

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22**

**RICHARD GRUBB AND ASSOCIATES, INC.**

**Employer**

**and**

**Case 22-RC-391825**

**INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS LOCAL 469**

**Petitioner**

**DECISION AND DIRECTION OF ELECTION**

Upon a petition filed under Section 9(c) of the National Labor Relations Act, as amended (the Act), a hearing was held in this matter on August 11, 2026, before a hearing officer of the National Labor Relations Board (the Board). Pursuant to Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Richard Grubb and Associates, Inc.<sup>1</sup> (Employer) is engaged in the business of providing archeological and cultural resources management services to public and private entities. Its principal office is in Cranbury, New Jersey (Employer's facility or Cranbury facility).

International Brotherhood of Teamsters Local 469<sup>2</sup> (Petitioner or Union) seeks to represent a unit of approximately 25<sup>3</sup> archeological field technicians and crew chiefs working out of the Employer's Cranbury, New Jersey facility, excluding all managerial and confidential employees, lab technicians, and other non-field staff.

The Employer contends that the petitioned-for unit is inappropriate, because the field technicians are casual, on-call employees who are not eligible to vote. The Employer further argues that the crew chiefs are statutory supervisors as defined in Section 2(11) of the Act.<sup>4</sup> Specifically, the Employer contends that the crew chiefs assign field technicians; responsibly direct them; discipline and discharge them, or effectively recommend their discipline or discharge; effectively recommend their hire and rehire; and adjust their grievances. Because the field

---

<sup>1</sup> The Employer's name was corrected in Board Exhibit 2, which contains a series of stipulations agreed upon by the parties.

<sup>2</sup> The Petitioner's name was also corrected in Board Exhibit 2.

<sup>3</sup> As an attachment to its Statement of Position, entered into the record as Board Exhibit 3, the Employer provided a list of 25 employees in the petitioned-for unit. However, during the hearing, Employer witness Stephanie Grubb stated that there were 24 employees in the proposed unit.

<sup>4</sup> The parties stipulated that the issues to be resolved at the hearing are the following: (1) whether the petitioned-for unit is an appropriate unit with respect to the status and tenure on unit placement, that is whether field technicians are casual, on-call employees not eligible to vote; and (2) whether crew chiefs are statutory supervisors as defined in Section 2(11) of the Act.

technicians are temporary employees<sup>5</sup>, and the crew chiefs are statutory supervisors, the Employer urges that the petition be dismissed in its entirety.

The Petitioner denies that the technicians are casual, on-call employees, and argues that the crew chiefs are working foremen, not statutory supervisors. Accordingly, the Petitioner requests that an election be directed in the petitioned-for unit.<sup>6</sup>

The parties disagree on the mechanics of the election, should one be directed. The Employer seeks an in-person, manual election at its Cranbury facility. By contrast, the Petitioner requests that the election be conducted by mail ballot, citing the geographical dispersion and work schedules of the petitioned-for classifications. The parties agree that the appropriate eligibility formula will be determined by the undersigned.

As discussed more fully below, having considered the evidence and arguments presented by the parties, I find that the crew chiefs are not statutory supervisors, and that the field technicians are part-time, project-based employees that share a community of interest with the crew chiefs. Accordingly, I am directing an election in the petitioned-for unit, with the excluded classifications as modified in the conclusions below.

## **I. FACTS**

### **A. Overview of the Employer's Operations**

The Employer provides archeology, architectural history, and cemetery conservation services for entities including governmental agencies, developers, and not-for-profit organizations. In addition to its Cranbury facility, the Employer has offices in Pennsylvania, North Carolina, and Tennessee.<sup>7</sup>

Alice Domm is the Employer's Chief Executive Officer and President. Stephanie Grubb, the Employer's Chief Operations Officer (COO) and witness at the hearing<sup>8</sup>, oversees the Employer's day-to-day operations, including business development and financial matters; project and personnel scheduling; and human resources functions. Grubb reports to Domm.

The Employer has three departments: Archeology, in which the petitioned-for employees work; Architectural History; and History/Cemetery Conservation.<sup>9</sup> The Employer also has an administrative grouping – apparently standing outside of the three identified departments – which

---

<sup>5</sup> On the record, the Employer's witness, Stephanie Grubb, stated that the Employer uses the qualifiers "casual on-call" and "temporary" interchangeably.

<sup>6</sup> The Petitioner agrees to proceed to an election in any unit deemed appropriate.

<sup>7</sup> Employees working out of the Pennsylvania, North Carolina, and Tennessee facilities are not the subject of the instant petition, and neither party argues that the petitioned-for unit must be expanded to render it appropriate.

<sup>8</sup> The Petitioner did not present any witnesses.

<sup>9</sup> The hearing transcript incorrectly reads: "history/lemonary [sic] conservation." I note that Grubb testified that "[i]t's kind of combined"; it is unclear if she was referring to History/Cemetery Conservation, or to the departments more generally. However, she unequivocally testified that the petitioned-for classifications work only within the Archeology Department.

includes a field logistics coordinator/field logistics manager, who is charged with staffing and scheduling projects.<sup>10</sup>

The Archeology Department performs project-based research, archeological monitoring, and archeological field surveys, the latter of which vary in length and are graded on a three-point scale, with Phase I surveys the least intensive, and Phase III surveys the most. Grubb did not describe the differences between Phase I, II, and III surveys in detail, but noted that “[i]t’s just more detailed documentation and it’s a different type of digging,” with Phase II and III surveys having “larger units” to dig, rather than “smaller holes.”<sup>11</sup> The Employer’s surveys can vary in length, with some surveys lasting as little as one day; others can go for multiple weeks.

## **1. The Archeology Department’s Structure**

Grubb testified that the department is structured hierarchically.

First, there are five principal senior archeologists, who Grubb testified are “senior project managers” and members of the Employer’s “senior management team.” They report to Grubb. They manage multiple projects and interface with clients.

Next, there are an uncertain number of principal investigators (PI’s), who are also known as “principal investigator/archeologist[s].”<sup>12</sup> Grubb described them as “responsible for the deliverable basically within a project”, or, in the words of the Employer’s Archaeological<sup>13</sup> Fieldwork Manual (Field Manual), as “overall in charge of managing the project completion from project initiation to completion and for overseeing all project completion tasks” (Union Exhibit 3, p. 2). It appears that they report to the principal senior archeologist. The Employer did not offer a clear position on whether the PI’s are supervisors or managers. However, Grubb testified that the PI’s have master’s degrees; are Secretary of the Interior-standards qualified; and, among other activities, “coordinate with the crew chiefs for the field direction,” “do extensive research on what’s found in the field,” engage in “some client interfacing,” and “write up the field results they receive from the crew chiefs.” Depending on the project’s complexity and length, the PI’s may visit the job site anywhere from one day to once every other week.

Finally, the petitioned-for crew chiefs – also known as field directors – and the petitioned-for field technicians perform the archeological field work. Typically, the crew chiefs and field technicians operate on crews made up of one chief and three technicians, with the crew chiefs, in the words of Grubb, “overseeing the field technicians on a day-to-day basis” through project completion. As discussed more fully below, depending on the project, the tasks of the crew chiefs

---

<sup>10</sup> On the Employer’s organizational chart (Employer Exhibit 3), the title is listed as “Field Logistics Coordinator.” In his email signature line, however, the individual holding this position identifies himself as an “Archaeologist/Field Logistics Manager” (see Employer Exhibits 7-12).

<sup>11</sup> The Employer’s Archaeological Fieldwork Manual (Union Exhibit 3) states the following: “Archaeological projects can be classified into the following types: Reconnaissance (Phase 1A); Monitoring; Phase I (Identification) Survey; Phase II (Evaluation) Survey; and Phase III (Data Recovery).”

<sup>12</sup> The Employer’s organizational chart (Employer Exhibit 3) identifies four “Senior Archaeologists” and fourteen “Archaeologists.” The title of “Principal Investigator” does not appear on the organizational chart.

<sup>13</sup> The transcript uses the American spelling of “archeology” and its derivatives, while the Employer appears to use the British spelling, “archaeology” and its derivatives, in its internal documents.

and field technicians may include digging test pits; sifting, collecting and properly bagging and cataloguing artifacts recovered; and completing necessary project logs and other paperwork documenting the work performed. For safety reasons, crews never drop below two individuals.

The Employer employs approximately seven crew chiefs and eighteen field technicians in the petitioned-for unit.<sup>14</sup> According to Grubb, the Employer considers crew chiefs to be part of its permanent, full-time supervisory staff, whereas field technicians are viewed as “temporary employees” and “not permanent staff,” brought on for specific projects on an as-needed basis.

## **2. The Archeology Department’s Project-Based Work**

Grubb testified that the Employer secures its work by various means, including through word-of-mouth recommendations; responding to requests for proposals (RFP’s); repeat business through different firms; and working as a subcontractor to an engineering firm or lead contractor.

Grubb stated that the Employer’s work, as is “standard across our industry,” “comes in ebbs and flows.” She described how several years may elapse between the Employer’s submission of a job bid or proposal, and the ultimate awarding of the work, and that there may be “months without having steady field work where we’ll just have maybe one large project... Or we can have multiple small projects or sometimes we can have no projects in the field at a time.” She noted that the Archeology Department’s projects can also be weather-dependent; for example, from January to March 2026, for the first time in recent memory, the ground remained frozen, which caused “an incredible backlog in field work.”

Much of the Employer’s work is funded by public monies. As a result, the Employer’s projects are subject to government oversight, including through the federal National Historic Preservation Act, and regulations set by the national Advisory Council for Historic Preservation and state and local government agencies, including the New Jersey Historic Preservation Office. These regulations cover many aspects of the Employer’s work; Grubb noted, for example, that the “[P]ark [S]ervice” mandates that the archeological survey holes have a certain diameter and depth, and the Employer’s project bids (Employer Exhibits 16 and 18) reference multiple regulatory requirements. During her testimony, Grubb predicted that certain regulatory changes, approved by the Advisory Council for Historic Preservation and currently under review by the U.S. Office of Management and Budget, could potentially result in a reduction of field survey and architectural history work for the Employer, and its competitors, in the future.<sup>15</sup>

Grubb testified that as of the hearing date, the Employer had two upcoming field projects: a one-day survey on August 12 or 13, 2026, on which the Employer intended to employ two crew chiefs; and a five-day survey, from August 17 to 21, 2026, on which the Employer planned to use four crew chiefs.<sup>16</sup> Grubb acknowledged that she could not recall the last time that the Employer

---

<sup>14</sup> These figures appear in Board Exhibit 3. However, Grubb testified that as of the hearing date, there were only six crew chiefs operating out of the Cranbury facility.

<sup>15</sup> The Hearing Officer initially sustained the Petitioner’s objection to Grubb’s hypothetical testimony regarding the potential impact of these regulations on the Employer’s operations. Subsequently, the Hearing Officer asked questions regarding the regulation changes.

