

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01**

COMCAST MO OF DELAWARE LLC

Employer

and

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 2322**

Petitioner

Case 01-RC-347723

DECISION AND DIRECTION OF ELECTION¹

Comcast MO of Delaware LLC (the Employer or Comcast) operates nationwide and provides its customers with telecommunications services, including internet, cable television, and telephone services. The International Brotherhood of Electrical Workers, Local 2322 (the Petitioner or the Union) has filed a petition seeking to represent a bargaining unit comprised of approximately twenty network maintenance technicians (also known as plant technicians and network technicians) who work out of the Employer's 10 Old Townhouse Rd, South Yarmouth, MA facility.

The Employer takes the position that approximately 26 installation & service technicians (also known as service technicians, installation technicians, fulfillment technicians, and customer-facing technicians) based out of the same location as the petitioned-for group share an overwhelming community of interest with the petitioned-for network maintenance technicians, and that the smallest appropriate unit would include both categories of technicians. The Employer notes that collective bargaining units at eight of its other locations— including a Fairhaven, Massachusetts unit represented by the Petitioner— do, in fact, include both categories of technicians.

Having considered the parties' positions, the evidence, and the entire record, I find that the Employer has not met its burden of demonstrating that the installation & service technicians share an overwhelming community of interest with the petitioned-for employees. Accordingly, I find that the petitioned-for unit is appropriate and shall direct an election in that unit.

¹ The petition in this case was filed under Section 9(c) of the Act. The parties were provided opportunity to present evidence on the issues raised by the petition at a hearing held before a hearing officer of the National Labor Relations Board (the Board) on August 16, 2024. I have the authority to hear and decide these matters on behalf of the Board under Section 3(b) of the Act. I find that the hearing officer's rulings are free from prejudicial error and are affirmed; that the Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this matter; that the Petitioner is a labor organization within the meaning of the Act; that the Petitioner claims to represent certain employees of the Employer; that there is no contract bar or other bar to election in this matter; and that 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.

FACTS

The Employer's Structure and Business

Comcast provides its customers with telecommunications services, including internet, cable television, and telephone services. The petitioned-for network maintenance technicians are broadly responsible for maintaining the “plant,” or Comcast’s network infrastructure, including fiber and hardline stranding between telephone poles (or sometimes underground). The installation & service technicians, who the Employer seeks to add to the proposed unit, are broadly responsible for installing and maintaining equipment on customers’ own premises.

Mark Hutchinson is the head of the Technical Operations Department for Comcast’s New England Region.² He has six direct reports. One of those reports is Director of Network Maintenance John Fascendini, who indirectly oversees all network maintenance technicians in the New England Region. The other five reports are Directors of Technical Operations and indirectly oversee installation & service technicians in various geographic areas. Director of Technical Operations Jim Hevner is responsible for the installation & service technicians in the Employer’s “Yarmouth footprint,” which includes Cape Cod (from the Cape Cod Canal to Provincetown) and two islands (Martha’s Vineyard and Nantucket). These Yarmouth footprint installation & service technicians are the individuals the Employer seeks to add to the petitioned-for bargaining unit.

Director Fascendini has six direct reports titled “manager, network maintenance” or “manager, network engineering.” Each of these six individuals oversees between four and seven supervisors. The petitioned-for network maintenance technicians report to these supervisors.

Director Hevner, similarly, has three direct reports titled “manager, tech ops.” Each of these three individuals oversees between two and four supervisors. The installation & service technicians the Employer seeks to add to the bargaining unit report to these supervisors.

Accordingly, while both network maintenance technicians and installation & service technicians are organized in the Technical Operations Department, they report to Hutchinson through three levels of distinct supervisors and managers. It is the direct supervisors who are responsible for the performance evaluations which affect the technicians’ merit increases.³ It is also supervisors, in conjunction with Human Resources, who issue discipline to the technicians. Team meetings, which in theory occur on a weekly basis but in practice occur less frequently, include only a supervisor and the technicians who report to that supervisor.

