

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**

COLORADO COALITION FOR THE HOMELESS

Employer

and

Case 27-RC-391415

**SERVICE EMPLOYEES INTERNATIONAL UNION,
LOCAL 105, AFL-CIO**

Petitioner

DECISION AND DIRECTION OF ELECTION

Colorado Coalition for the Homeless (“Employer”) is a non-profit organization engaged in providing social services to individuals experiencing housing instability. Service Employees International Union, Local 105, AFL-CIO (“Petitioner”) seeks a self-determination election¹ in a unit of all full-time and regular part-time employees in the Housing Assistance Department (HAD) including the Housing Navigators, Housing Specialists, and Administrative Assistants employed by the Employer to the existing unit of all full-time and regular part-time employees in the Housing Supportive Service Department (HSSD) certified in case 27-RC-356324.² The Employer maintains that the unit sought by the Petitioner for a self-determination election is inappropriate because HAD and HSSD employees do not share a sufficient community of interest. The Petitioner and the Employer agree that the petitioned-for group of employees employed in the HAD constitute an identifiable, distinct segment of the Employer’s workforce, and any unit found appropriate should exclude office clerical employees, professional employees, guards, and supervisors as defined in the Act. The petitioned-for unit includes approximately 32 employees.³

A hearing officer of the Board held a hearing in this matter, and the parties orally argued their respective positions prior to the close of the hearing. As explained below, based on the record and relevant Board law, I find that a self-determination election is not appropriate as the HAD and HSSD employees do not share a sufficient community of interest. The full-time and regular part-time employees in the HAD would constitute an appropriate stand-alone unit.

¹ See *Armour & Co.*, 40 NLRB 1333 (1942); and *Globe Machine & Stamping Co.*, 3 NLRB 294 (1937).

² The 27-RC-356324 certification of representation provides that the existing unit of HSSD employees includes administrative assistants, various behavioral health clinicians, case managers, peer specialists, program training coordinators, and residential services coordinators employed at 2111 Champa Street Denver and 2130 Stout Street Denver.

³ The Petitioner did not take a position as to whether it would proceed to an election in any unit found appropriate.

I. THE EMPLOYER'S OPERATION

The Employer operates three locations: 2111 Champa Street, Denver, Colorado, which is its principal offices; 2130 Stout Street, Denver, Colorado; and 2100 Broadway, Denver, Colorado. The Employer provides three principal services from these locations: (1) property management, (2) housing assistance, which is affiliated with HAD, and (3) supportive services, which is affiliated with HSSD.

The Housing Assistance Department provides support to individuals experiencing housing instability via processing housing referrals, housing applications, and administering various housing voucher programs. HAD is usually the first department that clients interface with. After HAD helps facilitate clients' access into housing and the money to pay for that housing through voucher administration, HSSD employees provide social services to those clients, including health care, access to food stamps, disability income, etc. Sometimes, HSSD employees begin providing these services prior to the clients' move into a property as explored below.

HAD and HSSD employees do not share common supervision at the first and second levels. They operate in separate departments. HAD employees, besides the administrative assistant, have a minimum wage rate of \$30 per hour. HSSD employees have more variance in their wages: One case manager makes just over \$21 an hour, but all the behavioral health clinicians make over \$30 an hour.

HAD employees work at the 2100 Broadway facility. Some HSSD employees work from the 2100 Broadway facility, but many have more variance in where they report to work. Some appear to principally report to Employer owned properties throughout the Denver metro area, while others are "scattered site" employees going to clients at market owned properties throughout the Denver metro area. Both HAD and HSSD employees share largely similar scheduling, Monday through Friday from around 8:00 AM to 5:00 PM with the ability to flex their schedules to varying extents. The Employer mandates all employees to undergo certain shared trainings, such as Annual Critical Risk Management Trainings and New Employee Trainings. HAD and HSSD employees share the same benefits.

A. Housing Assistance Department (HAD)

Housing navigators employed in the HAD process referrals of clients seeking housing, meet with applicants and collect information, determine whose referral to process first, and otherwise facilitate the application process for housing. Housing navigators spend the majority of their working time at the 2100 Broadway facility, but they go into the field occasionally because clients may lack reliable transportation to the 2100 Broadway facility. To be hired as a housing navigator, the applicant does not need prior work experience. The Employer prefers education in social services and/or experience working with HUD regulations, but such knowledge is not required.

