

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 04**

SYSCO USA III, LLC D/B/A SYSCO ALLENTOWN

Employer

and

Case 04-RC-366220

**INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
LOCAL UNION NO. 773**

Petitioner

**SUPPLEMENTAL DECISION AND
DIRECTION OF ELECTION**

On November 18, 2025, I issued a Decision and Direction of Election concerning the above-captioned petition. Therein, I provided an opportunity for the parties to submit a written statement of position providing their proposed election arrangements. Having reviewed the parties' submissions, I conclude that a mixed manual-mail ballot election is appropriate in these circumstances.

A. Applicable Standards

Congress has entrusted the Board with a wide degree of discretion in establishing the procedure and safeguards necessary to ensure the fair and free choice of bargaining representatives, and the Board in turn has delegated the discretion to determine the arrangements for an election to Regional Directors. *San Diego Gas and Elec.*, 325 NLRB 1143, 1144 (1998) (citing *Halliburton Services*, 265 NLRB 1154 (1982)). These arrangements include the mechanics of an election, such as the date and method of voting. *San Diego Gas & Electric*, supra at 1144; *Nouveau Elevator Industries*, 326 NLRB 470, 471 (1998).

The Board has a long-standing preference for in-person (manual) elections. "Manual elections permit in-person supervision of the election, promote employee participation, and serve as a tangible expression of the statutory right of employees to select representatives of their own choosing for the purpose of collective bargaining, or to refrain from doing so." *Aspirus Keweenaw*, 370 NLRB No. 45, slip op. at 1 (Nov. 9, 2020). The Board has also recognized, however, that there are instances where circumstances tend to make it difficult for eligible employees to vote in a manual election. *Id.*, slip op. at 2 (internal citations omitted). The Board has addressed a few of these situations, including where voters are "scattered" over a wide geographic area, "scattered" in time due to employee schedules, where there is a strike, or where there are other extraordinary circumstances. *San Diego Gas*, supra at 1145. In these situations, a Regional Director may reasonably conclude that a mail-ballot will enfranchise the most employees.

In *San Diego Gas & Electric*, the Board stated that mail-ballot elections may be appropriate in cases where, *inter alia*, eligible voters are "scattered" in the sense that their work schedules vary significantly, so that they are not present at a common location at common times. *Id.* Additionally, a Regional Director might reasonably conclude that the opportunity to participate in the election

would be maximized by utilizing mail or mixed manual-mail ballots where “a significant number of eligible voters are not scheduled to be at the election site at the times proposed for manual balloting-for such reasons as that they work part-time or on an on-call basis.” *Id.* In such cases, the Regional Director should also consider the positions of the parties, the ability of the unit employees to read and understand a mail ballot, the availability of addresses for employees, and finally, the most efficient use of Board resources. *San Diego Gas*, supra at 1145.

B. The Positions of the Parties and Bargaining Unit Schedules

In my Decision and Direction of Election, I requested that the parties include their position on the appropriateness of holding a mixed manual-mail ballot election, along with their proposed election arrangements.

The Employer proposed a manual election over the course of two-days at the following locations and times: Day 1 (Allentown facility - 2:30 a.m. to 4:30 a.m. and 5:30 a.m. to 7:00 a.m.) and (Mt. Pocono Domicile - 3:00 a.m. to 5:00 a.m.); and Day 2 (Allentown facility - 2:30 a.m. to 4:30 a.m. and 5:30 a.m. to 7:00 a.m.), (Pittston Domicile - 3:00 a.m. to 5:00 a.m.), and (Dorrance Domicile - 3:00 a.m. to 5:00 a.m.). The Employer submitted no position regarding a mixed manual-mail ballot election. As to the proposed polling hours, the Employer provided a schedule showing that all drivers working from the Allentown facility, except Shuttle Drivers, begin as early as 2 a.m. and as late as 5:30 a.m. Based on the hearing record, Shuttle Drivers begin their shifts at 6 p.m. Assuming Shuttle Drivers work an 8 to 12-hour shift, they would conclude their shifts between 2:00 a.m. and 6:00 a.m. on the following day.

