

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 1**

PORTLAND MUSEUM OF ART

Employer

And

Case 01-RC-266534

**TECHNICAL, OFFICE & PROFESSIONAL
UNION LOCAL 2110**

Petitioner

DECISION AND DIRECTION OF ELECTION¹

The Portland Museum of Art (the Employer or the Museum) operates an art museum in Portland, Maine. Technical, Office & Professional Union Local 2110, (the Petitioner) seeks to represent a wall-to-wall bargaining unit of approximately 70 employees, excluding only managers and supervisors, as defined in the Act.

The Employer takes the position that 7 employees titled Security Associate and 23 employees titled Gallery Ambassador are guards as defined in Section 9(b)(3) of the Act.²

The other matter in contention is whether to conduct a manual or mail ballot election. The Petitioner contends that a mail ballot election would be most appropriate during the present pandemic, while the Employer proposes a manual election.

I find that the Security Associates are statutory guards and thus cannot be placed in a unit together with other employees. I further find that Gallery Ambassadors are not statutory guards and therefore should be included in the petitioned-for wall-to-wall bargaining unit.

Finally, I have directed a mail ballot election because this is the safest and most appropriate method of conducting a prompt election in view of the extraordinary circumstances presented by the pandemic.

¹ The petition in this case was filed under Section 9(c) of the Act. The parties were provided opportunity to present evidence on the issues raised by the petition at a hearing held via videoconference before a hearing officer of the National Labor Relations Board (the Board). I have the authority to hear and decide this matter on behalf of the Board under Section 3(b) of the Act. I find that the hearing officer's rulings are free from prejudicial error and are affirmed; that the Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction; that the Petitioner is a labor organization within the meaning of the Act; and that a question affecting commerce exists concerning the representation of certain employees of the Employer. Parties were given the opportunity to file post-hearing briefs, and both parties did so.

² In addition, the supervisory status of the Lead Preparator and the confidential employee status of the Executive Administrator have not been litigated. Accordingly, those employees will vote subject to challenge.

Facts

Background

The Employer is a non-profit corporation founded in 1882. Its Portland facility houses both gallery space and administrative offices. The galleries were closed to the public in spring 2020 when the initial wave of the COVID-19 pandemic began to spread across the United States. However, galleries are presently open to the public between Wednesday and Sunday. Galleries are closed on Monday and Tuesday.

Members of the public enter the Employer's facility through a main entrance located on Congress Street. Artwork and supplies are delivered via a loading dock in the rear of the museum; the rear entrance is also used by employees.

An outside security firm performs perimeter checks of the facility twice nightly. All other security needs are handled internally by the Employer.

In August 2020, the Employer reorganized its "Department of Museum Experience and Safety." In the process, it created the Security Associate and the Gallery Ambassador job classifications that are in dispute. The previous position of "Security Officer" was eliminated and replaced by "Security Associate." The position of Gallery Ambassador was created to combine functions of the previous Gallery Officer position and Visitor and Member Experience Ambassador position. Some former Gallery Officers were transferred to the Security Associate position.

Mark Bessire is the Director of the Museum. Among his direct reports are Elena Henry, Deputy Director and Chief Financial Officer, and Elizabeth Jones, Deputy Director and Director of External Affairs. Henry and Jones were the only two witnesses who testified at the hearing. Jones' direct reports include Faiz Mohammad, Director of Museum Safety; Graeme Kennedy, Director of Strategic Communications and Public Relations; and Marcia Parker, Director of Museum Experience. Nonsee Oumkasem, Museum Experience and Safety Manager, reports to Mohammad, and does Security Manager Shawn Emerick. Meanwhile, Danielle Farr, Museum Experience and Safety Manager, reports to Parker.

According to the Employer's organizational chart, the Gallery Ambassadors report to both Oumkasem and Farr, while the Security Associates report to Emerick. However, Henry testified that in practice, Emerick, Oumkasem, and Farr share responsibility for supervising and evaluating both Security Associates and Gallery Ambassadors.

Security Associates

The job description for Security Associates states that these employees must ensure the security and safety of the Museum's personnel and visitors, the Museum's collection, and the physical campus. Duties include providing information and assistance to museum visitors;

directing visitors and staff during emergency situations; preventing and deterring theft and damage to the Museum's exhibits; and patrolling assigned areas within the museum and on museum grounds to observe, caution, instruct, document, investigate, report, and correct activities.