Housing navigators occasionally interface with HSSD staff via email, phone, Microsoft Teams, or in person. If a client leaves their housing, but then desires to come back, the housing navigator will collaborate with their case manager in getting them back into housing by obtaining

things like Emotional Support Animal letters or getting verification of a disability from behavioral health clinicians. Housing navigators interface with HSSD staff about once or twice a week, usually virtually.

Housing specialists employed in the HAD administer housing vouchers to clients using money from the government, which involves ensuring compliance with income qualifications, completing annual recertification paperwork for vouchers, transferring voucher payments to new landlords if the client moves, and monitoring payments to landlords. In doing these tasks, the housing specialists generally work in the field less often than the housing navigator as they are principally involved in data entry into the voucher administration software. Housing specialists may meet with clients to help with their recertification paperwork, and as discussed below, an HSSD employee may accompany the client.

For housing specialists, the Employer prefers a bachelor's degree in a social service-related field or 4 years of homeless services work. That said, there does not appear to be a mandatory education or work experience requirement. Housing specialists attend annual recertification events at Employer properties to collect outstanding recertification paperwork and interface with HSSD employees. They interact with HSSD employees daily via email, phone, and Microsoft Teams to ensure HSSD employees are up to date on client developments, especially related to voucher paperwork for annual recertifications. A Housing Specialist testified he estimates interfacing with HSSD employees about eight to ten times a day.

HAD and HSSD employees do not temporarily transfer between their respective job roles. Nor does the Employer permanently assign transfers between them. However, applicants from either department may apply and compete with external candidates when positions are posted. It is more typical to have HSSD employees apply to HAD because of the higher minimum wage rate.

Regarding training, some housing specialists are trained to conduct housing quality inspections wherein they visit client units and annually screen for certain habitability issues, including working outlets, windows, and screens on those windows. To conduct such inspections, the employees must undergo the housing quality standards training to learn the Housing and Urban Development requirements for federally funded voucher units. Case managers from the HSSD occasionally attend these inspections, but they do not perform them. HSSD personnel reach out to HAD prior to those inspections to confirm the time and then convey that information to the client.

Relatedly, HAD employees are subject to the Employer policies and procedures document related to the HAD, which HSSD employees do not train on. However, that document references a myriad of forms, and HSSD employees, like resident service coordinators, assist tenants in completing many of those forms. The Employer subjects HAD employees to competency tests after completing their initial training for their respective roles, whereas HSSD employees are not subject to such competency tests. HAD interfaces with two principal software systems, Elite for voucher administration and, less frequently, RealPage for lease and rent software on the property management side. HSSD employees do not appear to use those software systems.

Chief Real Estate Officer Jennifer Cloud, who oversees HAD and not HSSD, testified generally that HSSD and HAD employees do not interact on a day-to-day basis because it is rare to have the HSSD team assigned to provide services before the client moves in. Cloud estimates HAD and HSSD employees interact with each other roughly five percent of their working time, particularly because they are copied on some of the same email communications.

Recently, before the hearing was held, HAD leadership emailed HAD, HSSD, and property management employees a standard operating procedure for reasonable accommodations because employees needed to know where to send reasonable accommodation requests as the reasonable accommodations process can involve more than one department. The reasonable accommodation standard operating procedure appears to focus most on HAD and the property management department as the primary decision makers in this process, sometimes reviewing each other's work depending on the nature of the accommodation request. Housing specialists in the HAD interface with behavioral health clinicians in HSSD regarding reasonable accommodation requests. The record is not particularly clear on how often or how involved these communications are. Case managers may help clients fill out a reasonable accommodation request.

Two housing navigators in the HAD are assigned to the Social Impact Pay for Performance Act (SIPPR) Team. The SIPPR program provides money to certain clients to study the efficacy of supportive housing. The program may only have funding for the next couple of years. Housing navigators in the HAD have team meetings and provide updates regarding locating eligible clients on a roughly weekly basis. Less than five HSSD employees staff the SIPPR Team.

B. Housing Supportive Service Department (HSSD)

Chief Program Officer Deanne Witzke oversees HSSD. HSSD is a subdivision of the Supportive Housing Department at the Employer. The Supportive Housing Department also contains the Family Support Services Department but not HAD. There are about 130 employees in HSSD. HSSD employees are either working on site at an Employer owned property or doing scattered site work throughout market rate apartments in the Denver metro area. The scattered site employees typically spend significant time traveling throughout the Denver metro area.

