COMMONWEALTH OF MASSACHUSETTS, COMMISSIONER OF ADMINISTRATION AND FINANCE AND MASSACHUSETTS NURSES ASSOCIATION AND MASSACHUSETTS HEALTH CARE PROFESSIONALS UNION, NATIONAL UNION OF HOSPITAL AND HEALTH CARE EMPLOYEES, RWDSU, SCR-2166 (5/20/83).
RULING ON OBJECTIONS TO ELECTION

(40 Selection of Employee Representative)
43.3 challenges and objections
43.421 electioneering
43.324 no solicitation
43.325 union misrepresentation
43.33 continue to bargain
43.35 list of employee names and addresses
43.36 list of eligible employees
43.91 mail ballot
(50 Duty to Bargain)
52.35 bargaining in the fact of rival union's petition
(90 Commission Practice and Procedure)
93.64 hearing on election objections

RULING ON OBJECTIONS TO ELECTION

The Labor Relations Commission (Commission) conducted a mail ballot election for employees of the Commonwealth of Massachusetts (Commonwealth or Employer) in Unit 7 during the period between February 14, 1983 and March 7, 1983. Unit 7 is comprised of approximately 3,450 health care workers employed at approximately 160 work locations throughout the Commonwealth. The results of the counting and tabulation of the mail ballots were as follows:

Ballots cast for the Massachusetts Nurses Association (MNA)	917
Ballots cast for the Massachusetts Health Care Professionals Union (MHCUP)	1,265
Ballots cast for neither/no employee organization	40
Blank Vallots	2
Void Ballots	10
Challenged Ballots	189
Total of Ballots Cast	2,423

On March 14, 1983, the MNA, the incumbent representative of Unit 7 employees, filed objections to the conduct of the election pursuant to Commission Rules and Regulations, 402 CMR 14.12(3). The Commission investigated the MNA's objections to the conduct of the election, and on April 21, 1983, the MNA and the MCHPU filed briefs in support of their respective positions. These briefs, along with the testimony and exhibits presented at the investigation, have been carefully considered.

For the reasons enumerated below, we conclude that MNA's objection 10, which alleges that the MHCPU distributed a facsimile of the Commission's mail ballot to Unit 7 employees, is the sole objection requiring a hearing. At the investigation, MNA supplied on objection 10 prima facie evidence presenting a substantial and material issue which could warrant setting aside the election. The remaining objections raised by the MNA do not require a hearing, since they do not establish a sufficient legal basis for setting aside the election. We accordingly schedule a formal hearing on the allegations contained in Objection 10 of the MNA's objections to the conduct of the election, and dismiss the remaining objections.

A. Accuracy of Voter Eligibility List.

In its first and second objections to the conduct of the election, the MNA claims that the eligibility list supplied by the Commonwealth was untimely and contained substantial omissions and errors. The MNA argues that this both precluded it from effectively campaigning among eligible voters and disenfranchised eligible voters. In support of its claims in this regard, the MNA has presented us with detailed statistical data listing allegedly eligible voters who were omitted from the eligibility list or whose names were listed incorrectly. It argues that these data show that between 32.6% and 36.9% of eligible voters were either not listed or incorrectly listed on the voter eligibility list supplied by the Commonwealth.

The list of eligible voters was made available by the Commonwealth's Office of Employee Relations on January 29, 1983. This list contained a total of 3,192 names. The Commission prepared pre-paid mail ballot envelopes which were mailed on February 14, 1983 to each employee whose name appeared on the eligibility list. During the course of the election, the Commonwealth updated the original voter eligibility list by supplying an additional 146 names and addresses. All employees whose names were on the voter eligibility list were sent ballots with their names and addresses affixed to the envelope on a white address lable. Instructions for filling out and returning ballots were included. The ballots were returned to a United States Post Office box. On a daily basis, Commission agents collected from the box ballots that had been returned as non-deliverable. The names of these employees were supplied to both unions and to the Commonwealth daily.

The Notice of Election which was posted at work locations throughout the Commonwealth instructed voters that, if they considered themselves to be eligible to vote in the election but had not received a ballot by February 19, 1983, they could call the Commission at a toll-free number to obtain a ballot. Individuals calling this toll-free number whose names were on the voter eligibility list but whose addresses were incorrectly listed were sent ballot envelopes with pink address labels affixed to them. A total of 169 pink labeled ballots were mailed out during the election. Individuals calling this number whose names did not appear on the voter eligibility list at all were sent ballot envelopes with yellow address labels. A total of 116 yellow labeled ballots were mailed out during the election.