<sup>16</sup> The Employer’s proposals for these projects were entered into the record as Employer Exhibits 16 and 18, respectively.

made use of chief-only crews; she testified that after a busy spring, the current volume of projected work was the lowest since 2018, and that to keep the crew chiefs employed, the Employer decided to staff these projects with the crew chiefs alone.

## **B. Crew Chiefs**

The testimonial and documentary record, including the Employer's Field Manual and Crew Chief General To-Do Lists for Phase I and Phase II/III Projects (Union Exhibits 1-3), establish that crew chiefs oversee the execution of archeological field projects in accordance with detailed specifications determined by the project manager and/or PI, and guided by the Employer's internal guidance documents, including the aforementioned Field Manual and To-Do Lists, and governmental regulations.

The record does not contain a job description for crew chiefs. However, the Employer entered as exhibits two offer letters dated April 13, 2026 (Employer Exhibits 4 and 5), which specify that crew chiefs are "required" to do the following:

- Plan, organize and manage various levels of archeological survey, site recordation, monitoring, and other fieldwork duties;
- Supervise crews on a day-to-day basis in all phases of a project;
- Travel as needed to project locations which is anticipated to be at least 70%;
- Communicate daily with project managers and Senior Archeologists to ensure that projects are performed within budget and meet project schedules;
- Review and maintain quality control of all field and artifact data;
- Perform research and author sections of technical reports;
- Use GPS devices and archeology field survey equipment including screens, shovels, tarps, etc.;
- Have a valid driver's license;
- Traverse up to 10 miles per day and frequently move equipment weighing up to 40 pounds.

The offer letters further state that crew chiefs are paid hourly – in these instances, at the rate of \$23 or \$24 per hour – and are eligible for overtime and the Employer's benefits program for permanent employees, including health insurance, paid time off, paid holidays, and 401(k) retirement benefits. Grubb testified that crew chiefs also receive a company cell phone and iPad; a GPS device for field use; a vehicle to transport themselves and field equipment, and, on certain projects, the field technicians; and an e-mail address. Grubb stated that crew chiefs do not receive any specialized training; rather, they are given the Employer's Field Manual and checklists, and the opportunity to shadow another crew chief.

The record shows that crew chiefs work closely with the project manager and/or PI throughout the life of a project. Prior to the beginning of the project, the crew chief joins the project manager and/or PI for what Grubb described as a "kickoff meeting" to go over the specifications for the job, including the scope of work and project-specific excavation methods. During this meeting, the project manager and/or PI relay to the crew chief the project area that has been set by the client, the number of tests required, the procedures to follow if something is found

during the dig, and potential hazards and safety issues. Sometimes, this exchange happens over email. Grubb acknowledged that the crew chief could not begin field work without this initial briefing from the project manager and/or PI.

When the job begins, the crew chief, sometimes alongside the PI, relays the information from the “kickoff meeting” to the field technicians. The crew chief provides instructions concerning the dig, including “how deep they need to dig, how big the tests need to be,” as dictated by the project plans. The crew chief then distributes the necessary equipment for the project, including shovels, sifter shields, and iPads. Finally, the crew chief “assign[s] the field technician[s] on site specific areas that they’re going to dig in.”

Grubb testified that the crew chief does not use any specific criteria in making assignments. Rather, the crew chief may “assign [technicians] to what they know they’re good at,” based on experience working together on past jobs. Other times, the crew chief “see[s]... how the field technicians do and then adjust[s] as needed.” Alternatively, the crew chief may base their assignments on field technicians’ specialized experience; Grubb gave the example of, “[i]f a field technician has a lot of experience doing... Phase III notes... they’ll assign that field technician to doing the notes for the unit rather than maybe digging.” Aside from notetaking on a Phase III job, though, the assignment variables appear limited to digging location; Grubb testified that the crew chief merely assigns the field technician to “what line they are digging in or what unit they are working on.”

The record also indicates that at the start of the job, the crew chief sets the workday schedule; while the Employer’s Field Manual provides that employees work an 8 ½ hour day (8:00 am to 4:30 pm), with a half hour lunch and two 15-minute breaks at 10 am and 2 pm, Grubb testified, and the Field Manual indicates, that the crew chief decides the actual start, end, and break times based on the project needs, including client schedules, traffic, and weather. There is no evidence in the record indicating that the crew chief can lengthen or shorten the workday or break times, or mandate overtime, although Grubb testified the crew chief can pull technicians out of the field due to safety conditions, such as heat, thunder and lightning, and smoke. The record is limited regarding any specific examples of exercise of this authority, however; in this regard, Grubb ambiguously testified, “[w]e had smoke a couple of weeks or a month ago [and] [t]hey exercised their judgment as to whether they could work or not work and pull the crews out of the field,” but did not identify who was involved, when or where it occurred, whether the crew was actually removed from the field, what alternatives were available, or whether the PI or project manager was consulted.

Whether the job is a Phase I, II, or III survey, the crew chief is, in the words of Grubb, “responsible for making sure that the technicians... follow [the Employer’s] field procedures and do their paperwork correctly and follow the expectations set.” As part of this work, the crew chief must complete various documents during the project, including a Daily Field Summary, Photograph Log, and Bag Log, and make sure that field technicians are properly completing “bag tags” when artifacts are located. The crew chief is also tasked with ensuring that the Employer’s equipment is properly maintained and is responsible for verifying employees’ time sheets prior to their transmission to payroll. The record reflects that the crew chief is expected to remain in “daily” contact with the PI and/or project manager throughout the project. Employer’s Offer

Letters (Employer Exhibits 4 and 5); *see* Crew Chief's Phase I To-Do List (Union Exhibit 1), pp. 2; 4-5 ("Update PI with any pertinent info (if there's a significant delay, if you find something worth noting, artifacts that may need to be bracketed, etc.)... ALWAYS ENSURE TO TOUCH BASE WITH THE PI, PSA, FIELDWORK LOGISTICS DIRECTOR, AND OTHER CREW CHIEFS TO MAKE SURE YOU ARE TAKING CARE OF EVERYTHING"); Crew Chief's Phase II/III To-Do List (Union Exhibit 2), pp. 2; 4 ("Update PI with any pertinent info and touch base regularly (if there's a significant delay, if you find something worth noting, features found, anything that may need to be further exposed or handled with special attention, etc.)... ALWAYS ENSURE TO TOUCH BASE WITH THE PI, PSA, FIELDWORK LOGISTICS DIRECTOR, AND OTHER CREW CHIEFS TO MAKE SURE YOU ARE TAKING CARE OF EVERYTHING."); Field Manual (Union Exhibit 3), p. 11 ("Generally the PI should be the first point of contact for any issues in the field. If your crew leaves the field for any reason (except lunch or breaks) inform the PI.").

Depending on the job, the crew chief may perform digging work. Grubb testified that on a Phase I job, the crew chief "will also dig some shovel tests while also supervising the field technicians." On Phase II and III excavations, the crew chief usually does not dig; rather, the chief "floats from unit to unit" to "oversee[] documentation... in addition to supervising and making sure that the field technicians are following the project scope for their excavations."

Occasionally, during a dig, the crew will uncover an unexpected feature, such as a cache of artifacts, a foundation wall, or a tree stump. Grubb testified that the steps to take in such instances will have been discussed during the kickoff meeting involving the project manager and/or PI and crew chief, but that in the moment, the crew chief decides whether the dig area should be expanded. Grubb's testimony in this regard, though, appears to contradict the Employer's Field Manual, which provides that the crew chief must "consult with the PI about expanding [the dig area] to expose the feature" (Union Exhibit 3, p. 9) and the Employer's Crew Chief To-Do Lists, discussed above. Similarly, Grubb testified that the crew chief decides whether artifacts should be kept, but that in doing so, they will "also confer with the principal investigator," with the PI "relying on the crew chief's judgment." No specific examples of the crew chief expanding the dig area, or deciding which artifacts should be kept, were offered into the record.

Crew chiefs may also be confronted with unforeseeable, non-weather-related events impeding the progress of an excavation. As an example of this, Grubb described an incident, on an unidentified date in an unspecified location, in which a "line of test" was placed in a field containing bulls. Upon seeing the bulls, the unidentified crew chief, according to Grubb, determined "clearly this is not happening today and just moved everybody over." Then, "at the end of the day, [the crew chief] communicated to the principal investigator or project manager, like, we need to call the client." The Employer did not offer any documentary evidence supporting Grubb's testimony.

Regarding disciplinary matters in the field, Grubb stated that the crew chief has the authority to act if "immediate dismissal" is warranted; it is unclear from the record if "dismissal" means sending someone home, discharging them, or something else. Grubb suggested "dismissal" could occur in cases of "an immediate... threat, like... physical violence or a safety issue," but did not provide any actual examples. She also testified that in instances of violence or safety the crew

chief can make “corrections” in the field, but again, did not explain what “corrections” are or provide examples.

Otherwise, the crew chief “relay[s]” any issues to Grubb or to the field logistics coordinator and may “say, hey, like, this person is not working out.” Demonstrating this reporting function, Grubb testified that several years ago, a crew chief “elevate[d]” a field technician to Grubb and Domm, the CEO, for potential violation of the Employer’s anti-harassment policies. The Employer conducted a “formal investigation,” and the field technician was suspended. The record is silent as to what role, if any, the crew chief played in the formal investigation and the ultimate suspension decision. Notably, when asked if she had any documents showing a crew chief recommending the discharge of a field technician, Grubb stated: “I don’t have it documented in that way,” and, “I don’t recall that I have anything.” Nor could Grubb point to any examples of a crew chief even issuing a verbal warning.

The crew chief may occasionally be called on to “maintain[] the team unity” and resolve “personality conflicts” among technicians in the field. Grubb stated that the resolutions could be “assigning a field technician maybe to a different team if they’re working in teams [on the job site] or talking through a situation if necessary.” The record is silent as to any specific instances of crew chiefs resolving such employee disputes or otherwise adjusting employee grievances, however.

Grubb acknowledged that the crew chief does not have hiring authority. She testified that the CEO makes all hiring decisions, with the field logistics coordinator extending the actual employment offers. She noted that if someone approached a crew chief about working on an upcoming project, the crew chief must refer that individual to the field logistics coordinator.

Grubb stated that the crew chiefs, however, do have “input” in, and “are [an] important part of,” the hiring process. She testified that the crew chief, “depending on the situation,” may be shown resumes of field technicians and asked “who would you reach out to first... Or... based on the paper, who would you consider?,” and, “How do they look to you in terms of skillset, prior experience, et cetera? Should we reach out to them? Or should we bring them on for the project you’re working on?” It is unclear from the record what weight, if any, is given to the crew chiefs’ evaluation of prospective employees’ resumes.