The Petitioner proposed a manual election at the Allentown facility from 12:00 a.m. to 7:00 a.m. and if found necessary by the Region, a centrally located additional polling location for employees working from the Employer’s Mt. Pocono, Pittston and Dorrance Domiciles from the hours of 5:00 to 7:00 p.m. The Petitioner asserted that a mixed manual-mail ballot election should not be conducted because the process would further delay the election and would create confusion. The Petitioner did not identify drivers that begin working between the hours of 12:00 a.m. to 2 a.m. or 5:30 a.m. to 7:00 a.m.

C. Supplemental Conclusions and Findings

After careful consideration of the parties’ positions, I conclude that a mixed manual-mail ballot election is more appropriate than a manual election to enfranchise the greatest number of eligible voters and because it is the most efficient use of Board resources. Under *San Diego Gas & Electric*, supra at 1145, a determinative factor in deciding whether a mail-ballot is more appropriate than a manual election is whether the eligible employees will be at a common location at the same time. The available information shows that although a majority of unit employees work out of the Allentown facility, a significant portion of the bargaining unit employees report to the Employer’s satellite domiciles, drive exclusively from the Employer’s Mt. Pocono, Pittston and Dorrance facilities, and do not drive or visit the Employer’s Allentown facility. The domicile locations are also significantly distant from the Employer’s Allentown facility. The Mt. Pocono Domicile is approximately 48 miles away. The Dorrance Domicile is approximately 59 miles away, and the Pittston Domicile is approximately 65 miles away from the Employer’s Allentown facility. Further, based on available information, the employees’ starting times are quite varied. Furthermore, the Employer’s proposed manual election times would require nearly 1/3 of the Region’s professional staff, necessitating the use of four Board Agents over a two day period. With respect to the Petitioner’s proposal, the Petitioner only offered extended hours at the Allentown facility without addressing the complications this may present for the drivers at the domicile locations.

Relying on the Board's guidance for when a mixed manual-mail ballot election should be considered, I conclude that in these circumstances, a mixed manual-mail ballot election would ensure the broadest possible participation of eligible voters that are scattered. *San Diego Gas & Electric*, supra. Further, a mixed manual-mail ballot election is the most efficient use of the Region's resources, and efficient use of Agency resources is a factor that is considered under *San Diego Gas*. 325 NLRB at 1145; See also, *GPS Terminal Services*, 326 NLRB at 839 (where the Board found that the Regional Director properly considered whether a manual ballot would be an efficient use of Board resources).

For these reasons, I conclude that a mixed manual-mail ballot election will be conducted as described below.

D. Election Details

The manual election will be held on **Wednesday, December 17, 2025** from **2:00 a.m. to 5:30 a.m.** The election will take place **in a temporary walled enclosure outside the transportation area** at the Employer's 800 Willowbrook Road, Northampton, PA facility. At the conclusion of the polling the ballots shall be impounded.

The mail ballots will be mailed to eligible employees who report to remote facilities of the Employer (Dorrance, Mt. Pocono, and Pittston Domiciles) at 5:00 p.m. on **Wednesday, December 17, 2025**, ballots will be mailed to voters from the National Labor Relations Board, Region 04, at **100 E Penn Square, Suite 403, Philadelphia, PA 19107**. 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 **Wednesday, December 24, 2025**, should communicate immediately with the National Labor Relations Board by either calling the Region 04 Office at (215) 597-7601 or our national toll-free line at 1-8447626572.

All ballots will be commingled and counted at the National Labor Relations Board, Region 04, at **100 E Penn Square, Suite 403, Philadelphia, PA 19107** on **Wednesday, January 14, 2026**, at 2:00 p.m. In order to be valid and counted, the returned ballots must be received in the National Labor Relations Board, Region 04, at **100 E Penn Square, Suite 403, Philadelphia, PA 19107**, prior to the counting of the ballots.

E. 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: December 10, 2025

/s/ Kimberly Andrews

KIMBERLY ANDREWS
REGIONAL DIRECTOR
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