Most HSSD staff receive their mail at the 2100 Broadway building and attend team and supervisory meetings at that property. HSSD employees undergo new employee training and training regarding zero suicide. Behavioral health clinicians and case managers undergo training regarding OB risk management and either a behavioral health orientation or a supportive services orientation. HAD employees do not undergo such training.

Behavioral health clinicians are usually licensed social workers or psychology counselors. If they are not licensed, they are working towards such licensure. They work in collaboration with case managers to create a care plan for the client considering the clients' goals. In addition to licensure, the Employer requires behavioral health clinicians to have a master's degree. There are around 10 behavioral health clinicians employed within HSSD.

Behavioral health clinicians share some contacts with HAD personnel. They have a shared Microsoft calendar with housing navigators. Clinicians provide their availability for disability

verifications, treatment plans, and level of care assessments on the calendar. Housing navigators then schedule clients into those slots. Behavioral health clinicians may attend meetings with housing navigators and clients prior to the clients' move in, if the clients are experiencing a lot of emotional distress about such meetings. Additionally, clients who want to bring an emotional support animal into their rental need an approval letter from a behavioral health clinician, who then sends that letter to HAD personnel. If a client seeks to move based on the Violence Against Women Act, the clinician completes and sends the supporting paperwork to HAD. Finally, HAD copies clinicians on many emails related to evictions, moves into temporary housing, or issues with recertification. The clinicians will sometimes advocate for their clients in response to those emails.

Case managers aid clients in obtaining necessary services, like food stamps, disability income, access to food pantries, etc. The Employer requires case managers to have a high school diploma or GED. And it prefers applicants have a bachelor's degree in a related field and 1 to 2 years working with a diverse population experiencing homelessness, substance use disorders, or mental health challenges.

Case managers interface with HAD employees. Case managers in HSSD support residents with their annual recertifications for vouchers. They inform clients of their responsibilities to fill out the paperwork and timely submit such paperwork to HAD. A housing specialist may request that a case manager nudge a client to finish the recertification paperwork related to the vouchers or income verification. Case managers may learn that clients want to move. This presents questions as to whether the vouchers will cover a move and what accommodation the client could receive during that process. The case managers act as an intermediary with HAD regarding those inquiries.

Chief Program Officer Witzke estimated case managers interact with HAD personnel less than once a week. However, a Case Manager testified he emails, calls, or has a meeting with a HAD employee about three times a day. This same Case Manager further testified he is in person twice a week at the 2100 Broadway facility and informally interacts with HAD personnel there.

Resident service coordinators facilitate community engagement at Employer owned properties through community groups and shared events like gardening and movie nights. They are also tasked with retaining clients, particularly when the client is experiencing some kind of issue - behavioral, financial, or otherwise. Their position description notes that a bachelor's degree in social work or a related field is required, as well as two years of experience providing educational or social services to adults with mental illness. Coordinators interface occasionally with HAD in their role in retaining clients.

There are Housing Retention Committee meetings that occur several times a month with coordinators and property management. At these meetings, those employees will learn of lease violations or issues with the voucher, and that information is then sent to HAD. A Resident Service Coordinator testified he interacts with someone in HAD one to four times a day via Teams, email, or phone. He further testified he routinely asks housing specialists for client SSNs or birth certificates to upload in their files.

Resident service coordinators sometimes facilitate a client's move in. In such situations, they contact housing navigators to ascertain the date and time of the move in. Coordinators also interface with housing navigators when facilitating a client's move out into interim housing. The Housing Coordinator testified he has taken clients to HAD's interim housing team of employees to fill out their paperwork to be moved into a motel. Housing specialists are involved less with the residential service coordinators than housing navigators.

A Resident Services Coordinator estimated that in about 60 percent of cases the resident service coordinator or case manager has been in contact with a client before they have moved into a property, which means they have been interacting with the housing navigator assigned to the client. This Resident Services Coordinator also maintained that housing specialists attend monthly recertification events wherein they interact with resident services coordinators and case managers.

In the event there is a lease or voucher violation, the Employer holds a tenant conference with the tenant, case manager, residential services coordinator, and a housing specialist from HAD. A Residential Services Coordinator testified he attends about five to six tenant conferences a month, and a housing specialist in the HAD is at each one. The meetings last about an hour. An example of collaboration in this space has been that the housing specialist could appeal a voucher issue, the clinician could send some necessary documentation, and the case manager could ensure the client attends the meeting.