Grubb also testified that the crew chief recommends individuals for rehire. Specifically, Grubb testified the field logistics coordinator and the principal investigator, either during or after a project, will speak with the crew chief “to determine the potential for rehire if a field technician applied again or, you know, the potential to not rehire.” Grubb said that the crew chief’s evaluation is “the number one factor” and “pretty much the only thing” relied upon in deciding whether to bring an individual back; when asked to give a weight to the crew chief’s opinion, she said, “It’s pretty absolute... I would say 90, 95%.” She also said that the Employer would not hire someone if the crew chief said that they did not recommend them, and did not recall any instances of the CEO going against the recommendation of the crew chief. When asked for examples of a field technician not being rehired based on a crew chief’s recommendation, Grubb asserted that there were “countless throughout the years” but named only two individuals, Antonio Kulian and John Potts; aside from stating that one worked in Delaware, she did not provide information about their

employment history, or explain the involvement of the crew chiefs in the Employer's decisions to not offer them additional work, such as, whether any independent assessment was conducted by any higher-ranking individuals. No documents supporting any of Grubb's assertions were offered into the record.

The record offers limited insight into how a crew chief's performance is evaluated, including the question of whether crew chiefs are held responsible for the work of the field technicians. Grubb testified that there is a "project debrief after the project is completed" and that the crew chiefs "have reviews." She asserted that if "a consistent issue that's not related to something outside of their control" is identified, the crew chief "will be given like a written just warning or an email from HR saying, you know, you're not meeting this expectation." She also testified that if crew chiefs did not follow the procedures in the Employer's Field Manual, "conversations happen between the crew chief and most likely the project manager to start... It's a conversation about, you know, what happened... why the procedures weren't followed. And then it's just documented throughout, like, their reviews." No specific examples of such written warnings or emails, or crew chief evaluations, were entered into the record. As noted above, Grubb did acknowledge, though, that the PI is ultimately responsible for the successful completion of the project.

Finally, Grubb testified that if there is no field work available to crew chiefs, they could be assigned to do research or lab work, based on individual skill set. No specific examples were offered. Alternatively, while "rare," crew chiefs can be assigned to field crews made up of crew chiefs only, which Grubb testified was set to occur on two jobs scheduled for August 2026.

### **C. Field Technicians**

Field technicians, as discussed above, perform field work on the Employer's projects in accordance with the plan set by the project manager and/or PI, the guidelines and practices established in the Employer's Field Manual, To-Do Lists, and governmental regulations, and the instructions of the crew chief. As with the crew chiefs, the Employer did not enter a job description for the field technicians into the record, but the Field Manual states that the field technicians, in addition to digging, must collect and handle artifacts and samples, and properly document what they have done. Grubb testified that many of the Employer's field technicians are graduate students, and that some hold other employment, including with competitors.

The Employer entered into the record a December 2025 solicitation for resumes for "fieldwork throughout New Jersey" (Employer Exhibit 2), which provides insight on the types of individuals the Employer seeks for, and the nature of, the field technician position. The solicitation states that field technicians should possess the following qualifications, with preference given to those who are local to project sites, have "CRM" experience<sup>17</sup>, and are familiar with Phase I, II, and III survey work:

- A B.A./B.S in Archeology, Anthropology, Tribal Historic Preservation, or related field with prior coursework in, or demonstrated knowledge of, archeology, prehistory, and history, with in-progress students available for consideration.

---

<sup>17</sup> While not explicitly defined in the record, "CRM" appears to stand for Cultural Resources Management.

- Archeological field school experience preferred, but not required.
- Ability to lift and carry up to 40 pounds.
- Ability to document shovel test and unit excavations, and record detailed notes.
- Ability to work well with others.
- Ability to work in various weather conditions.

The solicitation also specifies that “Field Technician positions are temporary, and work is on call, as needed. Acceptance of an applicant is not a guarantee of a job offer or a guarantee of hours.” According to the solicitation, field technicians typically earn between \$20 to \$23 per hour; no fringe benefits are specified.

The Employer hires technicians in the following manner. In addition to general solicitations like Employer Exhibit 2, the Employer also seeks technicians through more targeted, project-based ads and outreach to universities, and receives unsolicited resumes. The Employer keeps resumes received for an unspecified period “in folders based on location... And then if we have a project, we will either put another project-specific ad out just to see who’s available or we will contact the individuals who had previously submitted their resumes.” The Employer also offers upcoming work to currently employed field technicians; Grubb testified, “if a field technician is working for us and we do have another project that fits their skillset and the constraints, we will ask them if they’re interested in signing on for another project.”

In determining to whom to offer work, Grubb testified that she first considers where the project is located; for example, whether it is in North or South Jersey. Grubb then considers the “constraints of the project,” and whether it is a Phase I, II, or III project. Finally, for rehires, Grubb contacts the field logistics coordinator and crew chiefs “to find out if they would actually indeed be a good fit for the project.”

It appears, based on the record, that the field logistics coordinator, who works with Grubb on staffing a project, considers field technicians’ previously stated availability when offering work<sup>18</sup>, and that technicians may decline a project if it conflicts with other obligations, including school or other employment, although no specific examples of declinations were offered during the hearing.

Grubb maintained that the Employer does not have a recall list; that field technicians do not enjoy a rehire or recall preference; and that they do not have a reasonable expectation of future employment. However, she acknowledged that field technicians can be placed on back-to-back projects, and may work, “[p]roject-to-project, on and off” for years. She testified, for example, that field technicians have worked for the Employer on projects before, during, and after their two-year graduate school program.

Demonstrating that multiyear employment relationships are common, the Employer’s payroll records establish that between April and August 2026, the Employer employed eleven

---

<sup>18</sup> For example, in Employer Exhibit 12, the field logistics coordinator stated: “We had no work after his Tuesday – Tuesday time off indicated below.”

field technicians with hire dates in 2025 or earlier. Their periods of employment during this period ranged from about 5 days to more than 55 days, as reflected in the following table<sup>19</sup>:

| Employee Name         | Hire Date                       | Total Hours Worked |
|-----------------------|---------------------------------|--------------------|
| Justin Burkett        | December 29, 2025 <sup>20</sup> | 160                |
| Dawn Cheshaek         | October 6, 2025                 | 42                 |
| John (Jack) Cresson   | December 18, 2023               | 424                |
| Timothy Das           | December 29, 2025               | 256                |
| Phillip Dzierbun      | December 3, 2025                | 190                |
| Richard Fallon        | September 30, 2025              | 219.50             |
| Naomi Jones           | December 1, 2025                | 72                 |
| Scott Kachelries      | March 11, 2025                  | 390                |
| Neacail (Nick) McNabb | August 16, 2021                 | 447                |
| Brenda Ortiz-Suarez   | December 19, 2023               | 215                |
| Emily Tenaglia        | December 1, 2025                | 120                |

The record further reflects that among the Employer's 2026 hires, the number of days employed ranged from 1 day to 25 days, and that an individual with an unknown hire date worked more than 45 days during this period<sup>21</sup>:

| Employee Name               | Hire Date    | Total Hours Worked |
|-----------------------------|--------------|--------------------|
| Brianna Brida               | May 4, 2026  | 88                 |
| Troy Davitt                 | May 7, 2026  | 8                  |
| Julie Foy                   | July 9, 2026 | 56                 |
| Aidan Gilly                 | May 11, 2026 | 200                |
| Will Poniros                | May 27, 2026 | 72                 |
| Corey Snyder                | May 14, 2026 | 80                 |
| Neil O'Reilly <sup>22</sup> | Unknown      | 364                |

<sup>19</sup> This chart was generated using Employer Exhibit 6, which captures the "check dates" of May 13 to August 5, 2026; Grubb testified that the relevant work dates covered by these checks are April 27 to July 26, 2026. Employer Exhibits 13 and 17, by contrast, cover the period of May 11 through August 9, 2026.

I rely on Employer Exhibit 6 here for ease of reference and completeness; they are original Employer business records that clearly delineate the paycheck dates, payment amounts, and hours worked per employee on a single document. By contrast, Employer Exhibit 13 is a summary document apparently generated by Employer counsel which is based upon individual weekly timecards submitted by employees over a 13-week period (Employer Exhibit 17), the latter of which do not identify the number of hours for which employees were actually compensated, or their rates of pay.

In relying on Employer Exhibit 6, I acknowledge that for ten employees, the hours worked between May 11 and August 9, 2026, are fewer than those worked between April 27 and July 26, 2026, reflecting layoffs in the middle and end of July. See Employer Exhibit 13.

<sup>20</sup> Notably, Grubb acknowledged on cross examination that in the case of Burkett, the Employer's listed hire date is "probably his rehire date" as he worked for the Employer prior to 2025; the record is silent as to whether any of the other hire dates listed for field technicians are rehire dates.

<sup>21</sup> The "Total Hours Worked" also come from Employer Exhibit 6.

<sup>22</sup> O'Reilly's name does not appear in Employer Exhibits 14, 15, or 17, for reasons left unexplained. As such, no hire date is identified for him in the record. Accordingly, his hire date remains unknown on this record.

Grubb's testimony and the documentary record reflect that at the time of the August 11, 2026, hearing, the Employer had no active field technicians on payroll. The circumstances regarding each individual varied or were not fully explored in the record; however, the Employer's Termination Listing (Exhibit 15) identifies 14 under the classification of "Lay Off," and three as "Voluntary," with one (O'Reilly) whose classification is unknown. Notably, though, Grubb testified that periods of unemployment for field technicians are not unusual; she stated that it is "standard practice across the industry" for laid off field technicians to apply for unemployment benefits, adding, "I assume that all field techs that we've ever hired have filed for unemployment at some point..."

The record reflects that some field technicians have outside employment, academic obligations, or other limitations on their availability to work on projects for the Employer. Grubb testified that Brianna Brida, for example, was available only on Mondays and Tuesdays for the project on which she worked, and Employer Exhibit 7 shows her later inquiry about August 2026 work. Employer Exhibit 10 indicates that Phillip Dzierbun regarded another company as his primary employer. Employer Exhibit 11 documents Naomi Jones' stated availability for projects. Grubb also testified that many field technicians are graduate students, that their availability can be limited by class schedules, and that some work for other archeological firms.

Regarding the likelihood of future employment, the field logistics coordinator's communications with the nonworking field technicians and with Employer representatives indicate that recall of the field technicians is both a regular practice and an ongoing possibility, even if the Employer has few field projects currently scheduled. (See Employer Exhibit 7 ("I will let you know if something comes up where we could use your help"; sent on July 21, 2026); Employer Exhibit 8 ("Thanks for all your help this season! Please keep in touch and let me know when you will be returning to NJ."; sent on July 16, 2026); Employer Exhibit 9 ("Please do keep me posted, and let me know if you would be interested in returning in the future."; sent in or around the second week of May 2026); Employer Exhibit 10 ("*Based on our current workload*, I do not have any plans to bring Phillip back *anytime soon* [emphasis added]."; sent July 20, 2026); and Employer Exhibit 11 ("She is down in DC, so could be someone for NC, depending on the timing."; sent July 10, 2026).