² The New England Region includes all of Massachusetts as well as other New England states and parts of New York.

³ “Technicians” refers to installation & service technicians and network maintenance technicians collectively.

The Comm Tech Progression and Common Benefits

All the petitioned-for network maintenance technicians began their careers with Comcast as installation & service technicians and were promoted to their current positions. Only on rare occasion does the Employer directly hire a network maintenance technician.⁴ “Comm Tech progression” is Comcast’s “career journey program” which facilitates the development of employees’ skillsets. Depending on the availability of higher-level positions and an employee’s particular interests, newly hired installation & service technicians have become network maintenance technicians after as few as three years or after as many as twenty years. Employees can move through the first three levels of installation & service technician positions based on skill alone, but the fourth and fifth levels of installation & service technician positions are “gated,” as are network maintenance positions. Thus, employees seeking higher level installation & service technician positions or network maintenance positions must apply to job postings via the Employer’s internal website.

As employees progress through the “career journey program,” some training is accomplished through shadowing more experienced employees. They also receive virtual classroom training. A newly promoted network maintenance technician spends about six months training in the field with a senior network maintenance technician before beginning to work independently. Brian Almeida, a network maintenance technician, testified that as an installation & service technician he never undertook the preventative maintenance and repairs he performs in his current position.

Installation & service technicians are not trained or qualified to perform the work of network maintenance technicians. While network maintenance technicians, as former installation & service technicians, are capable of performing that job, they do not substitute for absent installation & service technicians.

All technicians must follow electric code and safety code requirements and receive safety training. All South Yarmouth technicians serve the same geographic area and the same customers with the same goal of facilitating the provision of Comcast services. They attend “line of business” meetings together approximately three to six times per year. They also occasionally attend safety meetings or vendor-specific trainings together. They are also required to complete some of the same training modules such as harassment training and integrity training. All technicians request equipment through a Comcast tool called hub2u. They all use hand tools, crimpers, and meters.⁵ However, network maintenance technicians use additional tools to do line construction work and other outside plant activities. Both sets of technicians receive Employer-issued cell phones. The positions have the same educational requirement (a high school diploma or GED). All technicians wear the same uniforms and receive allowances to purchase jeans and boots. All technicians are subject to the same human resources policies, including safe driving policies, attendance policies,

⁴ Director of Technical Operations Jim Hevner testified that this has occurred twice (out of more than 100 opportunities) in the last nine years in Greater Boston.

⁵ The XM meter allows technicians to perform a Premise Health Test, which validates that the customer’s premise meets all technical specifications set forth by Comcast. Both sets of technicians perform PHT testing.

home garaging and dispatching policies, and uniform policies. They are eligible for the same benefits, including medical insurance, dental insurance, vision insurance, short-term disability insurance, long-term disability insurance, healthcare FSA, commuter benefits, pet insurance, and car insurance.

Some installation & service technicians receive a higher hourly wage than some network maintenance technicians, but network maintenance technicians have higher potential earnings.⁶

Installation & Service Technicians

Installation & service technicians respond to customers' requests to install or repair the Employer's products. They work inside the customers' homes and sometimes work at the "tap," which is the place where the Employer's coaxial cable branches off to reach an individual user.⁷ The tap has up to eight outputs for different customers. Installation & service technicians are responsible for troubleshooting from the tap into the house through a variety of devices including ground blocks, splitters, directional couplers, modems, and cable boxes.

Upon receiving their work assignments through a program called Tech 360, installation & service technicians drive Comcast vans to the customers' homes. They interact with customers on virtually every job they complete. They cannot deviate from instructions to perform particular jobs in a particular order unless they contact their supervisors and discuss a proposed modification. They work under a points-based productivity system, where an 8-hour day should result in an installation & service technician earning 96 points. Different tasks are assigned different levels of points.

Installation & service technicians work Monday through Friday, Tuesday through Saturday, or Sunday through Thursday. In general, their shifts run from 7:30 a.m. to 4:00 p.m.

