

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

**THE MILTON HERSHEY SCHOOL**

**Employer**

**and**

**TEAMSTERS LOCAL UNION NO. 776 A/W**

**Case 04-RC-371419**

**INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS**

**Petitioner**

**DECISION AND DIRECTION OF ELECTION**

The Petitioner seeks to represent a unit of all full-time and regular part-time Central Monitoring Technicians employed by the Employer, the Milton Hershey School. The Employer contends that Central Monitor Telecommunication Leads sought by Petitioner should not be included in the unit because they are supervisors within the meaning of 2(11) of the Act. Because I conclude that the unit sought by Petitioner is appropriate for collective bargaining and that a question of representation exists under Section 9(c) of the Act, I am directing an election in this matter. Moreover, because the Employer's contention concerns whether certain individuals should be excluded in the unit and therefore concerns their eligibility to vote, I further conclude that the Employer's contention need not be litigated or resolved before the election is conducted because the resolution of the issue would not significantly change the size or character of the unit.

**CONCLUSIONS AND FINDINGS**

On August 25, 2025, 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. 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.

Pursuant to Section 102.63(b)(1) of the Board's Rules and Regulations, prior to the hearing in this matter, the Employer submitted a Statement of Position. The Employer's Statement of Position contests the appropriateness of the unit sought by Petitioner because it includes the Central Monitor Telecommunication Leads, whom the Employer claims are statutory supervisors. As the Employer is disputing the inclusion of certain individuals in the unit, the Employer is contesting the eligibility of certain individuals to vote. Because the Employer's Statement of Position raises eligibility issues affecting at most 15 percent of the unit, I conclude that the Employer's contentions do not significantly change the size or character of the unit and thus are not relevant to a question concerning representation. Therefore, I instructed the hearing officer to not allow the parties to present evidence, as I concluded that it was unnecessary to resolve the

eligibility issues before the election is conducted. However, I permitted the parties an opportunity to further explain their positions on the record. The Employer's explanation on the record makes clear that, consistent with its Statement of Position, it is indeed raising eligibility issues implicating a total of two individuals, compared to 11 employees whom the parties agree are in the unit.

Therefore, consistent with Section 102.64 of the Board's Rules and Regulations, I direct an election in this matter, and I further order that the individuals in those classifications may vote in the election but their ballots shall be challenged since their eligibility has not been resolved. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

Upon the entire record in this proceeding, I find:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.<sup>1</sup>
3. The parties stipulated, and I find, that the Union 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 Section 2(6) and (7) of the Act.
5. The parties stipulated, and I find, that there is no collective-bargaining agreement covering any of the employees in the unit sought in the petition herein, and there is no contract bar or other bar to an election in this matter.
6. The following employees constitute an appropriate unit for collective bargaining within the meaning of Section 9(b) of the Act:

**INCLUDED:** All full-time and regular part-time Central Monitoring Technicians employed by the Employer at its 830 Spartan Lane, Hershey, Pennsylvania facility.

**EXCLUDED:** All clerical, secretary or administrative staff, confidential employees, managerial employees, guards, and supervisors as defined in the Act.

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<sup>1</sup> The parties stipulated, and I find, that the Employer, the Milton Hershey School, operates a not-for-profit private residential elementary and secondary education institution located at 830 Spartan lane, Hershey, Pennsylvania. During the past year, the Employer received gross revenues in excess of \$1,000,000 available for the operating expenses and purchased and received goods and services valued in excess of \$50,000 directly from points outside the Commonwealth of Pennsylvania.

**OTHERS PERMITTED TO VOTE:** At this time, no decision has been made regarding whether the Central Monitor Telecommunication Leads are included in, or excluded from, the bargaining unit, and individuals in those classifications may vote in the election but their ballots shall be challenged since their eligibility has not been resolved. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

## **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 **Teamsters Local Union No. 776 a/w International Brotherhood of Teamsters.**

### **A. Election Details**

The election will be held on **Friday, September 12, 2025 from 7:30 a.m. to 8:30 a.m. and 6:30 p.m. to 7:00 p.m.** at Room 102 at the Employer's Safety and Security facility located at 830 Spartan Lane, Hershey, PA.

### **B. Voting Eligibility**

Eligible to vote are those in the unit who were employed during the payroll period ending **Friday, September 5, 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(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 (that

employees use at work), 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. The Employer must also include in a separate section of that list the same information for those individuals who, according to this direction of election, will be permitted to vote subject to challenge.

To be timely filed and served, the list must be *received* by the regional director and the parties by **September 10, 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 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.nlrb.gov](http://www.nlrb.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: September 8, 2025

A handwritten signature in black ink, reading "Kimberly E. Andrews", is positioned above a horizontal line.

KIMBERLY ANDREWS  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
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