

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

GREAT PACIFIC IRON WORKS
Employer

and

Case 02-RC-381600

**RETAIL WHOLESALE DEPARTMENT STORE
UNION (RWDSU)**
Petitioner

DECISION AND DIRECTION OF ELECTION

Great Pacific Iron Works¹ (the Employer) is engaged in the business of selling outdoor apparel and accessories. On February 2, 2026,² Retail Wholesale Department Store Union (RWDSU) (the Petitioner) filed the petition in this matter under Section 9(c) of the National Labor Relations Act, as amended (the Act), seeking to represent Customer Experience Guide and Team Leader employees employed by the Employer at 61-63 Crosby Street, New York, New York.

A hearing was held before a hearing officer of the National Labor Relations Board (the Board) on March 3. Under Section 3(b) of the Act, the Board has delegated to the undersigned its authority in this proceeding.

I. Preclusion

Procedurally, the Board conducts a pre-election hearing for the purpose of determining whether a question of representation exists under Section 9(c) of the Act. To identify the substantive issues present in a representation case, the Board utilizes a series of pre-election hearing procedures, addressed generally in Section 102.60 of the Board's Rules and Regulations. In order to be timely, the employer must file a Statement of Position (SOP) with the Regional Director and serve the SOP on the parties named in the petition by the date and time specified in the Notice of Hearing. 29 CFR § 102.63(b)(1)(i). Section 102.66(d) of the Board's Rules and Regulations provides that "[a] party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position" except evidence relevant to the Board's statutory jurisdiction. 29 CFR § 102.66(d). See also *Williams-Sonoma Direct, Inc.*, 365 NLRB 111, 111 fn. 1 (2017) (adopting Regional Director's decision to reject employer's statement of position and preclude litigation of issues raised therein based solely on the employer's failure to timely serve its statement of position on the petitioner);

¹ The Employer's name appears as amended by stipulation.

² All dates are 2026, unless otherwise noted.

Brunswick Bowling Products, LLC, 364 NLRB 1233 (2016) (overturning Regional Director’s decision to accept union’s SOP and allow union to litigate issues raised therein when SOP was timely filed, but served 3 hours and 20 minutes late).

On February 23, Region 2 of the National Labor Relations Board (the Region) served a copy of the Petition in this case on the Employer and notified the Employer of its obligation to file an SOP by noon on March 2. It is undisputed that the Employer did not file the SOP until 12:17 p.m. on March 2 and did not serve the SOP on Petitioner until 12:36 p.m. on March 2, both of which were untimely.

The Employer contended at hearing that the Team Leaders are statutory supervisors under Section 2(11) of the Act. In view of Section 102.66(d) of the Board’s Rules, I instructed the hearing officer to preclude the Employer from raising any issue other than the Board’s statutory jurisdiction at the pre-election hearing, including by evidence, argument, or cross-examination. I hereby affirm my ruling and find that the Employer was properly precluded from raising any issue other than the Board’s statutory jurisdiction. Accordingly, there were no litigable issues presented at the hearing.³

II. Appropriate Unit

The Board has long held that it has a statutory obligation to determine the appropriate bargaining unit in each case and that “absent a stipulated agreement, presumption, or rule, the Board must be able to find—based on some record evidence—that the proposed unit is an appropriate one for bargaining before directing an election in that unit.” *Allen Health Care Services*, 332 NLRB 1308, 1309 (2000); *Williams-Sonoma Direct, Inc.*, 365 NLRB 111, 112 (2017).

The parties stipulated that the Petitioner seeks to represent a unit consisting of all full-time and regular part-time employees of the Employer, employed at 61-63 Crosby Street, New York, NY 10012, including Customer Experience Guides and Team Leaders, but excluding office clerical employees, guards, professional employees, and supervisors as defined in the Act.

The parties further stipulated that the Employer employs the following classifications of full-time and regular part-time employees at the petitioned-for facility: Customer Experience Guide;⁴ Team Leader; Assistant Store Manager; and General Manager. The Team Leader classification includes Warehouse Team Leader, Retail Team Leader, Activism Team Leader,

³ The Employer filed a motion requesting an administrative investigation of the Petitioner’s showing of interest and that the underlying petition should be dismissed on March 2 and presented supporting evidence on March 4, after the conclusion of the hearing. The showing of interest is a matter for administrative investigation and is not litigable by the parties. *Globe Iron Foundry*, 112 NLRB 1200, 1200 (1955). The undersigned concluded that the evidence presented did not support the allegation of taint and that no further administrative investigation was warranted.

⁴ The parties stipulated that the Employer also employs temporary employees, who do not have a reasonable expectation of future employment with the Employer, in the classification Seasonal Fixed Term Customer Experience Guide.