In addition, commencing February 22, 1983, the Commission mailed green labeled enveloped at the request of either union to any individual who was said to be an eligible voter. A total of 249 green labeled ballots were sent out during the course of the election.

The two unions were supplied on a daily basis with a list of employees who had been sent pink, yellow, or green labeled ballots, so that they could utilize this information for campaign purposes.[1]

1. Facial errors on the voter eligibility list.

The MNA claims that the label system identified 335 employees whose names or addresses were inaccurate on the eligibility list. In addition, the MNA argues that it determined through a post-election phone survey that 258 employees on the eligibility list who did not vote did not live at the addresses listed on that list. The MNA thus argues that a total of 593 employees who were on the eligibility list either did not receive ballots because they did not live at the addresses listed or received ballots late when the errors were corrected through the colored label system.

The MNA argues that these alleged inaccuracies in the voter eligibility list both deprived voters of the right to participate in the election and prevented the unions from effectively campaigning among the true pool of eligible voters. We are not persuaded, however, that the statistics support this conclusion.

As we noted in Commonwealth of Massachusetts, 7 MLC 1293, 1306-7 (1980), the system of mailing colored label ballots to employees who do not receive their original ballots mitigates potential damage caused by facial errors in voter eligibility lists. In this case, this system assured that all 335 employees who were sent colored label ballots were afforded the opportunity to vote. Moreover, the system of supplying the unions with daily access to the list of employees who had been sent colored label ballots safeguarded the unions' ability to campaign among these potential voters.

Turning to the 258 individuals whom the MNA phone survey revealed could not be reached at the addresses listed on the voter eligibility list, we find that this information is inconclusive. The fact that an individual no longer lives at the address listed could indicate that the individual has moved and/or is no longer holding a Unit 7 position. It is entirely possible that many of these individuals left forwarding addresses with the post office, received their ballots, and elected not to vote. Although it is probable that some of these 258 listed individuals do in fact hold Unit 7 positions and did not have ballots forwarded to their current addresses, there is absolutely no way to determine how many individuals fall into that category. We cannot reasonably draw the inference that, because 258 people could not be reached in a telephone survey after the election, they are eligible voters who were disenfranchised.

2. Omissions from the voter eligibility list.

The MNA argues that, in addition to facial errors among the names listed on the voter eligibility list, a number of eligible Unit 7 employees were left off the list entirely. Of these, 127 were on the supplementary eligibility list supplied by the Commonwealth after January 28, 1983, 116 were mailed yellow-labeled ballots, and 103 were mailed green-labeled ballots. Thus, 346 employees were omitted from the original

1 (see p. 9 MLC 1845)

list but ultimately received ballots. Additionally, the MNA conducted a post-election survey in which they located 191 additional employees holding Unit 7 positions who, the MNA alleges, were not on the eligibility list and were not sent colored label ballots. The MNA arrived at this information by obtaining from various sources the names of employees who were not on any eligibility list and thus received no ballot, and then confirming with each facility that these employees held Unit 7 positions in December, 1982 and during the election period. The MNA argues that these employees were disenfranchised and that the unions were denied the opportunity to campaign among them. As part of our investigation of these objections, Commission agents independently reviewed these names against the eligibility lists and the list of employees who received colored-label ballots. We found that only 140 of these 191 employees actually received no ballot during the election period.

As noted above, we do not consider employees who received colored-label ballots to have been denied the opportunity to vote. Similarly, we are not persuaded that the unions, who received up-dated lists on a daily basis, were denied the opportunity to campaign among these employees. Thus, we find that, at a maximum, 140 employees out of 3,450 employees who were Unit 7 members were omitted from the voter eligibility list and did not receive a ballot through the label system.