When installation & service technicians uncover a problem which is beyond their control, they submit a request through the Employer's portal, Tech 360. The request goes to a network maintenance technician. In most cases, the requesting installation & service technician leaves the worksite to complete another job (in keeping with the goal of earning the appropriate number of points per day) before the network maintenance technician arrives. On rare occasion, the installation & service technician and the network maintenance technician are on-site together at the customer's property.⁸ On these occasions, the two technicians do not work together; rather, the

⁶ Specifically, the lowest-paid installation & service technicians receive \$16.41 per hour and the highest-paid receive \$51.07 per hour. The network maintenance technicians' pay ranges from \$27.21 to \$55.04 per hour. The network maintenance technicians also receive a stipend when they are on call, while installation & service technicians are never on call.

⁷ Comcast uses coaxial cable both before and after the tap. However, the cable before the tap is "hard cable" and only network maintenance technicians carry the tools necessary to work with it. The relatively thinner cable between the tap and the end user is "soft cable."

⁸ The record does not reveal precisely how rarely these interactions occur. Brian Almeida, a network maintenance technician, testified that he sees installation & service technicians once or twice per week in total, including "bucket assists" which occur when an installation & service technician requires the services

installation & service technician continues installing the customer's equipment while the network maintenance technician seeks to correct the larger malfunction.

Network Maintenance Technicians

Network maintenance technicians are responsible for proactive and reactive maintenance of the outside plant, that is, the infrastructure which serves all of Comcast's customers. They respond to routine troubleshooting calls which may stem from problems with taps, splitters, directional couplers, amplifiers, and fiber optic nodes. They operate bucket trucks and undergo specific training to do so.

They see their work assignments in a program called Watchtower. Watchtower includes an algorithm which determines which tasks are the highest priority. For example, a "demand ticket" regarding a service outage has a high priority. Some tasks involve preventative maintenance; other tasks originate from installation & service technicians requesting aid through Tech 360. In most cases, network maintenance technicians are required to interrupt their current tasks in order to respond to an installation & service technician's request for assistance. However, to some extent network maintenance technicians can determine for themselves which tasks should be completed first; if there is no "demand ticket," a maintenance technician will determine which preventative maintenance task is most vital.

Network maintenance technicians complete logs in Watchtower to document the work they perform. For example, if they fix a node (an endpoint or redistribution point in the network), the Watchtower log will show how long the node remains stable. They are evaluated on these performance metrics, which differ from the point-based performance metrics used to evaluate installation & service technicians.

When network maintenance technicians receive a referral from the installation and service team or otherwise trace a reported problem to a customer's home, they interact with Comcast's customers and enter their homes. However, they do not interact with customers during the majority of their assignments.

Network maintenance technicians are scheduled to work Monday through Friday, Tuesday through Saturday, or Sunday through Thursday. Actual hours worked vary based on business needs and the geographic area.

Network maintenance technicians also take part in an on-call rotation to provide emergency services as needed. The precise nature of the on-call rotation varies from team to team; for

of a bucket truck operated by a maintenance technician. Installation & service technicians cannot "go up in the bucket" to remedy an issue which has arisen on an above-ground wire; only maintenance technicians can do so. Further, most technicians "home garage" their Comcast vehicles and proceed immediately to their first assignments of the day, meaning that they do not check in at the Employer's premises each morning.

example, some teams prefer daily rotations and other teams prefer weekly rotations.⁹ They receive a daily stipend when they are on-call and at least three hours' pay when they respond to a call. The on-call network maintenance technician must respond to emergencies, such as outages, at any time, day or night.

