

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 2**

**CENTERPARK SERVICES LLC**

**Employer**

**and**

**Case 02-RD-350924**

**AN INDIVIDUAL**

**Petitioner**

**and**

**GARAGE EMPLOYEES UNION LOCAL 272,  
AFFILIATED WITH THE INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS**

**Union**

**DECISION AND DIRECTION OF ELECTION**

Centerpark Services LLC (Employer) provides parking management services, at locations in the five boroughs of New York City and in New Jersey. On September 19, 2024, Jose Luis Pimentel (Petitioner) filed a Petition under Section 9(c) of the National Labor Relations Act (the Act) seeking to decertify Garage Employees Union Local 272, affiliated with the International Brotherhood of Teamsters (Union), as the collective bargaining representative of Working Managers or Working foreman, Washers, Floorman, Transporters, Cashiers, Shuttlers, Floaters, Flaggers (when employed by the Employer), and all other persons performing one or more of the functions of the said included classifications employed at seventeen Employer facilities located in the boroughs of Manhattan or Queens, New York, excluding all Guards and Supervisors within the meaning of the Act (the petitioned-for unit).

I take administrative notice that the Union filed an unfair labor practice charge in Case 02-CA-351487<sup>1</sup> on September 27, 2024. The charge alleges:

Within the past six (6 months, the Employer, by its supervisors, agents, and employees, violated Sections 8(a)(1), (2), (3) and (5) of the Act by supporting, encouraging and fostering a decertification of the Union; dominating the Union by seeking to disestablish a bargaining relationship; taking adverse action against supporters of the Union; packing the bargaining unit; direct dealing; and making unilateral changes to the terms and conditions of employment during the term, of a collective-bargaining agreement; directly soliciting and bribing employees with benefits to withdraw support; retaliating against and threatening employees who refuse to denounce support; and refusing to provide information and refusing to meet and negotiate a successor CBA.

---

<sup>1</sup> The Union amended the charge in Case 02-CA-351487 on December 3, 2024. The Union has also filed charges in Case 02-CA-353953 on October 31, 2025, and Case 02-CA-357212 on December 20, 2024.

The Union has requested that the Region block further processing of this petition in light of the unfair labor practice charge. The Union also requested that the Regional Director issue a merit-determination dismissal of the petition under *Rieth-Riley Construction Co.*, 371 NLRB No. 109 (2022).

The Employer timely filed a Statement of Position. The Employer denies any unfair labor practice charges and opposes the Union's Motion to Dismiss. The Employer does not dispute the scope or the composition of the bargaining unit. The Union failed to submit a Statement of Position.

On October 2, 2024, a hearing was held before a Hearing Officer of the Board, at which time the parties were afforded the opportunity to state their respective positions on the record. At the hearing, the parties reached stipulations and made oral arguments on the record.

During the hearing, the Union renewed its motion to block and dismiss the petition based upon supervisory taint and the conduct alleged in the unfair labor practice charge. The Union further argued that 29 CFR 10263 requires a full inquiry into representation issues, including any conduct that may have interfered with the employee free choice.

In April 2020, the Board issued a rule limiting the circumstances in which Regional Directors had discretion to pause processing a representation petition (i.e., "block" the petition, holding it in abeyance) until a related unfair labor practice charge was resolved. 85 Fed.Reg. 20156 (Apr. 1, 2020). Although the Board reinstated its historical blocking charge policy by rule published August 1, 2024, the 2024 rule applies only to petitions filed after that rule's effective date of September 30, 2024. 89 Fed.Reg. 62952 (August 1, 2024). Under the April 2020 rule in place when this petition was filed on September 19, 2024, Section 103.20(c) of the Board's Rules and Regulations specified the procedure where, as here, a charge is filed challenging the circumstances surrounding the petition or the showing of interest submitted in support of the petition and/or alleging that the employer has dominated the union in violation of Section 8(a)(2) and seeks to disestablish a bargaining relationship.

Applying the procedure set forth in the version of Section 103.20(c) in effect when this petition was filed, this petition shall proceed through an election and I shall impound the ballots for up to 60 days from the conclusion of the election if the charge has not been withdrawn or dismissed prior to the conclusion of the election. If a complaint issues with respect to the charge at any point prior to expiration of that 60-day post-election period, then the ballots shall continue to be impounded until there is a final determination regarding the charge and its effect, if any, on the election petition. If the charge is withdrawn or dismissed at any time during that 60-day period, or if the 60-day period ends without a complaint issuing, then the ballots shall be promptly opened and counted. The Union's Request to Block further processing of this petition is denied.