In contrast, a Housing Specialist testified that he "might" attend either a tenant conference or annual recertification every other week. This employee testified he was under the impression that there may be a smaller team of Housing Specialists doing the majority of tenant conferences at the time of the hearing.

Peer specialists are individuals who have previously experienced homelessness, substance use disorder, or mental health illnesses, who aid clients in any number of tasks from going to appointments with the criminal justice system, medical appointments, etc. There are about 10 peer specialists. The Employer prefers a Colorado peer licensure certification for Peer Specialist Is and requires it for Peer Specialist IIs.

The training coordinator collaborates with leadership to create checklists for onboarding different roles in HSSD. The addiction coordinator is a new role trained to help clients suffering from opioid addiction. The Employer requires the training coordinator to have a bachelor's degree in human resources or a related field and three years in workforce development. The Employer requires the addiction coordinator to have a GED and prefers they have experience in case management and a related bachelor's degree.

II. POSITIONS OF THE PARTIES

The Petitioner argues functional integration supports finding a sufficient community of interest to hold a self-determination election because HAD and HSSD employees both function to get and maintain housing for clients, both need each other for the reasonable accommodation procedure, the SIPpra team, and for tenant conferences. Next, it argues that the skills and training

factor supports a sufficient community of interest because the job descriptions are self-explanatory and most of these roles have little training. Third, it argues that the terms and conditions of employment factor supports a community of interest because the majority of employees in HAD and HSSD earn wages within \$10 an hour of each other, the benefits are the same, the hours worked are the same, and most employees work out of the 2100 Broadway facility. Finally, the Petitioner argues that the contact and interchange factors support a sufficient community of interest, but it concedes the organization and supervision factors do not support a sufficient community of interest. As to interchange, the Petitioner maintains that some employees moved from HSSD to HAD through a competitive hiring system.

The Employer argues HAD and HSSD employees do not share a community of interest because HSSD's principal function is to assess basic needs, coordinate services, provide crisis intervention, and create and implement individualized care plans, whereas HAD's principal function is to facilitate housing placement and rental assistance, while performing tasks related to voucher regulatory compliance, payment integrity, and program performance. To that end, the Employer emphasizes HAD and HSSD employees perform distinct job duties that require distinct skills and training, they share no supervisory structure at the first or second levels, there is not temporary or permanent transfers between the departments, the departments need to be kept separate to avoid potential conflicts of interest, and finally, when the Petitioner previously tried to organize the HAD employees, it did not argue to join them with the HSSD employees.

III. ANALYSIS

A. Board Law

"A self-determination election is the proper method by which a union may add unrepresented employees to the contractual unit." *Warner-Lambert Co.*, 298 NLRB 993, 995 (1990). Before directing such an election, the Board must determine "the extent to which the employees to be included share a community of interest with unit employees, as well as whether the employees to be added constitute an identifiable, distinct segment so as to constitute an appropriate voting group."⁴ *Id.*

When deciding whether a group of employees shares a community of interest, the Board considers whether the employees sought are organized into a separate department; have distinct skills and training; have distinct job functions and perform distinct work, including inquiry into the amount and type of job overlap between classifications; are functionally integrated with the Employer's other employees; have frequent contact with other employees; interchange with other employees; have distinct terms and conditions of employment; and are separately supervised. *United Operations, Inc.*, 338 NLRB 123 (2002). Particularly important in considering whether the unit sought is appropriate are the organization of the plant and the utilization of skills. *Gustave Fisher, Inc.*, 256 NLRB 1069 n.5 (1981). With regard to organization of the plant, the Board has made clear that it will not approve of fractured units – that is, combinations of employees that are

⁴ As noted above, it is uncontested that the petitioned-for HAD employees constitutes an identifiable, distinct segment of the Employer's workforce. The only issue is whether that petitioned-for HAD employees share a sufficient community of interest with the existing unit of HSSD employees.

too narrow in scope or that have no rational basis. *Seaboard Marine*, 327 NLRB 556 (1999). However, *all* relevant factors must be weighed in determining community of interest.