ANALYSIS

In *American Steel Construction, Inc.* 372 NLRB No. 23 (December 14, 2022), the Board overruled *PCC Structurals, Inc.*, 365 NLRB No. 160 (2017) and reinstated *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB 934 (2011). The Board applied its decision in *American Steel Construction* retroactively to all pending cases and held that:

[T]he Board will once again approve a petitioned-for “subdivision” of employee classifications if the petitioned-for unit: (1) shares an internal community of interest; (2) is readily identifiable as a group based on job classifications, departments, functions, work locations, skills, or similar factors; and (3) is sufficiently distinct. Of course, the Board need not address each element in every case: if a particular element is not disputed, it need not be adjudicated. But if a party contends that the petitioned-for unit is not sufficiently distinct—i.e., that the smallest appropriate unit contains additional employees—then the Board will apply its traditional community-of-interest factors to determine whether there is an “overwhelming community of interest” between the petitioned-for and excluded employees, such that there is no rational basis for the exclusion. If there are only minimal differences, from the perspective of collective-bargaining, between the petitioned-for employees and a particular classification, then an overwhelming community of interest exists, and that classification must be included in the unit. As the Board noted in *Specialty Healthcare*, this test does not disturb or displace any preexisting rules or presumptions applicable to specific industries or occupations.

In assessing the appropriateness of any proposed unit, the Board considers such community of interest factors as employee skills and functions, degree of functional integration, interchangeability and contact among employees, and whether the employees have common supervision, work sites, and other working terms and conditions. *American Steel*, supra; *United Operations, Inc.*, 338 NLRB 123 (2002).

The Petitioned-for Unit has an Internal Community of Interest and is Readily Identifiable

The *American Steel* Board reiterated that a proposed unit must be “readily identifiable” based on job classifications, departments, functions, work locations, skills, or similar factors. The petitioned-for subdivision of employees must not represent a “clearly arbitrary” unit composed of random classifications and with no coherent organizing principle, *American Steel*, supra; *Johnson Controls, Inc.*, 322 NLRB 669, 672 (1996). Here, the proposed unit is readily identifiable because it includes a single job classification: network maintenance technicians. They have the same skills

⁹ A team is a group of network maintenance technicians who report to a particular supervisor, who in turn reports to a manager, who in turn reports to Director Fascendini.

and perform the same functions. No party argues, and no evidence suggests, that the network maintenance technicians do not share an internal community of interest.

The Petitioned-for Unit is Sufficiently Distinct

Where, as here, a party contends that the smallest appropriate unit contains additional employees, the Board applies its traditional community of interest factors. The party contesting the petitioned-for unit bears the burden of proving that there is an “overwhelming community of interest” between the petitioned-for and excluded employees in order to add the excluded employees to the petitioned-for unit. As the *American Steel* Board explained, the well-established community of interest test considers whether the employees 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.

- Organizational Structure

All technicians are part of the Technical Operations Department overseen by Mark Hutchinson. This factor, then, weighs in favor of including the installation & service technicians in the petitioned-for bargaining unit.

- Distinct skills and training

Because the network maintenance technicians are former installation & service technicians, they share the installation & service technicians’ skills and training. However, the reverse is not true. A newly promoted network maintenance technician undergoes roughly six months of field training to learn how to perform preventative maintenance on outside equipment, among other necessary skills.

This factor weighs against including the installation & service technicians in the petitioned-for bargaining unit.

- Distinct job functions and distinct work

In the broadest sense, all technicians are responsible for maintaining Comcast’s equipment and infrastructure so that customers can use the telecommunications services Comcast provides. They use some of the same tools and are ultimately working with the same network. They work in the same geographic area and, on occasion, may meet with the same customers.

However, installation & service technicians work with equipment installed at the individual customers’ own premises, while network maintenance technicians work with the underlying infrastructure which affects many customers. Only network maintenance technicians \ repair and

replace infrastructure, such as amplifiers, which affect multiple customers.¹⁰ Only network maintenance technicians drive bucket trucks and use the buckets to access cable strung on telephone poles. By contrast, only installation & service technicians are responsible for installing services for new customers.

This factor weighs against including the installation & service technicians in the petitioned-for bargaining unit.

- Functional integration

Functional integration exists when “employees must work together and depend on one another to accomplish their tasks.” *WideOpenWest Illinois, LLC*, 371 NLRB No. 107, slip op. at fn. 16 (2022).