The record does not reflect any instances in which field technicians performed other work for the Employer; Grubb testified on one occasion, a field technician was asked to step in for the crew chief, but that this proposed temporary assignment was later withdrawn.

## **II. ANALYSIS**

### **A. Crew Chiefs Are Not Statutory Supervisors**

The Employer argues that crew chiefs are statutory supervisors who must be excluded from the petitioned-for unit, because they: assign field technicians; responsibly direct them; discipline and discharge them, or effectively recommend their discipline or discharge; effectively recommend their hire and rehire; and adjust their grievances.

Under Section 2(11) of the Act, supervisors are:

[A]ny individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

29 U.S.C. § 152(11). To establish that someone is a supervisor, the party asserting supervisory status must show: (1) that the putative supervisor has the authority to engage in any 1 of the 12 supervisory functions enumerated in Section 2(11); (2) their “exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment”; and, (3) that their authority is held “in the interest of the employer.” *Oakwood Healthcare, Inc.*, 348 NLRB 686, 687 (2006), citing *NLRB v. Kentucky River Community Care, Inc.*, 532 U.S. 706, 713 (2001). Where “putative supervisors are not shown to possess any of the primary indicia of supervisory status enumerated in Sec. 2(11), secondary indicia are insufficient to establish supervisory status.” *Golden Crest Healthcare Center*, 348 NLRB 727, 731 fn. 10 (2006).

The party asserting supervisory status bears the burden of proof. *NLRB v. Kentucky River*, 532 U.S. at 711-12. “The Board has consistently held that to prove supervisory status by a preponderance of the evidence, a party must present detailed, specific evidence and cannot rely on conclusory testimony or evidence that is inconclusive or otherwise in conflict.” *Veolia Transportation*, 363 NLRB 1879, 1885 fn. 19 (2016), *enfd. sub nom. Transdev Services, Inc. v. NLRB*, 991 F.3d 889 (8th Cir. 2021).

### **1. Assignment**

The Board has defined “assign” to mean the “designating of an employee to a place (such as a location, department, or wing), appointing an individual to a time (such as a shift or overtime period), or giving significant overall duties, i.e., tasks, to an employee.” *Golden Crest Healthcare Center*, 348 NLRB at 728, citing *Oakwood Healthcare*, 348 NLRB at 689. Assignment “refers to the... designation of significant overall duties to an employee, not to the... ad hoc instruction that the employee perform a discrete task.” *Id.* at 728-29.

Regarding this indicium of supervisory status, Grubb testified that after the field logistics coordinator selects a crew for a particular project, the crew chief is then charged with assigning field technicians to “what line they are digging in or what unit they are working on,” or to overall tasks such as notetaking, based on their skills and experience. She also testified that the crew chief can change who a field technician is working with, and their physical location on a site, in the event of personality conflicts. In addition, she stated that the crew chief may pull field technicians from the field should unsafe conditions arise, in one instance moving technicians to a different part of a survey site after encountering bulls, and can extend the boundaries of dig sites if deemed appropriate. Finally, she testified that the crew chief establishes the actual working hours of the field technicians.

Grubb's testimony regarding the crew chief's line or unit assignments was vague and lacking in specific, documented examples, and thus insufficient to establish 2(11) authority. *See Veolia Transportation*, 363 NLRB at 1885 fn. 19 ("a party must present detailed, specific evidence and cannot rely on conclusory testimony or evidence that is inconclusive or otherwise in conflict").

Grubb also failed to establish that crew chiefs use independent judgment in making line or unit assignments based on individual technicians' skill and experience. The record indicates that the dig locations are predetermined in the project plans, and that the work – digging, preserving artifacts, and documenting the steps taken – is routine; circumscribed by the project plans, the Employer's Field Manual, the Employer's To-Do Lists, and governmental regulations; and, it appears, identical on each line or unit. In these circumstances, it is unclear how the crew chief could rely on skill or experience in making assignments, as asserted by Grubb during her testimony. *See Greenhorne & O'Mara, Inc.*, 326 NLRB 514, 517 (1998) (in declining to find that crew chiefs were supervisors, the Board noted that they "assign the routine tasks of digging or screening, and make certain that the technicians are digging in the right place, to the right depth, etc.").

But even if the crew chief did rely on skill and experience in making these assignments, the Board has counseled that "designation of which crewmembers will perform particular functions... based on an employee's trade or known skills... is... essentially self-evident... Such assignments do not involve the exercise of independent judgment." *Shaw, Inc.*, 350 NLRB 354, 355-56 (2007) (declining to find that foremen were Section 2(11) supervisors).

Although Grubb stated that the crew chief may assign a field technician notetaking, rather than digging, duties, based on the technician's skills, this appears to be a hypothetical example, insufficient to meet the Employer's burden. *See Cook Inlet Tug & Barge*, 362 NLRB 1153, 1153 (2015) (vague and hypothetical testimony about "play[ing] to individual... strengths" insufficient to satisfy burden). But again, even if it reflects an actual instance of assignment, distributing work based on an employee's known skillset does not show Section 2(11) authority. *See Shaw*, 350 NLRB at 356 fn. 9 ("Assigning employees according to their known skills is not evidence of independent judgment.")

While Grubb asserted that the crew chiefs can move the physical locations of field technicians based on personal compatibility with others, there is no specific evidence supporting this in the record. *See Veolia Transportation*, 363 NLRB at 1885 fn. 19 ("detailed, specific evidence" needed to establish Section 2(11) authority). Even if there was, pairing workers who "have certain skills and... work well together" does not require the use of independent judgment. *Armstrong Machine Co.*, 343 NLRB 1149, 1150 (2004) (declining to find Section 2(11) authority where the assignments are "routine" and not "based on anything other than the common knowledge, present in any small workplace, of which employees have certain skills and which employees do not work well together"); *see Greenhorne & O'Mara*, 326 NLRB at 517 (crew chiefs' actions of "pair[ing] up" field technicians and "switch[ing] assignments if a technician complains... do[] not require the use of independent judgment").

Grubb testified concerning the authority of the crew chief to pull the technicians out of the field for environmental conditions such as heat, thunder and lightning, and smoke including an

example in which crew chiefs encountered smoke conditions and “exercised their judgment as to whether they could work or not work and pull the crews out of the field.” Thus, the record shows that crew chiefs exercise some discretion in responding to immediate safety conditions. However, Grubb testified that this authority was limited to safety-related circumstances and identified no example of a crew chief shutting down operations for a non-safety reason without consulting the PI.<sup>23</sup> On this record, I find that the evidence is insufficient to establish that this limited ability to pull crews from the field for safety reasons, constitutes assignment or other supervisory authority within the meaning of Section 2(11). See *F.A. Bartlett Tree Expert Co.*, 325 NLRB 243, 244 (1997) (declining to find foremen exercise Section 2(11) authority where they “may temporarily bypass an address if there is a vicious dog located on the premises and may cease operations in the event of inclement weather or other weather which poses a hazard,” noting that they report the incidents to the general foreman and “receive... subsequent approval of such temporary work interruptions”); *Greenhorne & O’Mara*, 235 NLRB 1056, 1056 (1978) (declining to find supervisory status where disputed classifications, among other things, decide “whether to postpone work because of inclement weather”); see also *Atlantic City Elec. Co.*, 2019 WL 7584366, Case 04-RC-221319 (2019) (not reported in Board volumes) (in declining to find supervisory status, a Board majority noted, “It is also unclear that writing switching instructions constitutes independent judgment because these instructions are guided by a manual and are ordered by safety concerns.”)

Grubb’s description of an unidentified crew chief moving the dig line after encountering bulls in a field provides an example of a crew chief exercising some judgment in response to an unexpected field condition. Grubb testified that when a planned test run was found to run through a pasture containing bulls, the crew chief decided not to work in that area, moved the crew elsewhere, and later advised the PI or project manager that the client needed to be contacted.

I do not find that this incident necessarily conflicts with the Field Manual’s instruction that the PI generally be the first point of contact for field issues or that the PI be informed if a crew member leaves the field, because the testimony indicates that the crew remained at the project site and was moved to another area. Nevertheless, the example provides limited evidence concerning the scope of the crew chief’s direction: the record does not identify the date, location, crew chief, available alternatives, or whether the crew chief was implementing an obvious safety response rather than making a discretionary personnel assignment. Accordingly, the incident is insufficient, standing alone to find that crew chiefs exercise assignment authority within the meaning of Section 2(11). See *G4S Regulated Security Solutions*, 362 NLRB 1072, 1072 (2015) (“The Respondent has not proven supervisory status where the record evidence is inconclusive or otherwise in conflict.”); *Oakwood Healthcare*, 348 NLRB at 693 (independent judgment not established where there is only “one obvious and self-evident choice”); *F.A. Bartlett*, 325 NLRB at 244 (no supervisory status where foremen “may temporarily bypass an address if there is a vicious dog located on the premises” and later report the incident to their superiors).

---

<sup>23</sup> Moreover, with regard to the smoke incident, it is unclear if the crew chiefs actually pulled technicians out of the field, and the record is silent as to who was involved; where the incident happened; when it happened; how long the crew was out of the field; whether there were any conversations between the crew chief and the PI or project manager concerning the smoke; and whether the incident was documented in any way. “Detailed, specific evidence” is required for the Employer to satisfy its burden, which it has not provided here. See *Veolia Transportation*, 363 NLRB at 1885 fn. 19 (“a party must present detailed, specific evidence and cannot rely on conclusory testimony or evidence that is inconclusive or otherwise in conflict”)

Finally, Grubb’s assertion that the crew chief sets the field technicians’ working hours, absent more, does not establish assignment authority. Grubb testified that the crew chief must adhere to the Employer’s 8½ hour day, with two 15-minute breaks and a half-hour lunch. Grubb testified that the stated starting and ending times of 8 am to 4:30 pm are suggested times, that crew chiefs have the ability to vary those times, and that they in fact do so, although she did not offer any specific examples of this ever having occurred. The record does not establish, however, that crew chiefs may change the total length of the prescribed workday or break periods, or require employees to work overtime. *See Shaw*, 350 NLRB at 357 (supervisory status not established where “the evidence shows that the foremen’s discretion in permitting employees to leave work early is also sharply restricted”); *compare Acumen Capital Partners, LLC*, 372 NLRB No. 129, slip op. at 1, fn. 2 (Aug. 24, 2023) (finding supervisory status where putative supervisor assigned overtime), *enfd.* 122 F.4<sup>th</sup> 998 (D.C. Cir. 2024).<sup>24</sup>

For the foregoing reasons, I decline to find that crew chiefs exercise assignment authority within the meaning of Section 2(11) of the Act.