In addition to patrolling the Museum, Security Associates are stationed at the loading dock, the front desk, and the security hub. The security hub is the centralized control room with monitors displaying live surveillance camera video throughout the Museum. Security Associates stationed at the loading dock must monitor anyone entering or exiting and must also check employee bags as they exit. Security Associates operate alarms and control panels.

The Security Associates wear blue shirts and black pants, identification badges with their name, and carry two-way radios. They do not carry guns. They receive training on special security policies and protocols as found in the Security Manual.

Gallery Ambassadors

The job description for Gallery Ambassadors states that Gallery Ambassadors are "responsible for an exceptional visitor experience by providing exemplary customer service, education, and exhibition interpretation while safeguarding the Portland Museum of Art." They are required to provide answers to frequently asked questions, promote resources, assist with museum events, report any visitor feedback or hazardous conditions to supervisors, and contribute to gallery programming including tours and talks. Finally, they are required to do so while "keeping artwork and visitor safety as [the] main priority."

Henry testified that the reorganization of the "Department of Museum Experience and Safety" and the creation of the Gallery Ambassador position was intended to provide security in a way that appeared less authoritative and more welcoming to the visitor. In an e-mail to all staff, the Employer noted "monitoring visitors is easier to do when you are engaged directly with them." New Gallery Ambassadors who had previously been titled "Visitor and Member Experience Ambassadors" were given a raise in their hourly rate of pay and received three days of training based on the Museum's current Security Manual. They also received training in de-escalation tactics, responding to active-shooter incidents, CPR and First Aid, and museum experience. When lenders of art require security personnel to be within a specific proximity of the exhibit or present during certain hours, the Employer uses Gallery Ambassadors to fulfil the terms of those contracts.

Gallery Ambassadors are posted throughout the Museum in the galleries, at the front desk, at the front door, in the call center, and in the museum store. In the galleries, the Gallery Ambassadors ensure that patrons do not come too close to the artwork, do not touch or damage the works of art, and have no food or beverages in the gallery space. At the front desk and the front door (also called the "greeter" position), Gallery Ambassadors welcome patrons and ensure that they are wearing masks and otherwise abiding by COVID-19 policies. Gallery Ambassadors stationed at the front desk also sell tickets. In the call center, Gallery Ambassadors answer telephone calls, including calls from potential visitors. In the museum store, Gallery Ambassadors perform typical retail duties including accepting payment for items and attempting to prevent theft of merchandise.

Gallery Ambassadors are sometimes assigned to stations normally staffed by Security Associates, but the schedule introduced into evidence suggests that in practice, a Security Associate was also present when a Gallery Ambassador was so assigned. Henry testified that on one occasion, a Gallery Ambassador was called upon to deescalate a situation in which patrons behaved inappropriately. The Gallery Ambassador responded to the disturbance by contacting managers and, possibly, a Security Associate.

Unlike Security Associates, Gallery Associates do not operate alarms or respond to alarm calls. They do sometimes work night shifts when the galleries are closed. They also carry two-way radios which the Security Associates may use to alert them to a problem.

Gallery Ambassadors do not have uniforms, but they do wear badges, lanyards, and black aprons. The Employer is in the process of printing museum logos on the aprons. Jones described the aprons as “toolkits” which might contain maps or business cards while also identifying the Gallery Ambassadors to patrons. Gallery Ambassadors may remove the aprons when they are not performing public-facing tasks, but they are required to wear the aprons when they are interacting with the public.

Method of Election

Throughout the present pandemic, Maine has consistently enjoyed one of the lowest rates of COVID-19 in the country. Unfortunately, rates of COVID-19 have begun to rise in recent weeks. According to the John Hopkins University Coronavirus Resource Center, the average number of cases in Cumberland County, in which Portland is located, has increased significantly over the past 14 days.³

As of October 29, 2020, Maine Governor Janet Mills extended the State of Civil Emergency in Maine through November 27. On November 4, Governor Mills returned indoor gatherings to the prior limit of 50 and ended the testing/quarantine exemption for travelers from Connecticut, New York, and New Jersey.⁴

At the time of this writing, Maine is not barring unquarantined travelers from nearby Massachusetts. However, between April 3 and September 23, Maine required travelers from Massachusetts to quarantine for two weeks upon arrival or produce a recent negative COVID-19 test. As Maine has recently reinstated these regulations for travelers from Connecticut, New York, and New Jersey, it seems plausible that it will also reinstate the regulations for travelers from Massachusetts. These quarantine requirements must be considered because the NLRB’s Regional Office is located in Boston, Massachusetts. Accordingly, virtually all Board agents who could be assigned to run an election in Maine reside in Massachusetts.