Here, all technicians share an ultimate goal of providing telecommunications services to Comcast’s customers. Only a few occasions per week does an installation & service technician seek the direct assistance of a network maintenance technician when resolving a customer’s problem. However, installation & service technicians would not be able to connect new Comcast customers’ equipment to Comcast’s network if the network maintenance technicians did not maintain that network. Likewise, the network maintenance technicians would have no network to maintain if installation & service technicians did not continuously connect new customers.

This factor weighs in favor of including the installation & service technicians in the petitioned-for bargaining unit.

- Frequent contact

There is minimal contact between the installation & service technicians and the network maintenance technicians. While a network maintenance technician may help an installation & service technician by performing work which requires a bucket truck approximately once or twice per week, the two categories of employees generally perform separate tasks in separate locations.

This factor weighs against including the installation & service technicians in the petitioned-for bargaining unit.

- Interchange

There is significant permanent interchange between the two job categories because all petitioned-for network maintenance technicians began their careers with Comcast as installation & service technicians. However, installation & service technicians never perform the work of network technicians. There is no temporary interchange whatsoever between the two positions.

¹⁰ An amplifier strengthens and extends a signal as it travels through coaxial cable.

The Board had long held that permanent interchange is a less significant indicator of community of interest, and thus is given less weight in deciding unit scope issues. See, e.g., *Red Lobster*, 300 NLRB 908, 911 (1990); *Bashas', Inc.*, 337 NLRB 710, 711 fn. 7 (2002). For that reason, this factor weighs against including the installation & service technicians in the petitioned-for bargaining unit.

- Distinct terms and conditions of employment

The two classes of technicians share many terms and conditions of employment, including educational requirements, safety policies, and uniform policies. They are eligible for the same benefits, including medical insurance. Both groups of technicians generally work in the field rather than on the Employer's premises.

Network maintenance technicians have a higher pay ceiling than installation & service technicians, although the two groups' pay ranges overlap. Additionally, network maintenance technicians, unlike installation & service technicians, are part of an on-call rotation which results in additional pay. Both groups of technicians interact with customers, but installation & service technicians do so far more consistently.

I find that this factor is neutral in my analysis.

- Supervision

Although both classes of technicians are ultimately organized in the Employer's Technical Operations Department, there are three distinct levels of supervision before the technicians reach a common manager. Each group is separately supervised, and it is the technicians' respective direct supervisors who are responsible for disciplining the technicians and for drafting the evaluations which affect the technicians' pay rates. Accordingly, this factor weighs against including the installation & service technicians in the petitioned-for bargaining unit.

- Conclusion

Accordingly, I conclude that the Employer has failed to meet its burden of establishing that the installation & service technicians share such an overwhelming community of interest with the petitioned-for network maintenance technicians that they must be included in the bargaining unit. In reaching this decision, I rely on the absence of temporary interchange between the positions; the absence of regular contact between the positions; the lack of common supervision; the significant training needed for a former installation & service technician to acquire the distinct skills needed to perform maintenance technician work; and the distinct job functions performed only by maintenance technicians.

The Employer emphasizes that installation & service technicians and network maintenance technicians are included in the same bargaining unit at some of the Employer's other locations. However, those locations are not at issue here and there is no bargaining history between the

Employer and the petitioned-for employees. Further, the *American Steel* Board did not consider bargaining history as a factor in determining an appropriate unit.

Thus, I find that the following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time network maintenance technicians employed out of the Employer's 10 Old Townhouse Rd, South Yarmouth, MA 02664 facility; but excluding all installation & service technicians, office clerical employees, confidential employees, managers, guards, and professional employees and supervisors as defined in the Act.

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 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 2322.

A. Election Details

The election will be conducted by United States mail.¹¹ The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit from the office of the National Labor Relations Board, Region 01, on **April 7, 2025**. Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 01 office by close of business on **April 28, 2025**.

Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be void.