## **2. Responsible Direction**

The Board defines “responsibly to direct” as: “If a person on the shop floor has men under him, and if that person decides what job shall be undertaken next or who shall do it, that person is a supervisor, provided that the direction is both ‘responsible’... and carried out with independent judgment.” *Golden Crest Healthcare*, 348 NLRB at 730, *citing Oakwood Healthcare*, 348 NLRB at 691.

For the direction to be “responsible,” the person directing the activity must be held accountable for said direction. *Golden Crest Healthcare*, 348 NLRB at 730. The Board has noted that to establish such accountability:

[I]t must be shown that the employer delegated to the putative supervisor the authority to direct the work and the authority to take corrective action, if necessary. It also must be shown that there is a prospect of adverse consequences for the putative supervisor if he/she does not take these steps.

*Id.*, *citing Oakwood Healthcare*, 348 NLRB at 692. The Board requires “evidence of actual accountability... there must be a more-than-merely-paper showing that such a prospect exists.” *Id.* at 731.

Grubb testified that the crew chief directs the technicians’ field work; directs field technicians to expand the excavation area if unexpected features are encountered; and tells field technicians whether to retain certain artifacts.

---

<sup>24</sup> Relatedly, while Grubb testified that the crew chiefs review and transmit employees’ timecards, it is well established that such activity is routine and clerical and does not establish supervisory authority. *See Golden Crest Healthcare*, 348 NLRB at 730, fn. 10 (2006) (“The Board has consistently held, however, that the authority to verify employees’ time cards is routine and clerical and does not indicate supervisory authority.”)

As an initial matter, the Employer failed to present sufficient evidence establishing the type of accountability required for responsible direction. Grubb testified that crew chiefs are reviewed; that deviations from field procedures may result in conversations with the project manager and are documented in the crew chief's reviews; and that a crew chief may receive a written warning or an email from Human Resources for failing to meet expectations. Thus, there is some testimonial evidence that the Employer evaluates crew chiefs and may document their deficiencies in their performance, although no specific examples were offered in the record.

The record does not sufficiently establish, however, that these reviews or warnings are consequences imposed because a crew chief failed to properly direct a field technician, as opposed to consequences for the crew chief's own failure to comply with project procedures or perform the crew chief's own duties. Nor did the Employer provide a specific example of a crew chief receiving an adverse consequence because of a technician's deficient performance or because the crew chief failed to take corrective action concerning a technician. See *UPS Ground Freight*, 365 NLRB 1123, 1123 (2017) ("Mere inferences or conclusory statements, without detailed, specific evidence, are insufficient to establish supervisory authority."); *G4S Government Solutions*, 363 NLRB 977, 977 (2016) (supervisory status not established where "there is no evidence in the record that [the putative supervisors] are held accountable for the deficiencies in the subordinates' performance of these routine tasks"); *Golden Crest Healthcare*, 348 NLRB at 731 (declining to find responsible direction where the employer failed to demonstrate that a putative supervisor "has experienced any material consequences to her terms and conditions of employment, either positive or negative, as a result of her performance in directing" employees).

Nor does the record establish that the crew chiefs use independent judgment in directing the work of the field technicians. It is undisputed that the survey must proceed in accordance with the detailed plans drawn up by the PI and/or the project manager, and that there are government regulations and detailed Employer procedures – including the Field Manual and Crew Chief To-Do Lists – that prescribe significant aspects of the excavation work, including where and how the excavation is to occur, required documentation, handling of artifacts, and when consultation with the PI is required. Furthermore, much of the work of the field technicians appears to be routine and repetitive; following the project plan, they dig in one designated area, then move to the next one, cataloging their steps along the way. Although the record shows that crew chiefs exercise some judgment in responding to field conditions, the Employer has not established with sufficient detailed examples that the crew chiefs regularly make choices free from these project specifications and procedures that rise to the level of independent judgment contemplated by Section 2(11). See *G4S Government Solutions*, 363 NLRB at 978 (declining to find supervisory status where "the record establishes that the Employer has detailed security orders, post orders, standard procedures, and other directives and regulations that govern... direction"); *Shaw*, 350 NLRB at 356 ("we find that the foremen's limited role in directing employees in the performance of routine tasks, pursuant to the Respondent's instructions, has not been shown to involve the use of independent judgment"); *Greenhorne & O'Mara*, 326 NLRB at 517 (no independent judgment where crew chiefs "assign the routine tasks of digging or screening, and make certain that the technicians are digging in the right place, to the right depth, etc.," and "assign[] routine tasks such as washing or data entry"); see also *NLRB v. Kentucky River*, 532 U.S. at 713-14 ("it is also undoubtedly true that the degree of judgment that might ordinarily be required to conduct a

particular task may be reduced below the statutory threshold by detailed orders and regulations issued by the employer.”)

While Grubb asserted that crew chiefs can decide on their own whether to expand an excavation site when unexpected features are located, again, no specific examples were identified in the record. Where “detailed, specific evidence” is lacking, the Employer cannot meet its burden. *Veolia Transportation*, 363 NLRB at 1885 fn. 19.

Moreover, Grubb acknowledged the crew chief will have already discussed the possibility of expanding the excavation site during the kickoff meeting involving the PI and/or project manager, and the Employer’s Field Manual limits the crew chief’s discretion by requiring consultation with the PI when an excavation feature extends beyond the established limits. *See* Field Manual, p. 9 (“If a feature extends beyond the EU limits, consult with the PI about expanding the EU to expose the feature.”). Given the lack of detailed evidence; the admitted involvement of PI and/or project manager in discussions about expansion of the dig site; and contradictions between the testimony and the Employer’s procedural guidance documents, I decline to find that crew chiefs are statutory supervisors based on purported authority to direct an expansion of the excavation site. *See G4S Government Solutions*, 363 NLRB at 978, 978 fn. 4 (citing detailed policies and procedures governing the work, and decisional involvement of others, to find no independent judgment); *Shaw*, 350 NLRB at 356 (declining to find foremen were supervisors where “[p]roblems and questions about unexpected developments are directed to supervisors for them to handle... the evidence establishes instead that [the foremen] serve as a conduit for carrying out the [r]espondent’s assignments, and the work is regularly monitored by individuals who have both the authority and responsibility to ensure its proper performance”); *see also G4S Regulated Security Solutions*, 362 NLRB at 1072 (“The [r]espondent has not proven supervisory status where the record evidence is inconclusive or otherwise in conflict.”).

Similarly, with regard to the discovery of artifacts, Grubb acknowledged that the crew chief confers with the PI to determine what should be retained. Supervisory authority is not established where the putative supervisor “did not independently make [the] determination.” *G4S Government Solutions*, 363 NLRB at 978 fn. 4. While Grubb asserted that the PI often defers to the judgment of the crew chief, no examples of such deference were offered in the record. *See UPS Ground Freight*, 365 NLRB at 1123 (“Mere inferences or conclusory statements, without detailed, specific evidence, are insufficient to establish supervisory authority.”). In these circumstances, I find that the evidence is insufficient to show that crew chiefs exercise supervisory authority by directing field technicians to retain certain artifacts.

Thus, I conclude that the Employer has failed to meet its burden to show that the crew chiefs responsibly direct the field technicians.

### **3. Discipline and Discharge**

To establish supervisory authority to discipline,

[T]he exercise of disciplinary authority must lead to personnel action without the independent investigation or review of other management personnel. Warnings that

simply bring substandard performance to the employer's attention without recommendations for future discipline serve nothing more than a reporting function, and are not evidence of supervisory authority. Similarly, authority to issue verbal reprimands is, without more, too minor a disciplinary function to constitute supervisory authority. The Board has found that putative supervisors do not possess disciplinary authority where counselings, warnings, or reports do not constitute an initial step in a progressive disciplinary system, and thus do not impact job status.

*Veolia Transportation*, 363 NLRB at 1884 (internal citations and quotations omitted).

Although Grubb asserted that crew chiefs can impose "immediate dismissal" on a field technician - apparently for workplace violence or other, unidentified safety issues - it is unclear if "immediate dismissal" constitutes discharge, sending someone home for the day, or something else. In addition to not clearly establishing what "immediate dismissal" means, the record does not contain any specific example of the authority actually being exercised, nor did Grubb explain how any such action fits into the Employer's disciplinary process. See *Veolia Transportation*, 363 NLRB at 1885 fn. 19 (discussing necessity of "detailed, specific evidence" to support Section 2(11) status). Even if Grubb had offered such evidence, though, the Board has found that discharging employees, or sending them home, for flagrant workplace rule violations "does not require independent judgment and therefore is insufficient to establish supervisory status." *Lincoln Park Nursing and Convalescent Home, Inc.*, 318 NLRB 1160, 1162 (1995) (no Section 2(11) authority where putative supervisor sent home employee who constituted a threat; "we find that exercise of such restricted and sporadic authority limited to specific and predetermined kinds of conduct does not require independent judgment and therefore is insufficient to establish supervisory status"); see *Loffland Bros. Co.*, 243 NLRB 74, 75 fn. 4 (1979) ("the Board has consistently held that authority to discharge which is limited to flagrant violation of common working conditions, such as being drunk, is insufficient by itself to establish supervisory status").

Grubb also vaguely testified that crew chiefs can make "corrections" in the field, but no evidence was adduced explaining what, exactly, those "corrections" are or how they play into the Employer's disciplinary system. Grubb further claimed that crew chiefs can issue verbal warnings, but again, did not explain how they factor into the Employer's disciplinary processes. Moreover, no specific examples of "corrections" or verbal warnings were offered at the hearing. The evidence is thus insufficient to show that crew chiefs are Section 2(11) supervisors because they issue disciplinary "corrections" or verbal warnings. See *Veolia Transportation*, 363 NLRB at 1885 (declining to find authority to discipline where "the Employer has not established that it has, or consistently applies, a progressive disciplinary policy, [and] it accordingly has not shown that [road observation reports] are anything more than counselings, warnings, or reports that make no recommendation for discipline and do not automatically lead to discipline").

The only specific example of purported discipline contained in the record – which is lacking in key details including the date and the crew chief involved, and unsupported by any documentary evidence – reflects the crew chief, as Grubb testified, "elevat[ing]" a potential violation of the Employer's anti-harassment policy to the CEO and Grubb "to initiate an investigation." There is no evidence or testimony suggesting that the crew chief in that instance recommended discipline or was in any way involved in the ultimate decision to suspend the

individual. It is well settled that mere reporting of a matter for potential discipline does not constitute Section 2(11) authority. *See Williamette Industries, Inc.*, 336 NLRB 743, 744 (2001) (leadmen not supervisors where they “do little more than report employee infractions to management, which makes the final decision as to whether employee discipline is warranted”).

Based on the foregoing, I decline to find that crew chiefs are supervisors based on the authority to discipline and discharge employees.

