.
- See that each voter leaves the voting area immediately after depositing the ballot.
- Report any conflict regarding an individual's right to vote to the Board Agent at your table before the individual votes.
- Challenge of Voters: An observer has the right to challenge a voter for cause. A Board Agent may also question the eligibility of a voter. Any challenge must be made before the voter's ballot has been placed in the ballot box.
- Report any unusual activity to the Board Agent as soon as you notice it.
- Wear your observer badge at all times during the election.
- Remain in the voting place until all ballots are counted in order to check on the fairness of the count. If the ballots are not counted immediately after the polls close, you will be informed as to when and where the ballots will be counted.

DO NOT

- Keep any list of individuals who have or have not voted.
- Talk to any voter waiting in line to vote, except as instructed by the Board Agent. (Greeting voters as they approach to vote is acceptable.)

- Give any help to any voter. Only a Board Agent can assist the voter.
- Electioneer at any place during the hours of the election.
- Discuss or argue about the election.
- Leave the election area without the Board Agent's permission.
- Use any electronic device including cell phones, laptop computers, personal digital assistants (PDAs), mobile e-mail devices, wired or wireless data transmission and recording devices, etc. (Please turn off or disable these devices before entering the polling area).