B. The Petitioned-For Group Does Not Share a Sufficient Community of Interest with Employees in the Existing Unit.

1) *The Employer's Organization*

An important consideration in any unit determination is whether the proposed unit conforms to an administrative function or grouping of an employer's operation. Thus, for example, generally the Board would not approve a unit consisting of some, but not all, of an employer's production and maintenance employees. See, *Check Printers, Inc.* 205 NLRB 33 (1973). However, in certain circumstances the Board will approve a unit in spite of the fact that other employees in the same administrative grouping are excluded. *Home Depot USA*, 331 NLRB 1289, 1291 (2000).

In this case, the HAD and HSSD employees do not conform to an administrative grouping. Indeed, the parties stipulated that the HAD employees are under a separate grouping or department than the HSSD employees. As such, the organization factor weighs against finding a community of interest between these groups.

2) *Interchangeability and Contact among Employees*

Interchangeability refers to temporary work assignments or transfers between two groups of employees. Frequent interchange "may suggest blurred departmental lines and a truly fluid work force with roughly comparable skills." *Hilton Hotel Corp.*, 287 NLRB 359, 360 (1987). As a result, the Board has held that the frequency of employee interchange is a critical factor in determining whether employees who work in different groups share a community of interest sufficient to justify their inclusion in a single bargaining unit. *Executive Resource Associates*, 301 NLRB 400, 401 (1991).

In this case, the record fails to reveal evidence of significant employee interchange between the HAD and HSSD employees. More specifically, the record reveals that there are no temporary transfers. Applicants may merely apply for positions and compete with external candidates, and even on that point, there was no substantive evidence of how often this occurs.

Also relevant is the amount of work-related contact among employees, including whether they work beside one another. Thus, it is important to compare the amount of contact employees in the unit sought by a union have with one another. See for example, *Casino Aztar*, 349 NLRB 603, 605-606 (2007). There is evidence of significant work-related contact between HAD and HSSD employees, as well as evidence that the two groups of employees work in the same areas.

The evidence of work-related contact includes behavioral health clinicians having shared calendars with housing navigators, sending navigators supporting documentation for several things, like emotional support pet forms, and otherwise being copied on many emails with HAD

personnel to which they sometimes respond. Further, a Case Manager testified he emails, calls, or meets with a HAD employee about three times a day regarding issues like voucher recertification, or questions as to whether a voucher covers a move. Next, a Resident Service Coordinator testified that he interacts with a HAD employee one to four times a day and occasionally interfaces with housing navigators to facilitate client move ins and move outs, and interfaces with case managers at tenant conferences for lease violations. He maintained the tenant conferences take place five to six times a month.

HAD employees report to 2100 Broadway facility. While HSSD employees have a broader scope of work site arrangements, whether working at other Employer owned properties or market properties, those employees also appear to come to 2100 Broadway for mail, team meetings, and supervisory meetings, among other things.

In contrast, Chief Program Officer Witzke estimated case managers interact with HAD personnel less than once a week. And Chief Real Estate Officer Cloud testified that HSSD and HAD employees do not interact on a day-to-day basis because HAD usually finishes most of its work before the HSSD employees begin providing services. The employees' testimony on this demonstrates that the contact is more than incidental.

In sum, the interchange factor weighs against finding a community of interest, but the contact factor weighs in favor of such a finding.

3) *Common Supervision*

Another community-of-interest factor is whether the employees in dispute are commonly supervised. In examining supervision, most important is the identity of employees' supervisors who have the authority to hire, to fire or to discipline employees (or effectively recommend those actions) or to supervise the day-to-day work of employees, including rating performance, directing and assigning work, scheduling work providing guidance on a day-to-day basis. *NCR Corporation*, 236 NLRB 215 (1978). Common supervision weighs in favor of placing the employees in dispute in one unit. However, the fact that two groups are commonly supervised does not mandate that they be included in the same unit, particularly where there is no evidence of interchange, contact or functional integration. *United Operations*, supra at 125. Similarly, the fact that two groups of employees are separately supervised weighs in favor of finding against their inclusion in the same unit. However, separate supervision does not mandate separate units. *Casino Aztar*, supra at 607, fn 11. Rather, more important is the degree of interchange, contact and functional integration. *Id.* at 607.

Here, the parties stipulated that HAD and HSSD employees do not share common supervision at the first and second levels of supervision. This factor weighs against finding a community of interest between HAD and HSSD employees.