3. Alleged mail service errors.

A final group of Unit 7 employees that the MNA asserts were denied the right to vote were 144 individuals who were on the eligibility list but alleged that they: 1) did not vote because they did not receive a ballot (69 employees); 2) returned a completed ballot which was not received by the Commission (67 employees); or 3) received their ballots too late to vote (8 employees).[2]

4. Analysis.

Considering all of the MNA's statistics as a whole, we find that at most 140 individuals were mistakenly omitted from the voter eligibility list and 144 could not vote because of alleged mail service errors. Thus, out of approximately 3,450

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1 (from p. 9 MLC 1844)

All colored labeled ballot envelopes were challenged by the Commission when the votes were counted and tabulated. Many of these challenges were removed by the Commission when the Commonwealth confirmed that these individuals were eligible voters.

[2]This information was gathered by the MNA through a phone survey of employees on the voter eligibility list who did not vote. In addition to those employees noted above whose failure to vote may possibly be attributed to mail service errors, employees responded that they did not vote because: 1) they were not in Unit 7; 2) they mailed their ballot too late; and 3) they simply did not vote. None of these reasons is legally significant in assessing whether the voter eligibility list was unduly inaccurate.

eligible voters, only 284 (8.2%) were deprived of the right to vote. Only 140 of these were not on any list and were therefore unavailable to the competing unions for campaign purposes.

The MNA claims that under Excelsior Underwear, 156 NLRB 1236, 61 LRRM 1217 (1966), and its progeny, we should overturn the election on the grounds that the omissions and inaccuracies on the eligibility list supplied by the Commonwealth prevented both effective campaigning and full employee participation in the election. We have adopted the view that an inaccurate voter eligibility list may constitute cause for overturning an election. City of Quincy, 1 MLC 1161, 1164 (1974); Commonwealth of Massachusetts (Unit 1), supra at 1306. We have always, however, analyzed this issue on a case-by-case basis. In this case, the eligibility list, while far from perfect, was not so objectionable as to warrant overturning the election on that basis.

We note that, unlike the private sector cases cited by the MNA,[3] this was a mail ballot as opposed to on-site election, and involved thousands of employees working at well over a hundred locations throughout the Commonwealth. Certain problems, such as the alleged mail service errors, are inherent in a mail ballot election. Inaccuracies in the eligibility list are also more likely where a bargaining unit of this scope is involved. Indeed, it was a recognition of this inherent problem that led to the taking of precautionary measures such as the toll-free number and the colored-label system. We further note that the MNA was the incumbent labor oraganization. It had the right under its collective bargaining agreement to up-date employee lists. Any prejudice that occurred because of inaccuracies and omissions in the eligibility list fell more heavily upon the MCHPU, which lacked the advantages of an incumbent union.

In summary, we find that the omissions and inaccuracies in the voter eligibility list were neither so numerous nor so prejudicial as to warrant overturning the election. Those that did exist were inherent in an election of this size and scope, and were largely compensated for through the call-in and colored-ballot system.

B. Posting of the Notice of Election

The MNA presented evidence that at ten Unit 7 work locations the Commonwealth failed to post a Notice of Election and that at three multi-building locations only one notice was posted.[4]

[3]These were all on-site elections involving relatively small bargaining units. See, Son Farrel, Inc., 188 NLRB 969, 76 LRRM 1497 (1971) (11% deficiency in eligibility list, approximately 60 employees); Pacific Gamble Robinson Co., 180 NLRB 532, 73 LRRM 1049 (1970) (11% deficiency in eligibility list; 36 employees); Willet Motor Coach, 227 NLRB 882, 95 LRRM 1082 (1977) (15-19% deficiency in eligibility list, approximately 35 employees); Chemical Technilogy, Inc., 214 NLRB 590, 87 LRRM 1626 (1974) (9% deficiency in eligibility list, approximately 35 employees).

[4]459 employees worked at facilities at which there was no notice of election posted, and 478 employees worked at facilities at which there was only one notice posted.