To help avoid the untimely return of a ballot, any person who has not received a ballot by **April 14, 2025**, or otherwise requires a duplicate mail ballot kit, should contact the Region 01 office at (617) 565-6700 in order to arrange for another mail ballot kit to be sent to that employee.

¹¹ The Employer would prefer a manual election. However, because some eligible voters work on Martha's Vineyard and Nantucket and must take a ferry to reach the mainland. Many bargaining unit employees home garage their vehicles and do not regularly report to the Employer's facility. Therefore, I have determined that a manual election is not practical and have directed the mail ballot election suggested by the Petitioner. Regional Directors are entitled to broad discretion in determining the method by which an election is held. *San Diego Gas & Electric*, 325 NLRB 1143 (1998); *Ceva Logistics U.S.*, 357 NLRB 628 (2011). Under the guidelines set forth in *San Diego Gas*, a mail ballot election may be appropriate where eligible voters are "scattered" by geography, so that all employees cannot be present at a common location at common times to vote manually.

The mail ballots will be counted at the Region 01 office located at Thomas P. O'Neill Jr. Federal Building, 10 Causeway St, Room 1002, Boston, MA 02222-1001 at 2:00 p.m. on **April 29, 2025**.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **Saturday, March 15, 2025**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the unit on both the payroll period ending date and on the date they mail in their ballots to the Board's designated office.

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 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 **March 25, 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. 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: March 21, 2025



Laura A. Sacks, Regional Director, Region 01
National Labor Relations Board

Attachments



United States of America
National Labor Relations Board
NOTICE OF ELECTION



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. (See VOTING UNIT in this Notice of Election for description of eligible employees.) 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 carried out through the U.S. mail 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. Employees eligible to vote will receive in the mail *Instructions to Employees Voting by United States Mail*, a ballot, a blue envelope, and a yellow self-addressed envelope needing no postage.

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. In a mail ballot election, employees are eligible if they are in the VOTING UNIT during both the designated payroll period and on the date they mail in their ballots. 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, or, in a mail ballot election, before the date they mail in their ballots, are not eligible to vote.

CHALLENGE OF VOTERS: An agent of the Board or an authorized observer may question the eligibility of a voter. Such challenge must be made at the time the ballots are counted.

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 counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.

METHOD AND DATE OF ELECTION

The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit. At 4:30 p.m. on Monday, April 7, 2025, ballots will be mailed to voters from the National Labor Relations Board, Region 01, Thomas P. O'Neill Jr. Federal Building, 10 Causeway St, Room 1002, Boston, MA 02222-1001. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by Monday, April 14, 2025, should communicate immediately with the National Labor Relations Board by either calling the Region 01 Office at (617)565-6700 or our national toll-free line at 1-844-762-NLRB (1-844-762-6572).

All ballots will be commingled and counted at the Region 01 Office on Tuesday, April 29, 2025, at 2:00 p.m. In order to be valid and counted, the returned ballots must be received in the Region 01 Office prior to the counting of the ballots.



**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 network maintenance technicians employed out of the Employer's 10 Old Townhouse Rd, South Yarmouth, MA 02664 facility, who were employed by the Employer during the payroll period ending March 15, 2025.

EMPLOYEES NOT ELIGIBLE TO VOTE:

Those not eligible to vote are: All installation & service technicians, office clerical employees, confidential employees, managers, guards, and professional employees and supervisors as defined in the Act.

	<p>UNITED STATES OF AMERICA National Labor Relations Board 01-RC-347723 OFFICIAL SECRET BALLOT For certain employees of COMCAST MO OF DELAWARE LLC</p>	
<p>Do you wish to be represented for purposes of collective bargaining by INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 2322?</p>		
<p>MARK AN "X" IN THE SQUARE OF YOUR CHOICE</p>		
<p>YES</p> <div><input checked="" type="checkbox"/></div>		<p>NO</p> <div><input type="checkbox"/></div>
<p>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, you may request a new ballot by referring to the enclosed instructions. If you submit a ballot with markings inside, or anywhere around, more than one square, your ballot will not be counted.</p>		
<p><small>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.</small></p>		

WARNING: This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board, and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government, and does not endorse any choice in the election.