³ See <https://bao.arcgis.com/covid-19/jhu/county/23005.html> (last visited November 9, 2020).

⁴ See <https://www.maine.gov/covid19/> (last visited November 9, 2020).

The Employer proposes that a manual election should be held on a Monday or a Tuesday, when the galleries are closed to the public. Because many of the bargaining unit members would not ordinarily report to work when the galleries are closed to the public, and may work additional jobs on those days, the Employer proposes extended polling hours from 10:00 a.m. until 7:00 p.m. The Petitioner suggested that Thursday and Saturday would be more appropriate days to hold an in-person election because bargaining unit employees are at the Employer's premises on those days. The Employer is amendable to holding a Thursday-Saturday manual election.

The Employer initially proposed its great hall as a location. The great hall is three stories high and approximately 10,000 square feet. However, the great hall contains valuable works of art, and accordingly it also contains multiple surveillance cameras. At the time of the hearing, the Employer was uncertain as to whether its insurance company would permit the removal of surveillance equipment to accommodate voter privacy during an election. Thus, the Employer proposed as an alternate location its auditorium, although it did not have specific dimensions of the auditorium on hand at the time of the hearing and did not elaborate on the matter in its brief.

Analysis

Guard Status

Pursuant to Section 9(b)(3) of the Act, the Board shall not:

decide that any unit is appropriate... if it includes, together with other employees, any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises....

Congress enacted this section of the Act out of a concern about conflicts of interest that might arise if guards were represented by unions that also represented non-guard employees. *Burns Security Services*, 300 NLRB 298, 299 (1990) enf. denied 942 F 2d 519 (8th Cir. 1991). As the Board noted in *The Boeing Company*, 328 NLRB 128, 130 (1999), Congress was particularly concerned about the role a disputed employee may play during a period of industrial unrest or strike by other employees of the employer. Congress sought to prevent conflicts that might arise if during a strike by non-guard employees represented by the same union as guards, the guards were required to enforce security rules against their striking co-workers. Id.

To be considered a guard under the Act, an individual must enforce rules to protect the property of the employer's premises against employees and other persons. *Reynolds Metal Co.*, 198 NLRB 120, 120 (1972). Employees with mixed duties are guards where a portion of their time, and a significant portion of their job, is spent performing guard duties including enforcement of company rules as a continued part of their responsibility. Id. Employees who install and maintain electrical alarm devices were not guards where they did not receive guard training, worked under different supervision than the full-time guards, and were dispatched only when an alarm was caused by a malfunctioning alarm device. *American District Telegraph Co.*, 128 NLRB 345, 346 (1960). Access to employer property, and admitting persons onto the property, is

insufficient to find guard status where the employees had no authority to enforce rules to protect property or persons. *Meyer Mfg. Corp.*, 170 NLRB 509, 509-510 (1968).

In *The Boeing Company*, supra, the Board described typical guard responsibilities or functions as including “the enforcement of rules directed at other employees; the possession of authority to compel compliance with those rules; training in security procedures; weapons training and possession; participation in security rounds or patrols; the monitor and control of access to the employer’s premises; and wearing guard-type uniforms or displaying other indicia of guard status.” It is not necessary that the alleged guards actually enforce rules themselves in order to be considered guards within the meaning of the Act; the possession and exercise of the responsibility to observe and report infractions of rules to protect property and the safety of persons is sufficient. *The Wackenhut Corporation*, 196 NLRB 278, 279 (1972).

As the Board explained in *Rhode Island Hospital*, 313 NLRB 343, 346 (1993), the controlling factor in determining “guard” status is the nature of the duties of the alleged guard and not the percentage of time which the alleged guard spends performing these duties. Nevertheless, the Board in *Rhode Island Hospital* did consider whether the guard responsibilities were a “minor or incidental part” of the disputed employees’ overall responsibilities. Id at 347.