#### **4. Hire and Rehire**

“A supervisor exercises the power to effectively recommend hire if the supervisor’s recommendations are followed with no independent investigation by superiors.” *Peacock Productions of NBC Universal Media, LLC*, 364 NLRB 1523, 1526 (2016). Involvement “limited to assessing the technical skills of prospective candidates” does not establish supervisory authority. *The Republican Co.*, 361 NLRB 93, 98 (2014).

Grubb testified that crew chiefs may be asked to review field technicians’ resumes to evaluate “skillset [and] prior experience,” and recommend to Grubb “who... [to] reach out to first.” As in *The Republican Co.*, even if true, “providing assessments of that nature does not amount to effectively recommending hiring, and thus does not indicate supervisory status.” *Id.*; *see Wake Elec. Membership Corp.*, 338 NLRB 298, 298-99 (2002) (authority to effectively recommend hire not established where putative supervisor “merely narrowed the applicant pool by screening applicants and recommending several to the department head, who ultimately decided which, if any, of the applicants was hired”).

The record evidence concerning crew chiefs’ recommendations to rehire, or not rehire, field technicians, presents a closer question. Grubb testified that the Employer would not rehire an individual if a crew chief recommended against doing so. She further described the crew chief’s recommendation as “pretty absolute,” estimated that it was given “90, 95%” weight, and testified that she could not recall the CEO ever going against a crew chief’s desire to rehire an individual. When asked for specific examples of individuals who were not brought back after negative crew chief input, Grubb identified Antonio Kulian and John Potts.

Effective recommendation against hiring may constitute supervisory authority where the evidence establishes that management follows the recommendation rather than independently determining whether the applicant should be hired. *See Sheraton Universal Hotel*, 350 NLRB 1114, 1118 (2007) (authority to effectively recommend against hire found where witness, credited by the administrative law judge, “unequivocally testified that he would not hire an applicant if [the putative supervisor] recommended against it”); *see also Peacock Productions*, 364 NLRB at 1526 (declining to find effective recommendation to hire where “the [e]mployer conducts an independent review of that person’s qualifications”). Thus, the fact that the CEO retains ultimate hiring authority does not, standing alone, resolve whether the crew chiefs effectively recommend hire or non-rehire.

However, as has been stated numerous times, to meet its burden, the Employer must provide “detailed, specific evidence” supporting the claimed supervisory authority. *UPS Ground*

*Freight*, 365 NLRB at 1123 (“Mere inferences or conclusory statements, without detailed, specific evidence, are insufficient to establish supervisory authority.”) Although Grubb identified Kulian and Potts, the Employer did not develop these examples in sufficient detail. Grubb did not identify the crew chief who made either recommendation, when the recommendations were made, the projects or circumstances involved, the basis for the recommendations, what consideration management gave the recommendations, whether management conducted any independent assessment, or whether other factors contributed to the decisions not to bring the technicians back. Nor did the Employer introduce emails, evaluations, personnel records, or other documentary evidence concerning either example.

On this record, I therefore decline to find that crew chiefs retain the authority to effectively recommend hire or rehire.

## **5. Adjust Grievances**

“[L]imited authority to resolve minor disputes is insufficient to establish supervisory status... Nor does the authority to resolve personality conflicts or ‘squabbles’ between employees warrant an inference sufficient to establish supervisory status.” *Ken-Crest Services*, 335 NLRB 777, 779 (2001) (internal citations omitted).

Grubb’s generalized contentions that the crew chiefs may be called on to “maintain[] the team unity” and resolve “personality conflicts” by moving individuals to different teams on the job site, or by “talking through a situation,” are, again, lacking in any actual examples, and are thus insufficient to establish supervisory status. *See UPS Ground Freight*, 365 NLRB at 1123 (“detailed, specific evidence” needed to establish Section 2(11) authority).

Even if a crew chief engages in the conduct asserted, though, it plainly would not establish supervisory authority within the meaning of Section 2(11) of the Act. *See Ken-Crest Services*, 335 NLRB at 779 (“the evidence here establishes only that the program managers offer advice and suggestions regarding personality conflicts”); *Greenhorne & O’Mara*, 326 NLRB at 517 (“The Employer has also failed to demonstrate that the crew chiefs’ role... in resolving employee grievances meets Section 2(11) of the Act. There is no evidence to indicate that the crew chiefs do any more than resolve minor disputes or complaints between employees, or that they perform any role in any formal grievance procedure.”).

## **6. Secondary Indicia**

Secondary indicia cannot establish supervisory status in those cases where, as in the instant matter, the record evidence is insufficient to show the crew chiefs possess any one of the twelve primary indicia enunciated in Section 2(11) of the Act. *Golden Crest Healthcare*, 348 NLRB at 730 fn. 10.

Here, I note that while the Employer initially asserted that the crew chiefs attend management-only meetings, Grubb later appeared to testify, during a question-and-answer with the Hearing Officer, that in fact they do not attend any such gatherings. Her testimony was not

clarified on cross examination, and in its closing statement, the Employer no longer maintained that crew chiefs attend supervisory meetings. The evidence on this point is, thus, inconclusive.

In addition, while the record indicates that crew chiefs may earn slightly more per hour than field technicians (\$23 to \$24 per hour, rather than \$20 to \$23 per hour), enjoy fringe benefits provided to “permanent” hourly employees, and are provided with certain work-related physical and technological tools - cell phones, a field GPS device, a vehicle to transport themselves, digging materials, and occasionally workers to the job site, and an email address - such minor differences in terms and conditions of employment are not dispositive to a finding of supervisory status. Nor is the Employer’s implicit claim that if crew chiefs are not supervisors, field technicians are without a supervisor in the field. *See Golden Crest Healthcare*, 348 NLRB at 730 fn. 10 (declining to find supervisory status based on employer’s claim that the putative supervisors were “‘in charge’ of the facility during the night shifts and every other weekend,” where no primary Section 2(11) indicia established); *General Security Services Corp.*, 326 NLRB 312, 312 (1998), *enfd.* 187 F.3d 629 (8<sup>th</sup> Cir. 1999) (“Because [the putative supervisor] exhibited *no* primary indicia of supervisory authority, the secondary indicia (higher compensation, the perceptions of others, and the fact that, if [the disputed individual] was not a supervisor, the [other employees] were unsupervised at times) noted by the judge are not determinative.”) (emphasis in the original).

Based on the foregoing, I find that the petitioned-for crew chiefs are not statutory supervisors within the meaning of Section 2(11) of the Act. Rather, I find that the crew chiefs are akin to working foremen and are properly included in the petitioned-for unit.

#### **B. Field Technicians Share a Community of Interest with the Crew Chiefs and Are Properly Included in the Petitioned-For Bargaining Unit**

The Employer argues that the field technicians are temporary, or casual, on-call, employees who lack a community of interest with the Employer’s regular workforce, and therefore should not be permitted to vote in any directed election.

In determining whether petitioned-for employees share a community of interest with one another, the Board considers the following factors:

[W]hether the employees 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 [e]mployer’s other employees; have frequent contact with other employees; interchange with other employees; have distinct terms and conditions of employment; and are separately supervised.

*Wheatland Elec. Coop., Inc.*, 375 NLRB No. 16, slip op. at 2 (July 29, 2026), *citing United Operations*, 338 NLRB 123, 123 (2002).

As the Board noted in *New York Display & Die Cutting Corp.*, “[t]he test to determine whether an employee is a regular part-time or a casual employee takes into consideration such factors as regularity and continuity of employment, tenure of employment, similarity of work

duties, and similarity of wages, benefits, and other working conditions.” 341 NLRB 930, 930 (2004) (internal citation omitted). “In short, the individual’s relationship to the job must be examined to determine whether the employee performs unit work with sufficient regularity to demonstrate a community of interest with remaining employees in the bargaining unit.” *Arlington Masonry Supply, Inc.*, 339 NLRB 817, 819 (2003), citing *Pat’s Blue Ribbons*, 286 NLRB 918, 918 (1987).

To determine regularity of employment, the Board typically applies the standard enunciated by the Board in *Davison-Paxon Co.*, 185 NLRB 21 (1970); specifically, whether the employee worked an average of 4 or more hours a week in the quarter preceding the eligibility date. *Arlington Masonry*, 339 NLRB at 819; see *Woodward Detroit CVS, LLC*, 355 NLRB 1115, 1115 (2010) (noting that the “last quarter prior to the eligibility date refers to the 13-week period immediately before the eligibility date” (internal citation omitted)).

The Employer, relying on *Piggly Wiggly El Dorado Co.*, 154 NLRB 445 (1965) and cases citing it<sup>25</sup>, contends that the field technicians must be excluded because they are sporadic and casual employees with no established pattern of regular, continued employment, and, implicitly, do not share a community of interest with any of the Employer’s regular, full-time crew chiefs. In particular, the Employer claims that its technicians are employed on a project-to-project basis; primarily work for other employers and/or attend school, and, for personal reasons, such as health conditions and academic-related travel, may not be available to work if called; and do not have a reasonable expectation of recall, particularly given pending regulatory changes and industry shifts that the Employer predicts will negatively impact its business.<sup>26</sup>

---

<sup>25</sup> In its closing statement, the Employer cited *Steel City Transport, Inc.*, 166 NLRB 685 (1967), *Vaca Valley Bus Lines*, 171 NLRB 1469 (1968), and *Human Development Association*, 293 NLRB 1228 (1989), unfair labor practice decisions which relied on *Piggly Wiggly El Dorado* in evaluating whether the unions in those cases demonstrated majority status. The application of *Piggly Wiggly El Dorado* to the facts of the instant case is discussed more fully below.

The Employer also cited *L&B Cooling, Inc.*, 267 NLRB 1 (1983), which discusses the standard to apply when evaluating seasonal employees’ expectation of future employment. That standard is not applicable here. While the record indicates that field technicians’ outdoor work can, of course, be affected by the weather – including frozen ground earlier this year – there is no evidence that the Employer operates on a seasonal basis, or that the technicians are seasonal hires like the migrant lettuce harvesters at issue in *L&B Cooling*.

<sup>26</sup> The Employer sought to present testimony concerning each individual field technician addressing “whether their employment with the company has been sporadic and random and if they have any legitimate reasonable expectation of work because each individual has a specific [set of] circumstances which affects them.” Over the Employer’s objection, the Hearing Officer instructed Employer counsel to move on after hearing testimony concerning nine technicians, noting that the Employer had already submitted payroll records, which spoke for themselves; that Grubb had testified to the lack of currently scheduled projects; and, that the Employer was able to submit additional documentary evidence supporting its contentions regarding hiring, layoff, and recall, should it so desire. I affirm the Hearing Officer’s ruling. The testimony permitted at the hearing, together with the payroll and employment records and the opportunity to submit additional documentary evidence, provided an adequate record to decide the issues here – whether field technicians as a classification share a community of interest with the crew chiefs and whether the *Davison-Paxon* formula is appropriate for determining regularity of employment. This Decision does not purport to resolve every individualized dispute concerning the reasonable expectation of recall of each nonworking technician. To the extent a particular employee’s recall status remains disputed as of the eligibility date, that individual’s eligibility issues may be raised through the challenge process.

