

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

FOSS MARITIME COMPANY, LLC

Employer

and

Case 19-RC-386775

**INLANDBOATMEN’S UNION OF THE PACIFIC,
MARINE DIVISION, affiliated with INTERNATIONAL
LONGSHORE AND WAREHOUSE UNION**

Petitioner

DECISION AND DIRECTION OF ELECTION

Foss Maritime Company, LLC (“Employer”) operates a maritime transportation services company at facilities located in Seattle and Tacoma, Washington. On May 11, 2026, Inlandboatmen’s Union of the Pacific, Marine Division, affiliated with International Longshore and Warehouse Union (“Petitioner”) filed a petition seeking to represent the line superintendents employed by the Employer at its Seattle and Tacoma, Washington facilities. The approximate number of employees in the petitioned-for unit is six, divided equally between the Employer’s Seattle and Tacoma facilities.

The appropriateness of the bargaining unit is not in dispute. The only issue in this case is the method and timing of the election. In lieu of a hearing, on May 22, 2026, the parties entered into a stipulation regarding the instant petition. The parties had an opportunity to file written statements to supplement the stipulation. The Petitioner seeks a manual election, while the Employer requests a mail ballot election.

The National Labor Relations Board (“Board”) has delegated its authority in this proceeding to me under Section 3(b) of the National Labor Relations Act (“Act”). Applying the Board’s standard in *San Diego Gas and Electric*, 325 NLRB 1143 (1998), to the facts of the instant case, I am directing a mail ballot election.

I. BOARD LAW AND GUIDANCE

Regional Directors of the National Labor Relations Board are vested with the authority to determine the appropriate arrangements for elections. This discretion includes the ability to direct that a mail-ballot election be conducted where appropriate. *San Diego Gas*, 325 NLRB at 1144-45. A Regional Director’s broad discretion in determining the method by which an election is held should not be overturned unless a clear abuse of discretion is shown. *Nouveau Elevator Indus., Inc.*, 326 NLRB 470, 471 (1998), citing *San Diego Gas*, 325 NLRB at 1144 n.4.

The Board's longstanding policy is that elections should, as a rule, be conducted manually. See NLRB Casehandling Manual (Part Two) Representation Proceedings, Sec. 11301.2. However, the Board has long held that a Regional Director may reasonably conclude, based on circumstances tending to make voting in a manual election difficult, that a mail ballot should be conducted. *Id.* This historically has included 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* at 1145. Additionally, the Board should also consider "what constitutes the efficient use of Board resources, because economic use of Board agents is a reasonable concern." *San Diego Gas* at 1145, fn 8.

II. PARTIES' POSITIONS

The Employer seeks a mail ballot election, arguing that because the six employees are spread between two facilities, separated by approximately 30 miles, the employees are geographically scattered. Additionally, the Employer argues that the employees work schedules are varied, in that each employee in each facility works a different schedule, and that sufficient time at a manual polling site for all employees to vote would be an inefficient use of the Board's resources.

In contrast, the Petitioner seeks a manual election, occurring at the Seattle and Tacoma facilities, from 12:00 p.m. to 1:00 p.m. on a Wednesday. The Petitioner does not suggest whether these polling sessions should be conducted by two Board Agents simultaneously, or on two different Wednesdays, and how or when the ballots should be commingled and counted, if they are to occur simultaneously. The Petitioner argues that the approximately 30-mile distance between the facilities is insufficient to rise to the level of "scattered" under the meaning of *San Diego Gas & Electric*, supra., and that while the employees' shift schedules vary, they do not vary significantly, such that a mail ballot election would be necessary. Additionally, the Petitioner asserts that those employees who are not scheduled to work at the time when the manual election would be held, are willing to drive to the polling site, and cover their fellow employees' work assignments, should it be necessary.

III. ANALYSIS

After careful consideration of the Petitioner's and the Employer's positions, I conclude that a mail ballot election is appropriate for the election in this matter. I find that, in the present case, a significant portion of the voting unit is scattered due to employee schedules, and that a manual election under the circumstances would not be an efficient use of Board resources under *San Diego Gas & Electric*, supra.

In the voting group, there are six employees, split evenly among the two facilities, in Seattle and Tacoma, Washington. Each employee is scheduled to work rotating "on call" days, with two days on, and four days off. Each employee rotates their schedule, so that only one employee works at a time. Thus, in effect, there are six total shifts, with one employee scheduled to work each: an A, B, and C shift in Seattle, and an A, B, and C shift in Tacoma. As a result, only one employee may be present at each facility at a given time. When employees are scheduled to work, they are "on call", meaning they will be called into work at any time, to perform work at a particular job site. Job sites are located up to twenty minutes from the Employer's facility where the polling

place would be located. Therefore, I find that employees' shifts are sufficiently scattered, such that holding a mail ballot election is appropriate.

In urging a manual election, the Petitioner argues that only two one-hour polling sessions are necessary, because employees are willing to drive from home to the polling site, and have volunteered to cover for their coworkers to ensure that they have the opportunity to vote in the election. However, the Petitioner has provided no evidence to show that the Employer has agreed to such an arrangement. In contrast, the Employer has suggested that should I direct a manual election, those polling sessions should be three hours each, so that the on-shift employee can complete the mooring process should they be called, which may take up to 2.5 hours, suggesting that the Employer has not agreed to permit off-schedule employees to cover for their on-shift coworkers. Additionally, when called into a job site, that on-duty employee would be located at a specific pier to assist in mooring, and not necessarily at the facility itself.