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 mail ballots are dispatched
- 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 (617)565-6700 or visit the NLRB website www.nlr.gov for assistance.

United States of America
National Labor Relations Board

**Instructions to Eligible Employees Voting
By United States Mail**



INSTRUCTIONS

1. MARK YOUR BALLOT IN SECRET BY PLACING AN X IN THE APPROPRIATE BOX. DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY.
2. IF YOU SUBMIT A BALLOT WITH MARKINGS INSIDE, OR ANYWHERE AROUND, MORE THAN ONE SQUARE, YOUR BALLOT WILL NOT BE COUNTED. YOU MAY REQUEST A NEW BALLOT BY CALLING THE REGIONAL OFFICE AT THE NUMBER BELOW.
3. IT IS IMPORTANT TO MAINTAIN THE SECRECY OF YOUR BALLOT. DO NOT SHOW YOUR BALLOT TO ANYONE AFTER YOU HAVE MARKED IT.
4. PUT YOUR BALLOT IN THE BLUE ENVELOPE AND SEAL THE ENVELOPE.
5. PUT THE BLUE ENVELOPE CONTAINING THE BALLOT INTO THE YELLOW ADDRESSED RETURN ENVELOPE.
6. SIGN THE BACK OF THE YELLOW RETURN ENVELOPE IN THE SPACE PROVIDED. TO BE COUNTED, THE YELLOW RETURN ENVELOPE MUST BE SIGNED.
7. DO NOT PERMIT ANY PARTY – THE EMPLOYER, THE UNION(S), OR THEIR REPRESENTATIVES, OR AN EMPLOYEE-PETITIONER – TO HANDLE, COLLECT, OR MAIL YOUR BALLOT.
8. MAIL THE BALLOT IMMEDIATELY. NO POSTAGE IS NECESSARY. For further information, call the Regional Office at:
(617)565-6700 or by email to Field Attorney Shaun Spinney at
Shaun.Spinney@nrlrb.gov

TO BE COUNTED, YOUR BALLOT MUST REACH THE REGIONAL OFFICE

BY Monday, April 28, 2025

RIGHTS OF EMPLOYEES

Under the National Labor Relations Act, employees have the right:

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of their own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, 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 non representational 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. Where 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 the 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
- 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. The National Labor Relations Board as an agency of the United States Government does not endorse any choice in the election.



NATIONAL LABOR RELATIONS BOARD
an agency of the
UNITED STATES GOVERNMENT

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01**

COMCAST MO OF DELAWARE LLC

Employer

and

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 2322**

Petitioner

Case 01-RC-347723

**AFFIDAVIT OF SERVICE OF: DECISION AND DIRECTOR OF ELECTION
with NOTICE OF ELECTION attached**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on March 21, 2025, I served the above-entitled document(s) by **electronic mail** upon the following persons, addressed to them at the following addresses:

Susan Nadeau
Human Resources - New England
Comcast (New England)
10 Old Townhouse Road
South Yarmouth, MA 02664
Email: susan_nadeau@comcast.com

Kelly T. Kindig, Esquire
Daniel V. Johns, Esquire
Cozen O'Connor
1650 Market Street, Suite 2800
Philadelphia, PA 19103
Email: kkindig@cozen.com
Email: djohns@cozen.com

Steve Smith, Regional
Organizing Coordinator
International Brotherhood of
Electrical Workers, Local 2322
106 West Grove Street
Middleboro, MA 02346
Email: steve_smith@ibew.org

Alfred C. O'Connell, Esq.
G. Alexander Robertson, Esq.
Pyle Rome Ehrenberg PC
2 Liberty Square, 10th Floor
Boston, MA 02109
agordon@pylerome.com
Email: arobertson@pylerome.com

March 21, 2025

Date

Elizabeth C. Person, Designated Agent of NLRB

Name

Elizabeth C. Person

Signature