Security Associates

The Security Associates engage in virtually all of the typical guard functions as contemplated by the Board in *The Boeing Company*. They wear uniforms which indicate that they are guards. They patrol the Employer’s premises, control access to the Employer’s premises, monitor the Employer’s surveillance cameras, and are well-trained in security procedures. Perhaps most significantly, they monitor other employees as they enter and leave the Employer’s premises and even check the contents of other employees’ bags.

I conclude that the Security Associates are statutory guards and thus cannot be placed in a unit together with other employees.

Gallery Ambassadors

By contrast, the Gallery Ambassadors generally do not engage in guard-like functions. Rather, the bulk of their duties consists of answering questions, distributing maps, greeting patrons, and selling tickets and merchandise. Their aprons, which they use to distribute maps of the museum, are not traditional guard attire. While they may ask a patron who is not following COVID-19 protocol to leave the premises, the same is true of almost all retail employees during the current pandemic. Such an action does not rise to the level of controlling access to the Employer’s premises in a manner which would indicate guard status. Indeed, the only documented instance of a Gallery Ambassador faced with problematic patrons culminated in a manager, not the Gallery Ambassador, resolving the situation.

The Petitioner appropriately compares the work of Gallery Ambassadors stationed near the Museum’s entrance to the work of the doorpersons and elevator operators at issue in *55 Liberty*

Owners Corp., 318 NLRB 308 (1995). In that case, the Board noted that the employees at issue monitored building access; denied entrance to unauthorized persons; and reported irregularities. The Board held that the employees were not guards, but that their guard-like functions were incidental to their primary function of providing courtesy and receptionist services.

The Employer's argument that Gallery Ambassadors and Security Associates are interchangeable is not persuasive. The two groups of employees are hired pursuant to different job descriptions, wear different uniforms (to the extent that an apron can be considered a uniform), and perform different duties. That a Gallery Ambassador is occasionally stationed beside a Security Associate does not confer guard status by association.

I conclude that Gallery Ambassadors are not statutory guards and therefore should be included in the petitioned-for wall-to-wall bargaining unit.

Method of Election

It is well-established that, as a general rule, the Board prefers representation elections to be conducted manually. Recognizing, however, that there are some extraordinary circumstances that would make it difficult for eligible employees to vote in a manual election, the Board vested Regional Directors with broad discretion to determine the method by which elections shall be conducted. Under the guidelines set forth in *San Diego Gas and Electric*, 325 NLRB 1143, 1144 (1998), a mail ballot election may be appropriate where eligible voters are "scattered" because of their job duties in terms of geography or varied work schedules, so that all employees cannot be present at a common location at common times to vote manually. When these situations exist, the Regional Director, in the exercise of discretion, should also consider the desires of the parties and the efficient use of Board resources.

In *Atlas Pacific Engineering Company*, 27-RC-258742 (May 8, 2020), the Board, in denying the employer's request for review, stated that the COVID-19 pandemic constitutes extraordinary circumstances warranting a mail ballot where, among other factors, federal, state, and local government directives have limited nonessential travel.

Under ordinary circumstances, it is likely that all parties would agree to a manual election and that I would approve that agreement. However, the current pandemic does not present ordinary circumstances. It is uncontroverted that the pandemic has impacted the State of Maine. Throughout much of 2020, the State of Maine has barred visitors from Massachusetts unless those visitors quarantined for two weeks upon arrival or produced a recent COVID-19 test. Maine is currently in the process of reinstating those restrictions for travelers from other states. Because no Board agent who could potentially run an election at the Employer's premises currently resides in Maine, any manual election scheduled in the near future would face a very real possibility of cancellation or postponement due to the inability of the Board agent to cross state lines.

Furthermore, there is insufficient evidence to determine that a manual election could be run safely and effectively even assuming that the Employer intends to comply with the General

Counsel's Memorandum GC 20-10: Suggested Manual Election Protocols.⁵ The Employer initially proposed holding an election in its great hall while the building was closed to the public. However, the surveillance cameras which protect the artwork in the great hall would also prevent employees from casting their votes privately. In addition, holding an election on a day when few employees ordinarily come to the Employer's premises has the potential to disenfranchise those employees who work elsewhere on those days. Scheduling an election on a non-work day also requires employees to make an extra trip to their workplace at a time when state and local governments are urging individuals to eliminate unnecessary travel.