The MNA argues that, especially when considered together with the omissions and errors in the voter eligibility list, the failure to post these notices constitutes grounds to overturn the election. As we noted in Commonwealth of Massachusetts (Unit 1), supra at 1304, we do not believe that exposure of each eligible voter to the Commission's election notice is a prerequisite to a fair election. There, even if it was assumed that no notice was posted at half of the work locations, we nevertheless declined to overturn the election. The reason for this was that the Commission determined that eligible employees had actual notice of the election. We find the same to be true in this case. The campaign was highly publicized. The voter turnout was higher than it had been during the 1981 election involving this same bargaining unit. The information contained in the posted notice of election was essentially the same as that which was enclosed in each ballot.[5] Finally, we note that, at the time at which the Commonwealth was posting the notices, the two unions were told that, if they became aware of work locations at which postings were missing, they should inform the Commonwealth. Although the MNA did inform the Commonwealth that postings were missing from four of the thirteen facilities at which postings are alleged to have been inadequate, it did not protest alleged inadequate postings at the other nine until after the election. We are not persuaded that the postings in this election were so inadequate as to deprive employees of notice that an election was underway, particularly when the situation is viewed in light of all the other vehicles by which notice of the election was conveyed.

C. Campaign Rules and Campaign Activities

The MNA contends that the Commonwealth's campaign regulations were unduly restrictive, that they were violated by the MHCPU on numerous occasions, and that the Commonwealth conconed these violations of its campaign rules by refusing to remedy such violations upon being informed that they had occurred. In support of its position, the MNA listed seventeen instances in which MHCPU supporters campaigned during working hours or at work locations in violation of the Commonwealth's regulations.

Turning first to the argument that the regulations are facially invalid, we are not persuaded that these regulations unlawfully curtailed campaign activities. The rules prohibited employees from posting election campaign materials on Employer bulletin boards and using the employer's premises for campaign meetings. They also restricted distribution of election campaign literature to non-work areas "when employees are on their own time."

Although the Commission has not previously faced the issue, the National Labor Relations Board (NLRB) has held on numerous occasions that there is no statutory right of employees or unions to use the employer's bulletin boards. What has been held unlawful is the discriminatory use of employer bulletin boards. Violations

[5]Of the employees working at facilities at which no notice of election was posted, only 22 were also among those who were not on the eligibility list and did not receive ballots. Of the employees working at facilities at which only one notice was posted, 17 were omitted from the list and received no ballot.

have been found where employees are permitted to use bulletin boards for personal but not union matters. Palomar Transport, Inc., 256 NLRB 1176, 1177, 107 LRRM 1476 (1978); Group One Broadcasting Co., 222 NLRB 993, 91 LRRM 1345 (1976); cf., Nugent Service, Inc., 207 NLRB 158, 84 LRRM 1510 (1973). The MNA has presented no evidence indicating that the bulletin board policy has been applied in a discriminatory manner.

The Commonwealth's rules also provide that "employee organizations shall not be permitted to use any space on the employer's premises for election campaign meetings." Like the NLRB, we do not believe that union access to employer premises for union meetings is a precondition to a fair election. See Livingston Shirt, 107 NLRB 400, 406-07, 33 LRRM 1156 (1953); NLRB v. United Steelworkers (Nutone, Inc.), 357 U.S. 357, 363-64 (1958). Instead, the appropriate inquiry is whether the employer has a policy which unduly restructs union access to employees.

The Commonwealth's rules on distribution of campaign literature clearly allow such activity during an employee's free time and in non-work areas. Until recently, the NLRB had drawn a distinction between no-solicitation rules which prevented distribution of union literature during "working hours" and those preventing distribution during "working time." Essex International, Inc., 211 NLRB 749, 86 LRRM 1411 (1974). Only the latter restriction was permissible. In TRW Bearings Division, 257 NLRB 442, 443, 107 LRRM 1481 (1981), the Board rejected this approach, finding that either term might be susceptible to an interpretation by employees that they would be prohibited from engaging in protected activity during non-work portions of a work day such as at meal times and during breaks. We do not embrace the Board's approach. Instead, we look to the overall context to determine whether a no-solicitation rule would reasonably be interpreted by employees as preventing the distribution of literature during their free time.

We do not believe that the Commonwealth's rule would reasonably be perceived as a prohibition against distribution of union literature outside of work areas or during breaks. The rule provides that:

HANDOUT CAMPAIGN LITERATURE

The distribution of election campaign literature shall not:
a. Occur in places where employees are working;
b. Interfere with the performance of employees' duties, or the right of employees to free entrance or egress from their stations or places or employment;
c. Violate an agency's regulations or policies;
d. Constitute an annoyance to the general public;
Distribution of campaign literature is permissible in non-work areas (e.g. cafeterias, building entrances) when employees are on their own time.