Marketing Team Leader, and Visual Team Leader. The parties stipulated that the Assistant Store Manager and General Manager classifications are supervisors as defined in Section 2(11) of the Act. Additionally, the parties stipulated that there are no other full-time or regular part-time employees of the Employer at the petitioned-for facility.

Congress expressly contemplated employer-wide units and facility-wide units in Section 9(b) of the Act, and the Board has long held that “[a] plant-wide unit is presumptively appropriate under the Act, and a community of interest inherently exists among such employees.” *Kalamazoo Paper Box Corp.*, 136 NLRB 134 (1962). As relevant here, a unit consisting of all employees at a retail store is also “presumptively appropriate.” *May Department Stores Co.*, 97 NLRB 1007, 1008 (1952) (calling the “storewide unit” in the retail industry “the optimum unit for the purposes of collective bargaining”).

The above stipulated facts demonstrate that the petitioned-for unit is a wall-to-wall single-facility unit. I find that the petitioned-for unit, because it is a wall-to-wall unit that only excludes categories of employees typically excluded by policy or statute, is an appropriate unit. Accordingly, I am directing an election in the petitioned-for unit of employees.

III. Conclusion

Based upon the entire record in this matter and in accordance with the discussion above, I conclude and find the following unit is appropriate within the meaning of Section 9(b) of the Act:

Based on the entire record in this matter and in accordance with the discussion above, I conclude and 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.⁵
3. The parties stipulated, and I find, that Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.
4. The parties stipulated, and I find, that there is no contract bar to an election in this matter.

⁵ The parties stipulated to the following commerce facts: The Employer, a California Corporation, with a place of business located at 61-63 Crosby Street, New York, NY 10012, is engaged in the business of selling outdoor apparel and accessories. Annually in the course and conduct of the operations described above, the Employer derives gross revenues in excess of \$500,000 and purchases and receives at the above-referenced place of business products, goods, and materials valued in excess of \$5,000 directly from points located outside the State of New York.

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. The following employees of the Employer constitute an appropriate group for self-determination election for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time, regular part-time employees, including Customer Experience Guides and Team Leaders, employed by the Employer at 61-63 Crosby Street, New York, New York.

Excluded: All Seasonal Fixed Term Customer Experience Guides, office clerical employees, guards, professional employees, and supervisors as defined in the Act.

Accordingly, I direct an election in the Unit above, which includes approximately twenty employees.

IV. Mechanics of the Election

The parties stipulated that a manual election should be held in the Breakroom at 61-63 Crosby Street, New York, New York. However, the parties disagree as to the date and times of the election. The Petitioner seeks an election date of Friday March 13, Saturday March 14, Friday March 20, or Saturday March 21, from 1:00 p.m. to 3:00 p.m., while the Employer seeks a date after March 28, from 10:00 a.m. to 2:00 p.m.⁶

The Employer asserts that Saturday is the heaviest scheduled day, estimating that 14 or 15 employees are scheduled to work each day during the week and 20 on Saturday. The Employer argued that a two-hour window may be challenging for some voters in New York City, noting that many may have two jobs and difficulty travelling to the facility.

The mechanics of an election, such as date, time, and place, are left to the discretion of the Regional Director. *Manchester Knitted Fashions*, 108 NLRB 1366 (1954); *CEVA Logistics U.S., Inc.*, 357 NLRB 628 (2011). Under section 102.67(b) of the Board's rules, the regional director "shall schedule the election for the earliest date practicable consistent with these rules." 29 CFR § 102.67(b).

I have carefully considered the record, including the parties' positions and arguments and I find that since the parties cannot agree on a date or time, the parties and employees will be best served by an election date of Saturday March 21, 2026, from 10 a.m. to 1:00 p.m.⁷ This is the

⁶ The Employer asserted that a single employee would be away from absent March 11–28 and argued that it is a small unit.

⁷ The Petitioner has waived ten (10) days with the voter eligibility list.

earliest date practicable when the largest number of employees will be present and have an opportunity to vote.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret-ballot election among the employees in the voting group found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by **Retail Wholesale Department Store Union (RWDSU)**.

A. Election Details

The election will be held on **Saturday March 21, 2026**, from **10 a.m. to 1:00 p.m.** in the **Breakroom** at the Employer's facility located at 61-63 Crosby Street, New York, NY 10012.

B. Voting Eligibility

Eligible to vote are those in the unit Eligible to vote are those in the unit who were employed during the payroll period ending **February 28, 2026**, 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 by mail consistent with the instructions above.

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

To be timely filed and served, the list must be *received* by the regional director and the parties by **March 13, 2026**. 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 Notice 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.⁸ 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 § 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

⁸ The parties stipulated that the Notice of Election and ballots should be in English.

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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 11, 2026

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
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