The Employer's alternate proposal, that the election be held in the auditorium on a workday, lacks sufficient detail for me to properly evaluate any safety measures which might be put in place. However, even assuming that all possible safety measures, obeyed by everyone and carried out to perfection, might limit some close interaction and mitigate some of the unnecessary risks associated with conducting a manual election here, the Board's mail-ballot process all but eliminates the inherent safety risks and equally ensures that employees can conveniently and freely exercise their right to vote.

Finally, the State of Maine is presently discouraging visits from out of state as well as unnecessary gatherings because cases of COVID-19 are rapidly accelerating. Importantly, the 14-day trend in the number of new confirmed COVID-19 cases in Cumberland County is increasing.

In contrast to the uncertainty of both safety measures and the ability of a Board agent to enter the State of Maine, a mail ballot election has no apparent significant drawbacks. A mail ballot election will enfranchise all employees—including those who may test positive for COVID-19 and be obligated to self-quarantine as cases rise in Cumberland County—and will protect the health of all election participants, voters, party representatives, Board agents, and members of the public.

Conclusion

I conclude that the Security Associates are statutory guards and thus cannot be placed in a unit together with other employees. I further conclude that Gallery Ambassadors are not statutory guards and therefore should be included in the petitioned-for wall-to-wall bargaining unit.

The National Labor Relations Board will conduct a secret ballot election among the employees in the following unit:

All full-time, regular part-time, and on-call employees employed by the Employer, but excluding all confidential employees, professional employees, managers, guards, and supervisors as defined in the Act.

⁵ The Employer did not specifically state that it would be willing and able to comply with all facets of the Memorandum in its brief or on the record at the hearing.

Also eligible to vote using the Board's challenged ballot procedure are those individuals employed in the classifications of Lead Preparator and Executive Administrator, whose eligibility remains unresolved as specified above.

Employees will vote whether or not they wish to be represented for purposes of collective bargaining by Technical, Office & Professional Union Local 2110.

A. Election Details

The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit. On November 30, 2020 at 3:00 p.m., ballots will be mailed to voters by National Labor Relations Board, Region 3 – Albany Resident Office. 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.

Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 1 office by close of business on December 21, 2020.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by December 7, 2020, should communicate immediately with the National Labor Relations Board by either calling the Region 1 Office at (617) 565-6700 or our national toll-free line at 1-844-762-NLRB (1-844-762-6572).

Due to the extraordinary circumstances of COVID-19 and the directions of state or local authorities including but not limited to Shelter in Place orders, travel restrictions, social distancing and limits on the size of gatherings of individuals, I further direct that the ballot count will take place virtually, on a platform (such as Zoom, Skype, WebEx, etc.) to be determined by the Regional Director, at 2:00 pm on December 22, 2020. Each party will be allowed to have an observer attend the virtual ballot count.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Also eligible to vote using the Board's challenged ballot procedure are those individuals employed in the classifications whose eligibility remains unresolved as specified above.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, 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 **November 12, 2020**. 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.

Pursuant to Section 102.5 of the Board's Rules and Regulations, the list must be filed electronically by submitting (E-Filing) it through the Agency's website (www.nlr.gov), unless the Employer provides a written statement explaining why electronic submission is not possible or feasible. The Employer must also electronically serve the list on the other parties. To file electronically, go to **www.nlr.gov**, click on **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. The burden of establishing the timely filing and receipt of the list is on the sending party.

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, which will be distributed under separate cover, 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 and distribute the Notice by 12:01 a.m. November 24, 2020**, and copies must remain posted until the end of the election. 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.

Please be advised that in a mail ballot election, the election begins when the mail ballots are deposited by the Region in the mail.

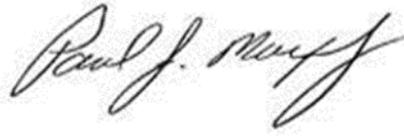
RIGHT TO REQUEST REVIEW

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 14 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 may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. 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. If a request for review of a pre-election decision and direction of election is filed within 10 business days after issuance of the decision and if the Board has not already ruled on the request and therefore the issue under review remains unresolved, all ballots will be impounded. Nonetheless, parties retain the right to file a request for review at any subsequent time until 10 business days following final disposition of the proceeding, but without automatic impoundment of ballots.

Portland Museum of Art
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A handwritten signature in cursive script, appearing to read "Paul J. Murphy".

Dated: November 9, 2020

PAUL J. MURPHY
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 01