This rule makes it clear that distribution of literature in areas such as cafeterias or building entrances is permissible. In this context, it is clear that the term "on their own time" refers to time when employees are not actually working. Viewed as a whole, we do not find that the Commonwealth's campaign rules were unduly restrictive.

The MNA next contends that, although it complied with the Commonwealth's regulations prohibiting campaigning in work areas, the MCHPU disregarded this policy. In support of this claim, the MNA cites 17 particular instances in which MHCPU supporters allegedly violated the Commonwealth's campaign rules. We are not persuaded that these incidents, even if they are all accurately portrayed, established a pattern of conduct which gave the MCHPU an unlawful advantage in the election. In a statewide election involving over three thousand employees and several months of campaigning, these incidents are not unexpected. Most of them occurred between employees and may not be imputed to the MHCPU. See, Owens-Corning Fibreglass Corp., 179 MLRB 219, 223, 72 LRRM 1289 (1969); NLRB v. Bostik Division, 517 F.2d 971, 974 (6th Cir. 1975). Moreover, any advantage obtained by the MHCPU through these alleged infractions is vastly overcome by the MNA's advantage as the incumbent labor organization.

The MNA's final argument regarding the campaign rules is that the Commonwealth gave the appearance of supporting the MHCPU over the MNA by failing to stop reported incidents of prohibited campaign activities. The MNA presented two incidents in which local hospital administrators failed to take corrective action when they were informed that MHCPU supporters were campaigning in patient care areas. In addition, the MNA argues that two acting directors of nursing, allegedly managerial personnel, campaigned for the MHCPU.[6] These incidents, even if true, we find insufficient to demonstrate that the Commonwealth favored or gave the appearance of favoring the MHCPU over the MNA.

D. Distribution of a Facsimile Ballot

In prior cases, we have dealt with objections arising out of the use of facsimile ballots in connection with election campaigns. In assessing whether distribution of a sample ballot is grounds for overturning an election, we must determine whether there was interference with employee free choice in the election. If employees could reasonably have construed partisan communications as being official Commission documents, thus implying Commission endorsement of a particular position, this may be grounds for overturning the election. Commonwealth of Massachusetts (Unit 4), 2 MLC 1261 (1975); Commonwealth of Massachusetts (Unit 1), supra at 1295; City of Lawrence, 5 MLC 1301 (1978). In each of these cases, we looked to the ballot itself, when it was disseminated in relation to Commission documents, other relevant campaign materials, and other factors going to the context in which the sample ballot was used. In Commonwealth of Massachusetts (Unit 1), we stated that:

> "a participant in an alection acts at its extreme peril when it duplicates an official Commission document--either in whole or in part--and incorporates that reproduction in its campaign propaganda ...[W]e consider perception of Commission neutrality to be critical to the effectuation of the purposes of G.L. c.150E...Use of Commission

[6] We note that both of these individuals held acting as opposed to permanent supervisory positions, and that each voted without challenge in the election.

> documents in campaign propaganda will receive strict scrutiny." 7 MLC at 1294.

In this case, it is undisputed that, on or about February 5, 1983, the MHCPU mailed to all Unit 7 employees on the voter eligibility list a package of campaign materials. Included was a sample ballot (see Appendix A attached to this decision) measuring approximately 3-1/4" by 5-1'2". It was not affixed to any other piece of paper. The ballot was headed "Commonwealth of Massachusetts Labor Relations Commission." There was no seal of the Commonwealth. Instructions to employees on the sample ballot tracked those in both the sample ballot on the Commission's notice of election and the actual ballot mailed to employees by the Commission. Like these official Commission documents, the sample contained boxes in which voters could select between the MHCPU, no employee organization, and the MNA. The boxes appeared in the same order as on the actual ballot. Like the sample ballot on the notice of election, the MHCPU ballot had the word "sample" across all three boxes. The typeface of this ballot was precisely like that of the sample ballot on the Commission's Notice of Election. It differed from the Commission's ballot in that it was smaller, did not contain the seal of the Commonwealth, and had a "union bug" printed on its lower right hand corner. Most significantly, it contained a large red "X" in the box designated for the MHCPU.