The principle underlying *Piggly Wiggly El Dorado* – that sporadic and casual employees may not share a community of interest with regular employees – remains relevant. The question here, however, is whether the employment pattern of these field technicians is sufficiently regular and recurring to warrant their inclusion and eligibility under the Board’s standards for intermittent or on-call employees. For that purpose, the Board has repeatedly applied the *Davison-Paxon* formula, absent special circumstances.

As discussed below, the record reflects recurring project-based employment, use of a continuing pool of current and former technicians, repeated reemployment, and substantial hours worked by many technicians. Those circumstances support applying *Davison-Paxon* to distinguish employees with sufficient regularity of employment from those whose work is truly casual.

The Board’s decision in *Greenhorne & O’Mara*, a case involving archaeological field technicians and crew chiefs, is instructive in this regard. There, the employer argued that a majority of the petitioned-for employees should be excluded as “temporaries,” claiming, as in the instant case, that its employees were hired on a project-to-project basis with no recall rights. Rejecting this argument, the Board noted, “the fact that the majority of employees in the petitioned-for unit may not have commitments for work at any given time does not establish that they will not secure work in the future or that former employees do not have a reasonable expectation of future employment.” *Greenhorne & O’Mara*, 326 NLRB at 515. The Board, citing cases in entertainment, oil drilling, longshore, and construction, then wrote:

The fact that many of the employees are hired solely for the duration of a particular project does not warrant their exclusion as “temporaries,” as the [e]mployer is engaged in operations where unusual employment patterns exists, and where employees are hired/laid off intermittently and may not work for extended, uninterrupted periods of time... We note that the Board has developed election rules and procedures to accommodate short-term and sporadic employment patterns. See *Steiny & Co.*, 308 NLRB 1323, 1325 (1992) [construction-industry employees are eligible if they have been employed for 30 working days or more within the 12 months preceding the eligibility date, or if they have had some employment in those 12 months and have been employed for 45 working days or more within the 24-month period immediately preceding the eligibility date].

*Id.* at 516 fn. 6 (additional internal citations omitted). The Board, finding a unit of crew chiefs and field technicians, among other classifications, to be appropriate, then remanded the case to the Regional Director for a determination of the appropriate eligibility formula to be used.

Similarly, in *Trump Taj Mahal Casino Resort* – the dissent in which was referenced by the Employer in its closing – the Board stated the following:

In determining whether on-call employees should be included in the bargaining unit, the Board considers whether the employees perform unit work, *and* those employees’ regularity of employment. Here, it is undisputed that the employees denominated “casuals” perform unit work. The Board has found that regularity can

be satisfied when an employee has worked a substantial number of hours within the period of employment prior to the eligibility date... Under the Board's longstanding and most widely used test for voting eligibility, applied in this case by the Regional Director, an on-call employee is found to have a sufficient regularity of employment to demonstrate a community of interest with unit employees if the employee regularly averages 4 or more hours of work per week for the last quarter prior to the eligibility date. See, e.g. *Davison-Paxon Co.* [185 NLRB at 23-24]. Although no single eligibility formula must be used in all cases, the *Davison-Paxon* formula applied by the Regional Director is the one most frequently used, absent a showing of special circumstances.

306 NLRB 294, 295 (1992). Rejecting the dissent's assertion that the *Davison-Paxon* formula did not adequately take into account recurrency of employment, the Board noted that, "[t]he Board has consistently applied the *Davison-Paxon* formula to establish regularity of employment and our experience shows it to be a reliable test for on-call employees." *Id.*

The Board also analyzed whether, under the facts of the case, petitioned-for on-call employees "have a continuing interest in the working conditions of the employer." *Id.* The Board concluded that they did, where the employees were drawn from a limited pool of employees with state clearance to perform the work; the employer maintained a list of individuals for rehire "which it has not purged"; employees "averaged a substantial number of work hours" in the ten months since the employer began operations, including approximately 7 hours per week during the first 8 months, and 17 hours per week during the most recent 2 month period analyzed; and full-time or regular part-time employees were drawn from the pool of casuals. *Id.*

As in *Trump Taj Mahal*, I find that the *Davison-Paxon* formula accurately captures the regularity of employment, and continuing interest in the terms and conditions of said employment, of the petitioned-for field technicians, and as such is appropriately applied in this case. See *id.*; see also *Circo Bar*, 362 NLRB 629, 629 (2015) ("The applicable test, however, is not whether [the employee] worked 'sporadically, with no established pattern of regular continuing employment,' but whether he was eligible to vote as a regular part-time employee under *Davison-Paxon Co.*"); *Steppenwolf Theatre Co.*, 342 NLRB 69, 72 fn. 13 (2004) ("Chairman Battista notes that *Davison-Paxon* is the formula that is used for on-call employees, absent special circumstances");

Various factors support the inclusion of field technicians as a classification in the appropriate bargaining unit and the application of the *Davison-Paxon* formula to determine which intermittent field technicians have worked with sufficient regularity to be eligible to vote.

These are distinct from the separate question of whether a particular technician who was not working as of the eligibility date remained an employee with a reasonable expectation of recall. That individualized recall question is addressed separately below.

First, the field technicians and crew chiefs work in the Archaeological Department, under the supervision and direction of the PI's and senior project managers, with involvement of the field operations coordinator in scheduling and selecting crews; perform their duties alongside one another, under the same rules, policies and procedures, with crew chiefs regularly performing

digging work on Phase I jobs; are functionally integrated, with each performing necessary steps of the field surveys; have similar skills and training; and are paid hourly, with little difference in wage rates (\$23 to \$24 for the crew chiefs, and \$20 to \$23 for the field technicians). While crew chiefs are eligible for fringe benefits, and field technicians may not be<sup>27</sup>, this factor is insufficient to show that the two classifications do not share a community of interest. *See MJM Studios of New York, Inc.*, 336 NLRB 1255, 1257 (2001) (“The fact that [temporary employees] receive different wages and benefits than the ‘regular’ employees does not require their exclusion from the unit.”).

There is evidence of overlap between the classifications. Crew chiefs were assigned digging work on two August 2026 jobs in lieu of field technicians. The record also reflects that a field technician was considered for a temporary crew chief assignment, but that proposed assignment was withdrawn before it occurred. I therefore do not rely on that proposed assignment as evidence of actual interchange between the classifications.<sup>28</sup>

The pool from which the Employer draws its field technicians is somewhat restricted, in that the Employer seeks individuals with specialized archaeological or archaeological-adjacent degrees and experience in geographic proximity to projects in New Jersey. *See Trump Taj Mahal*, 306 NLRB at 295 (employment pool limited to employees with state clearance). The Employer acknowledged that it selects technicians from resumes kept on file, and offers reemployment to current and former employees. *See Greenhorne & O’Mara*, 326 NLRB at 516 (“it is clear that the [e]mployer has centralized control over the terms and conditions of all of its employees, and that the [e]mployer looks to a ‘pool’ of employees, including those laid off from previous projects, in filling its positions”).

The payroll and employment records reflect recurring and, for a number of technicians, extended employment relationships. The limited payroll and employment records offered by the Employer during the hearing show that 11 field technicians with identified hire dates were hired before 2026, including several whose employment dates extended back to 2023 or earlier, while others were hired in 2025. O’Reilly’s hire date is unknown. Those 11 technicians with identified pre-2026 hire dates averaged approximately 230.5 hours, or more than 17.5 hours per week, during the period captured in Employer Exhibit 6.<sup>29</sup> This group average supports the conclusion that the Employer draws repeatedly from a workforce that can perform substantial amounts of work, but it does not determine whether any particular technician satisfies the applicable individual eligibility requirements. *See Trump Taj Mahal*, 306 NLRB at 295 (where employees averaged approximately 7 hours per week during the first 8 months of employment, and 17 hours per week during the most recent 2-month period, “the [*Davison-Paxon*] eligibility formula applied by the Regional Director is in our view sufficient to determine which of these casual employees have been called with sufficient regularity during the last quarter to warrant their inclusion in the unit.”)

---

<sup>27</sup> As noted above, the resume solicitation for field technicians (Employer Exhibit 2) makes no mention of fringe benefits. Grubb did not explicitly state whether field technicians receive fringe benefits, but the Employer, in its closing statement, took the position that they do not.

<sup>28</sup> The record does not establish an actual instance in which a field technician performed crew chief duties.

<sup>29</sup> Even if the Employer’s calculations in Employer Exhibit 13, covering all employees, are used, the average number of weekly hours is 12, demonstrating a pattern of employment not unlike that discussed in *Trump Taj Mahal*. *See* 306 NLRB at 295.

The record reflects that some field technicians have outside employment, academic obligations, or other availability limitations. For example, Grubb testified that technician Brianna Brida was available only on certain days for a project; Employer Exhibit 10 reflects that Phillip Dzierbun considered another employer his primary employer; Employer Exhibit 11 documents Naomi Jones' availability for future projects; and Grubb testified more generally that graduate-student field technicians may have limited schedules and may also work for other firms. Those circumstances are relevant to the regularity and availability inquiry, but they do not, standing alone, require exclusion, particularly given the similarity in terms and conditions of employment and recurring employment patterns demonstrated in the record. *See Arlington Masonry Supply*, 339 NLRB at 820 (“when working, [the disputed employee] receives the same pay, is under the same supervision and works under the same conditions as other drivers. The fact that [he] can turn down work or is unscheduled is not determinative.”); *Tri-State Transportation Co.*, 289 NLRB 356, 357 (1988) (“the spares’ ability to reject work is not determinative of their employment status so as to exclude them from the unit... Nor is the fact that spares may have regular employment elsewhere sufficient to justify their exclusion.”).

Finally, I find that the Employer’s assertions that the field technician classification as a whole will cease to have continuing employment because of potential regulatory changes and industry shifts to be speculative, particularly where it is “standard” in the industry for work to “come[] in ebbs and flows,” as Grubb testified. *See National Licorice Co.*, 85 NLRB 140, 141 (1949) (dismissing as “mere speculation” the employer’s assertion “that the unit is inappropriate because curtailment of the Employer’s operations might reduce the boiler room complement to only one employee”). That conclusion does not determine whether every particular field technician who was laid off or otherwise not working as of the eligibility date has a reasonable expectation of recall. The eligibility of an individual laid-off employee depends on the facts existing as of the eligibility date, including the Employer’s past recall practices and future plans, the circumstances surrounding the employee’s layoff, and what the employee was told concerning future work. *See Gimme Coffee, Inc.*, 372 NLRB No. 75, slip op. at 3–4 (2023), *citing Apex Paper Box Co.*, 302 NLRB 67, 68 (1991).