4) *The Nature of Employee Skills and Functions*

This factor examines whether disputed employees can be distinguished from one another based on job functions, duties or skills. If they cannot be distinguished, this factor weighs in favor of including the disputed employees in one unit. Evidence that employees perform the same basic function or have the same duties, that there is a high degree of overlap in job functions or of performing one another's work, or that disputed employees work together as a crew, support a finding of similarity of functions. Evidence that disputed employees have similar requirements to obtain employment; that they have similar job descriptions or licensure requirements; that they participate in the same Employer training programs; and/or that they use similar equipment supports a finding of similarity of skills. *Casino Aztar*, 349 NLRB 603 (2007); *J.C. Penney Company, Inc.*, 328 NLRB 766 (1999); *Brand Precision Services*, 313 NLRB 657 (1994); *Phoenician*, 308 NLRB 826 (1992). Where there is also evidence of similar terms and conditions of employment and some functional integration, evidence of similar skills and functions can lead to a conclusion that disputed employees must be in the same unit, in spite of lack of common supervision or evidence of interchange. *Phoenician*, *supra*.

Here, HAD employees are not required to have formal education or prior work experience. In contrast, HSSD employees have more variation. Behavioral health clinicians must have a master's degree and relevant licensure. Similarly, resident service coordinators and the training coordinator must have a bachelor's degree and prior experience. Case managers and the addiction coordinator do not have such requirements.

HAD and HSSD employees do not have similar job descriptions, and while they share general onboarding programs, they have role-specific training. Their day-to-day basic functions differ substantially. HAD employees help facilitate clients moving into housing and working with the vouchers to fund that housing. HSSD employees provide social services to clients sometimes prior to their move in and then thereafter. There is not a high degree of overlap in job functions, nor do HAD and HSSD employees work together as a crew.

While both departments have roles on the SIPBRA team with similar functions, it only involves two of the 32 employees in HAD, and so, such a fact does not weigh heavily on this determination. While both departments are subject to the standard operating procedures regarding reasonable accommodation, the document outlines different functions for the departments. HAD is responsible for reviewing and determining requests involving voucher-related accommodation. In contrast, HSSD employees are principally responsible for gathering supporting documentation, helping clients fill out related paperwork, and providing medical verifications when appropriate.

Accordingly, the nature of employee skills and functions does not support finding a community of interest.

5) *Degree of Functional Integration*

Functional integration refers to when employees' work constitutes integral elements of an employer's production process or business. Thus, for example, functional integration exists when employees in a unit sought by a union work on different phases of the same product or provides a

service as a group. Another example of functional integration is when the Employer's workflow involves all employees in a unit sought by a union. Evidence that employees work together on the same matters, have frequent contact with one another, and perform similar functions is relevant when examining whether functional integration exists. *Transerv Systems*, 311 NLRB 766 (1993). On the other hand, if functional integration does not result in contact among employees in the unit sought by a union, the existence of functional integration has less weight. Functional integration exists where the disputed employees depend on each other to accomplish their respective tasks. *Mv Transportation, Inc. & Amalgamated Transit Union Loc. 1309*, 373 NLRB No. 8 (2023).

Here, the work of the HSSD employees complements the work of the HAD employees. HSSD employees testified that one of their chief duties is to ensure their clients remain in stable housing, like the principal aim of the HAD employees. However, this is a general organizational goal, and many of the day-to-day duties of the employees in the respective departments vary substantially.

HAD personnel do not aid HSSD personnel with their job duties, but HSSD personnel will occasionally help HAD personnel with their duties. Case managers may remind clients of upcoming recertification requirements or act as an intermediary with voucher questions. Resident service coordinators coordinate with housing navigators as they sometimes facilitate move ins and then again if the client moves into interim housing. Behavioral health clinicians will send supporting documents to HAD to help get clients moved in regarding emotional support animals and disability verifications. Finally, HSSD employees may attend recertification events with housing specialists to help get tenants to complete their voucher recertification paperwork. It appears HAD personnel could perform the aforementioned activities without aid from HSSD personnel.

While the record does not demonstrate that the disputed employees depend on each other to accomplish their respective tasks generally, tenant conferences and the SIPBRA team are instances where functional integration exists. There is some dispute about how often tenant conferences occur. They last an hour. There was testimony that these conferences may occur as often as five times a month or perhaps less than every other week. Likewise, the SIPBRA team has weekly meetings between HAD and HSSD employees. Notably, the SIPBRA team has only two of the 32 HAD employees.