A Regional Director may issue a merit-determination dismissal after determining that there is merit to unfair labor practice charge allegations that, if proven, would undisputedly taint any subsequent showing of employee disaffection or where an affirmative bargaining order is appropriate, which precludes finding that a question of representation was presented by the petition. *Rieth-Riley Construction Co.*, supra, slip op. at 4. The Union's request requires that I find merit to the charge in Case 02-CA-351487 which is still under investigation. Accordingly, the request is denied. Instead, the charge allegations will be addressed through the investigation and disposition of the

unfair labor practice charge. In the event I find through the investigation that a merit-determination dismissal is appropriate under *Rieth-Riley* and/or that a hearing is necessary under *Saint Gobain Abrasives*, 342 NLRB 434 (2004), I shall take action consistent with those findings at that juncture.

At the hearing, the parties stipulated to the following existing historical bargaining unit:

Included: All full-time and regular part-time Working Managers or Working Foremen, washers, floormen, transporters, cashiers, shuttlers, floaters, and flaggers, employed by the Employer working at its locations located in the five boroughs of New York City and New Jersey.

Excluded: All other employees including office clerical employees, and guards, and professional employees and supervisors as defined in the Act.

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

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.<sup>2</sup>
3. The Union is a labor organization within the meaning of Section 2(5) of the Act.
4. There is no contract or other bar in existence that would preclude conducting an election in the petitioned-for unit.
5. 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.
6. No issue exists that would preclude the conduct of an election.

I find that the petitioned-for unit is coextensive with the existing bargaining unit. Accordingly, I direct an election in the following existing unit of employees:

Included: All full-time and regular part-time Working Managers or Working Foremen, washers, floormen, transporters, cashiers, shuttlers, floaters, and flaggers,

---

<sup>2</sup> The parties stipulated, and I find, that the Employer, a New York State Limited Liability Corporation with a principal office and place of business located at 270 West 60th Street New York, NY 10023, provides parking management services, at locations in all five boroughs of New York City and New Jersey. Annually, in the course and conduct of its business operations, the Employer derives gross revenues in excess of \$500,000, and purchases and receives at its New York, NY, facilities goods and materials valued in excess of \$5,000 directly from suppliers located outside the State of New York.

employed by the Employer working at its locations located in the five boroughs of New York City and New Jersey.

Excluded: All other employees including office clerical employees, and guards, and professional employees and supervisors as defined in the Act.

Turning to the method of election, the Union contends that a mail ballot is appropriate because the petitioned-for unit employees work at 25 locations across the five boroughs of New York City and in New Jersey and that their schedules are too varied to permit a manual election. The Employer prefers that the election be conducted manually but has no objection to a mail ballot. The Petitioner did not take a position.

The Board's longstanding policy is that elections should, as a rule, be conducted manually. NLRB Casehandling Manual (Part Two) Representation Proceedings Sec. 11301.2 (1/2025). However, a Regional Director may reasonably conclude, based on circumstances tending to make voting in a manual election difficult, to conduct an election by mail ballot. *Id.* This includes a few specific situations addressed by the Board, including where voters are "scattered" over a wide geographic area, "scattered" in time due to employee schedules, in strike situations, or other unspecified extraordinary circumstances. *San Diego Gas & Electric*, 325 NLRB 1143, 1145 (1998). I shall direct a mail ballot election because the eligible voters are temporally scattered, such that all employees cannot be present at a common location at common times to vote manually.

Because no issue exists that would preclude the conduct of an election, I direct an election in the above bargaining unit, consistent with Rule Section 102.66(d) of the Board's Rules and Regulations.

### **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 **Garage Employees Union Local 272, affiliated with the International Brotherhood of Teamsters.**

#### **A. Election Details<sup>3</sup>**

I have determined that 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 3 p.m. on Friday, June 27, 2025, ballots will be mailed to voters by National Labor Relations Board, Region 02. 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.

---

<sup>3</sup> During the hearing the parties stipulated that notice of election and ballots should be in both Spanish and English.

Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 02 office by close of business on Friday, July 18, 2025.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail should contact the National Labor Relations Board by no later than 5:15 pm on July 9, 2025, by either calling the Region 02 Office at (212) 264-0300 or our national toll-free line at 1-844-762-NLRB (1-844-762-6572).

All ballots will be commingled and impounded at the Region 2 office at 11 a.m. on Monday, July 21, 2025. In order to be valid and eligible to be counted, the returned ballots must be received in the Region 2 office prior to the comingling and impounding of the ballots. The parties will be permitted to participate in the comingling and impounding of the ballots and to raise any challenges regarding the eligibility of any returned ballot kit.

## **B. Voting Eligibility**

Eligible to vote are those in the unit who were employed during the payroll period ending June 6, 2025, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

## **C. Voter List**

As required by Section 102.67(l) 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.

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.

To be timely filed and served, the list must be received by the regional director and the parties by **June 11, 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](http://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](http://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 Notice of Election**

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election forthcoming 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 the notice 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 § 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](http://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 June 9, 2025

A handwritten signature in black ink that reads "John D. Doyle, Jr." with a stylized flourish at the end.

---

John D. Doyle, Jr.  
Regional Director  
National Labor Relations Board  
Region 2  
26 Federal Plaza, Suite 41-120  
New York, NY 10278-3699