Based on the foregoing, I conclude that various factors support a finding that the field technicians share a community of interest with the crew chiefs and are properly included as a classification in the bargaining unit. I further find that the *Davison-Paxon* formula adequately evaluates whether an intermittent field technician performs unit work with sufficient regularity. Therefore, pursuant to this formula, a field technician who worked an average of four or more hours per week during the 13 weeks preceding the eligibility date satisfies the applicable regularity-of-employment requirement.

Application of that formula does not, standing alone, resolve any separate dispute concerning whether a particular laid-off or otherwise nonworking technician remained an employee with a reasonable expectation of recall as of the eligibility date. Any such unresolved individual eligibility issue may be addressed through the Board’s challenge procedure.

### III. CONCLUSIONS

Based on the entire record in this proceeding, including the parties' stipulations, and in accordance with the discussion above, I conclude and find as follows:

1. The Hearing Officer's rulings made at hearing are free from prejudicial error and are hereby affirmed.
2. The parties stipulated, and I find, that the Employer is a New Jersey corporation with its principal office located in Cranbury, New Jersey and offices in Pennsylvania, North Carolina, and Tennessee including an office located at 259 Prospect Plains Road, Building D, Cranbury, New Jersey facility, the only facility involved herein, and is engaged in the business of providing archaeological and cultural resources management services to public and private entities. During the 12-month period ending August 5, 2026, the Employer, in the course and conduct of its operations described above, performed services valued in excess of \$50,000 in States other than the State of New Jersey.

Accordingly, I find that the Employer is engaged in commerce within the meaning of Sections 2(6) and (7) of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.

3. The parties stipulated, and I find, that the Petitioner is a labor organization within the meaning of Section 2(5) of the Act.
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. I find that the following unit is appropriate within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time and regular part-time archeological field technicians and crew chiefs employed by the Employer out of its facility located at 259 Prospect Plains Road, Building D, Cranbury, New Jersey.

EXCLUDED: All other employees, including all managerial and confidential employees, lab technicians, and other non-field staff, and guards and supervisors as defined in the Act.

## 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 International Brotherhood of Teamsters Local 469.

### A. Election Details

I have determined that a mail ballot election will be held. The record reflects that the petitioned-for unit is geographically and temporally “scattered”: they do not report to any central location, but rather directly to the project site; they work a combination of full and part-time, project-based schedules; and they appear to live in at least five East Coast states (New Jersey, New York, Connecticut, Pennsylvania, and Delaware) and the District of Columbia. The parties also agree that translation of election materials is not required. In these circumstances, a mail ballot election is appropriate. *See* NLRB Casehandling Manual (CHM) (Part Two), Manual or Mail Ballot Election: Determination, Sec. 11301.2.

Although the Employer argues that a manual election will be “more valid” – apparently because of lack of confidence in the accuracy of employee mailing addresses on file – the Board’s mail ballot procedures provide procedural safeguards that address such concerns, including the ability of eligible voters to request duplicate ballot kits. *See* CHM (Part Two), Kit Not Received by Voter; Duplicate Kit, Sec. 11336.4.

The ballots will be mailed to employees employed in the appropriate collective-bargaining unit. At 5:00 pm on **Thursday, October 15, 2026**, ballots will be mailed to voters from the National Labor Relations Board, Region 22, 20 Washington Place, 5<sup>th</sup> Floor, Newark, NJ 07102. 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 **Thursday, October 22, 2026**, should communicate immediately with the National Labor Relations Board by either calling the Region 22 Office at 862-229-7041 or our national toll-free line at 1-844-762-6572.

All ballots will be commingled and counted at the Region 22 office on **Friday, November 6, 2026**, at 10:00 am. In order to be valid and counted, the returned ballots must be received at the Region 22 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 **Sunday, September 20, 2026**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. For intermittent or on-call field technicians, eligibility additionally requires that the employee have worked an average of four (4) hours or more per week during the 13 weeks immediately preceding the eligibility date. A laid-off

employee must also retain a reasonable expectation of recall in the near future. Any unresolved dispute concerning the individual eligibility of a laid-off employee may be resolved through the challenge procedure. 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.

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 **Monday, October 5, 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](http://www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015).

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at [www.nlr.gov](http://www.nlr.gov). Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

#### **D. Posting of Notices of Election**

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution. Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

#### **RIGHT TO REQUEST REVIEW**

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 10 business days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review must be E-Filed through the Agency's website and may not be filed by facsimile. To E-File the request for review, go to [www.nlr.gov](http://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: October 1, 2026

*/s/ Eric R. Schechter*

---

Eric R. Schechter  
Acting Regional Director  
National Labor Relations Board  
Region 22  
20 Washington Place, Floor 5  
Newark, NJ 07102-3127



United States of America  
National Labor Relations Board  
**NOTICE OF ELECTION**



**INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL**

**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. For intermittent or on-call field technicians, eligibility additionally requires that the employee have worked an average of four (4) hours or more per week during the 13 weeks immediately preceding the eligibility date. A laid-off employee must also retain a reasonable expectation of recall in the near future. Any unresolved dispute concerning the individual eligibility of a laid-off employee may be resolved through the challenge procedure. 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 5:00 p.m. on Thursday, October 15, 2026, ballots will be mailed to voters from the National Labor Relations Board, Region 22, 20 Washington Place, FL 5, NEWARK, NJ 07102-3127. 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.**

---

**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**  
**INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL**

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by Thursday, October 22, 2026, should communicate immediately with the National Labor Relations Board by either calling the Region 22 Office at (973)645-2100 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 22 Office on Friday, November 06, 2026, at 10:00 a.m. In order to be valid and counted, the returned ballots must be received in the Region 22 Office prior to the counting of the ballots.

**VOTING UNIT**

**EMPLOYEES ELIGIBLE TO VOTE:**

Those eligible to vote are: All full-time and regular part-time archeological field technicians and crew chiefs employed by the Employer out of its facility located at 259 Prospect Plains Road, Building D, Cranbury, New Jersey, who were employed by the Employer during the payroll period ending Sunday, September 20, 2026.

**EMPLOYEES NOT ELIGIBLE TO VOTE:**

Those not eligible to vote are: All other employees, including all managerial and confidential employees, lab technicians, and other non-field staff, and guards and supervisors as defined in the Act.

---

**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**  
**INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL**



**UNITED STATES OF AMERICA**  
**National Labor Relations Board**

**22-RC-391825**

**OFFICIAL SECRET BALLOT**

For certain employees of  
**RICHARD GRUBB AND ASSOCIATES, INC.**



Do you wish to be represented for purposes of collective bargaining by  
**INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 469?**

**MARK AN "X" IN THE SQUARE OF YOUR CHOICE**

**YES**

☐

**NO**

☐

**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.**

**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.**

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.

**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**



**INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL**

**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 (973)645-2100 or visit the NLRB website [www.nlr.gov](http://www.nlr.gov) for assistance.**

---

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

**Instructions to Eligible Employees Voting By  
United States Mail**



---

**INSTRUCTIONS**

1. MARK YOUR BALLOT IN SECRET BY PLACING AN X IN THE APPROPRIATE BOX. MAKE NO OTHER MARKS ON YOUR BALLOT.
2. IT IS IMPORTANT TO MAINTAIN THE SECRECY OF YOUR BALLOT. DO NOT SHOW YOUR BALLOT TO ANYONE AFTER YOU HAVE MARKED IT.
3. PUT YOUR BALLOT IN THE BLUE ENVELOPE AND SEAL THE ENVELOPE.  
WARNING: DO NOT LICK OR OTHERWISE APPLY SALIVA TO SEAL ENVELOPE.
4. PUT BLUE ENVELOPE CONTAINING THE BALLOT INTO THE YELLOW ADDRESSED RETURN ENVELOPE.  
WARNING: DO NOT LICK OR OTHERWISE APPLY SALIVA TO SEAL ENVELOPE.
5. SIGN THE BACK OF THE YELLOW RETURN ENVELOPE IN THE SPACE PROVIDED.
6. DO NOT PERMIT ANY PARTY -THE EMPLOYER, THE UNION(S), OR THEIR REPRESENTATIVES, OR ANY EMPLOYEE-PETITIONER - TO HANDLE, COLLECT, OR MAIL YOUR BALLOT.
7. MAIL THE BALLOT IMMEDIATELY. NO POSTAGE IS NECESSARY.

NLRB - REGION 22  
20 WASHINGTON PLACE - 5th FLOOR  
NEWARK, NJ 07102

TELEPHONE (862) 229-7041  
(973) 645-2100

---

**TO BE COUNTED, YOUR BALLOT MUST REACH THE REGIONAL OFFICE  
BY // FRIDAY, NOVEMBER 6, 2026**

# RIGHTS OF EMPLOYEES

**Under the National Labor Relations Act, employees have the right:**

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of their own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful unionsecurity 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 non representational 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. Where 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 the 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
- 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. The National Labor Relations Board as an agency of the United States Government does not endorse any choice in the election.



**NATIONAL LABOR RELATIONS BOARD** *an*  
*agency of the*

**UNITED STATES GOVERNMENT**

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

**RICHARD GRUBB AND ASSOCIATES, INC.**

**Employer**

**and**

**Case 22-RC-391825**

**INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS LOCAL 469**

**Petitioner**

**AFFIDAVIT OF SERVICE OF: DECISION AND DIRECTION OF ELECTION,  
DATED October 1, 2026.**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on October 1, 2026, I served the above-entitled document(s) by electronic mail and regular mail , as noted below, upon the following persons, addressed to them at the following addresses:

Kelly L McNaughton  
Fox Rothschild LLP  
49 Market Street  
Morristown, NJ 07960  
kmcnaughton@foxrothschild.com

Kenneth Rosenberg, Esq.  
Fox Rothschild LLP  
49 Market Street  
P.O. 2075  
Morristown, NJ 07960  
krosenberg@foxrothschild.com

Steven Glassman, Esq.  
Fox Rothschild LLP  
49 Market Street  
Morristown, NJ 07960  
sglassman@foxrothschild.com

Stephanie Grubb  
Richard Grubb and Associates  
259 Prospect Plains Road,  
Building D  
Cranbury, NJ 08512  
sgrubb@rgaincorporated.com

Joseph J. Lincoln, Esquire  
Kroll Heineman Ptasiwicz Parsons & Jameson, LLC  
91 Fieldcrest Avenue, Suite 35  
Edison, NJ 08837  
jlincoln@krollfirm.com

Raymond G. Heineman, Esquire  
Kroll, Heineman, Ptasiwicz & Parsons  
91 Fieldcrest Avenue, Suite 35  
Edison, NJ 08837  
rheineman@krollfirm.com

Christina Montorio, Business Agent  
Teamsters Local 469  
3400 Highway 35, Suite 7  
Hazlet, NJ 07730  
cmontorio@teamsters469.org

October 1, 2026

Date

Mamie Doughty, Designated Agent of NLRB

Name

/s/ Mamie Doughty

Signature