Lastly, the Board should also consider "what constitutes the efficient use of Board resources." Here, the Petitioner has proposed two hours of polling, at which time only two employees are scheduled to work. Moreover, as the Employer points out, the hours suggested by the Petitioner may not be sufficient to ensure that the employees who are on schedule have sufficient opportunity to vote. Dedicating Agency personnel to two polling sessions, approximately 30 miles apart, at which it is unclear who, if anyone, would be present and available to vote, is not an effective use of resources, and based on the limited evidence available would not meaningfully increase the opportunity to vote.

I am therefore directing a mail ballot election.

IV. CONCLUSIONS

Based upon the entire record in this matter and for the reasons stated above, I find and conclude as follows:

1. 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.¹
2. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.
3. 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.

¹ The parties stipulated to the following facts regarding commerce:

The Employer, Foss Maritime Company, LLC, a Washington limited liability company with offices and places of business in Tacoma and Seattle, Washington, is engaged in the business of providing maritime transportation services. During the past twelve months, a representative period of time, the Employer had gross revenue in excess of \$500,000, and purchased and received at its facilities within the State of Washington, goods valued in excess of \$50,000 directly from points outside the State of Washington

4. The parties stipulated, and I find, that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time Line superintendents employed by the Employer and working at or out of its Tacoma and Seattle, Washington facilities.

Excluded: All confidential employees, office clerical employees, managers, and guards and supervisors as defined in the Act.

There are approximately 6 employees in the unit.

V. 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 the purposes of collective bargaining by Inlandboatmen's Union of the Pacific, Marine Division, affiliated with International Longshore and Warehouse Union.

A. Election Details

I have determined that a mail ballot election will be held.

The ballots will be mailed to employees employed in the appropriate collective-bargaining unit. At 4:45 p.m. on **Monday, June 22, 2026**, ballots will be mailed to voters from the National Labor Relations Board, Region 19, 915 2nd Ave, Suite 2948, Seattle, WA 98174. 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, June 29, 2026**, as well as those employees who require a duplicate ballot, should communicate immediately with the National Labor Relations Board by either calling the Region 19 Office at (206) 220-6300 or our national toll-free line at 1-8447626572.

All ballots will be commingled and counted by videoconference at the Region 19 office located at 915 2nd Ave, Suite 2948, Seattle, WA 98174 on **Monday, July 13, 2026**, at 1:00 p.m. In order to be valid and counted, the returned ballots must be received at the Region 19 office, prior to the counting of the ballots.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **Friday, May 29, 2026**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible to vote are all employees in the unit who have worked an average of four (4) hours or more per week during the 13 weeks immediately preceding the eligibility date for the election. 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.

To be timely filed and served, the list must be *received* by the regional director and the parties by **Monday, June 8, 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 of Notices of Election

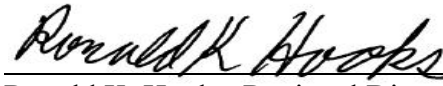
Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of 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: June 4, 2026

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive style and is positioned above a horizontal line.

Ronald K. Hooks, Regional Director
National Labor Relations Board, Region 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006



United States of America
National Labor Relations Board
NOTICE OF ELECTION



19-RC-386775

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 4:45 p.m. on Monday, June 22, 2026, ballots will be mailed to voters from the National Labor Relations Board, Region 19, 915 2nd Ave., Suite 2948, Seattle, WA 98174. 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, June 29, 2026, as well as those employees who require a duplicate ballot, should communicate immediately with the National Labor Relations Board by either calling the Region 19 Office at (206)220-6300 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 19 Office on Monday, July 13, 2026 at 1:00 p.m. In order to be valid and counted, the returned ballots must be received in the Region 19 Office prior to the counting of the ballots.

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



VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

Those eligible to vote are: All full-time and regular part-time Line superintendents employed by the Employer and working at or out of its Tacoma and Seattle, Washington facilities who were employed during the payroll period ending May 29, 2026.

EMPLOYEES NOT ELIGIBLE TO VOTE:

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

	<p>UNITED STATES OF AMERICA National Labor Relations Board 19-RC-386775</p>	
<p>OFFICIAL SECRET BALLOT For certain employees of FOSS MARITIME COMPANY, LLC</p>		
<p>Do you wish to be represented for purposes of collective bargaining by INLANDBOATMEN'S UNION OF THE PACIFIC, MARINE DIVISION, AFFILIATED WITH INTERNATIONAL LONGSHORE AND WAREHOUSE UNION?</p>		
<p>MARK AN "X" IN THE SQUARE OF YOUR CHOICE</p>		
<p>YES</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>	<p style="font-size: 2em; opacity: 0.5; transform: rotate(-10deg);">SAMPLE</p>	<p>NO</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></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.</p> <p>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>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.</p>		



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 (206)220-6300 or visit the NLRB website www.nlr.gov for assistance.