Accordingly, the evidence here does not demonstrate that the disputed employees depend on each other to accomplish their respective tasks as a general rule except in the limited instances surrounding the SIPBRA team and tenant conferences. While several HSSD roles support housing specialists particularly as to their task related to getting clients to fill out recertification paperwork, there is not testimony that case managers, behavioral health clinicians, or resident service providers depend on HAD personnel to accomplish their varied duties. While housing specialists interact with some HSSD personnel during the course of their duties, the record does not demonstrate that housing specialists require or depend on those contacts for the performance of the great majority of their duties.

As such, given the small instances of functional integration, it appears the functional integration analysis weighs against finding a sufficient community of interest, or at best, is a neutral factor.

6) *Terms and Conditions of Employment*

Terms and conditions of employment include whether employees receive similar wage ranges and are paid in a similar fashion (for example hourly); whether employees have the same fringe benefits; and whether employees are subject to the same work rules, disciplinary policies and other terms of employment that might be described in an employee handbook. However, the facts that employees share common wage ranges and benefits or are subject to common work rules does not warrant a conclusion that a community of interest exists where employees are separately supervised, do not interchange and/or work in a physically separate area. *Bradley Steel, Inc.*, 342 NLRB 215 (2004); *Overnite Transportation Company*, 322 NLRB 347 (1996). Similarly, sharing a common personnel system for hiring, background checks and training, as well as the same package of benefits, does not warrant a conclusion that a community of interest exists where two classifications of employees have little else in common. *American Security Corporation*, 221 NLRB 1145 (1996).

In the instant case the record reveals that employees who the Employer argues must be excluded from the unit share some common terms and conditions of employment with employees who the parties agree are in the unit. These include: (1) the same principal reporting location, 2100 Broadway, though the HSSD employees as a general rule, appear to be out in the field more often, (2) the employees largely share the same core hours with flex scheduling, (3) the departments have the same benefits, and (4) the departments have similar wage structures (but behavioral health clinicians have wages higher than many of the HAD personnel) and the HAD personnel generally have slightly higher hourly rates than the rest of the HSSD personnel. As such, the terms and conditions factor favors finding a community of interest.

IV. CONCLUSION

In determining that the Petitioner has not established that the HAD employees share a sufficient community of interest with the HSSD employees to warrant a self-determination election, I have carefully weighed the community-of-interest factors cited in *United Operations*, 338 NLRB 123 (2002). Although the terms and conditions and contact factors favor finding a sufficient community of interest, the following factors do not weigh in favor of finding a sufficient community of interest, or are neutral: organization, supervision, interchange, and skills and functions. Functional integration is, at best, neutral. In view of my conclusion that the Petitioner has not established that the HAD employees share a sufficient community of interest with the HSSD employees to warrant a self-determination election, I conclude that the appropriate unit is the HAD employees as a standalone unit.

Based upon 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 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. 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 following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time employees employed by the Employer in the Housing Assistance Department from its facility located 2100 Broadway, Denver, Colorado 80205 including those employed in the classifications of Administrative Assistant; Housing Navigator; and Housing Specialist.

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

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 purposes of collective bargaining by **Service Employees International Union, Local 105, AFL-CIO**.

A. Election Details

The election will be held on **Wednesday, October 14, 2026** from 9:00 a.m. to 10:00 a.m. and 3:00 p.m. to 5:00 p.m. in the Community Room at the Employer's facility located at 2130 Stout Street, Denver, Colorado 80205.

⁵ The Employer, Colorado Coalition for the Homeless, a Colorado 501(c)(3) non-profit corporation with its principal office located at 2111 Champa Street, Denver, Colorado 80205; and facilities located at 2130 Stout Street, Denver, Colorado 80205, and 2135 Stout Street, Denver, Colorado 80205, the only facilities involved herein, is engaged in providing social services to at-risk and unhoused populations. During the past 12 months, a representative period of time, the Employer purchased and received goods valued in excess of \$50,000, which goods were shipped directly to the Employer's Denver, Colorado facilities from points located outside the State of Colorado.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **Saturday, September 26, 2026**, 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(1) 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 **Friday, October 9, 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.nlrb.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.nlrb.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. In this case, the Notice must be posted and distributed no later than **12:01 a.m. on Thursday, October 8, 2026**. 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.

VI. 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, in Denver, Colorado, on this 7th day of October 2026.



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