The material with which the sample ballot was included was a 12-page document which was unquestionably campaign literature of the MHCPU. The only reference to the sample ballot was a statement which read:

> VITAL: Also with this letter we've enclosed a SAMPLE COPY OF THE BALLOT you'll be getting from the State.
>
> Study it and be sure to follow directions exactly--as with medicine--because the slightest incorrect marking on your part could invalidate your vote on your ballot.

The package of materials containing this sample ballot, which was mailed to employees on or about February 5, 1983, was presumably received by employees during the week beginning on February 6. This conicided almost exactly with the posting of the Commission's notice of election,[7] and preceded the Commission's mailing of the actual ballot by nine days.

We find that in this case the MNA has sustained its burden of producing prima facie evidence that the specimen ballot disseminated by the MHCPU interfered with employees' free choice in the election. At hearing, we will look to the ballot and the context in which it was used in order to determine the legal issue of whether or not use of the sample ballot requires overturning the election.

[7]The notice of election was provided to the Commonwealth for posting on February 3 or 4 and was posted immediately thereafter.

E. The Commonwealth's Suspension of Bargaining

When the MHCPU petitioned for representation of Unit 7 employees in January, 1983, the MNA and the Commonwealth were involved in "early bird" negotiations for a successor to the collective bargaining agreement which was to expire on June 30, 1983. When the MHCPU's petition was filed, the Commonwealth immediately suspended bargaining with the MNA. The MNA argues that this gave the appearance that the Commonwealth favored the MHCPU. This argument warrants little discussion.

The Commonwealth was bound by prevailing law to cease bargaining with the MNA when the Commission had made an initial determination that the MHCPU's petition presented us with a question of representation. In Commonwealth of Massachusetts, 7 MLC 1228, 1235 (1980), we held that an employer commits a per se violation of G.L. c.150E, Sections 10(a)(5) and (1) if it bargains with an incumbent once a rival union files a petition raising a question of representation. Although the NLRB has recently reversed its position on this issue, RCA Del Caribe, Inc., 262 NLRB No. 116, 110 LRRM 1369 (1982), the Commonwealth is bound by prevailing state, rather than federal, precedent. The Commonwealth did not give the appearance of favoring the MHCPU because it followed applicable Commission law. On the contrary, if it had done any less it would have committed a per se violation of that law.

F. Polling of Unit 7 Employees

The MHCPU hand-distributed the following form to be filled out by Unit 7 members during the election period:

I SENT IN MY BALLOT

Mail is sometimes lost in the Postal Service. The Commonwealth has been known to make errors. I therefore want this card to record that I mailed my secret Ballot on _____ (Date).

_____ (Signature)

_____ (Printed name)

Please return this card to _____.

The MNA contends that this poll constituted harassment of employees and created the impression that the MHCPU was acting as an agent of either the Commission or the Commonwealth. We do not agree that this poll was likely to be misinterpreted by employees. Nowhere does the form indicate that it is an official document of the Commission or the Commonwealth nor is it a replica of any Commission form. The form was hand-distributed to each employee by an MHCPU supporter. We believe that the poll would reasonably be perceived by employees as being exactly what it was: an MHCPU poll designed to both monitor and agument voter turnout. The poll did not interfere with the secrecy of the mail ballot election, since it did not ask employees to disclose how they had voted. It was also clear that this was a voluntary poll since it stated "I therefore want this card to record that I mailed my secret Ballot on _____." We are not persuaded that this poll interfered with voter free choice

or that it could be reasonably perceived by employees as an official Commission or Commonwealth document.

G. Filing of Required Forms with the Commission

Sections 13 and 14 of G.L. c.150E require that certain information be filed annually with the Commission. The MNA's final objection to the conduct of the election alleges that the MHCPU failed to file the required forms. The MHCPU claims that it fully complied with the reporting and disclosure requirements of Sections 13 and 14 for the entire period during which it was active as a labor organization in the Commonwealth.

It is unnecessary for us to resolve this factual question, since we have previously determined that failure to comply with the reporting and disclosure requirements of Sections 13 and 14 is not grounds for setting aside an election. Commissioner of Administration and Finance, 2 MLC 1322, 1326 (1976); see also, City of Lawrence, 4 MLC 1851, 1852-53 (1978).

Conclusion

Based upon the foregoing, we find that the MNA's Objection 10 relating to the facsimile ballot disseminated by the MHCPU requires a hearing. The MNA has supplied prima facie evidence presenting substantial and material factual issues which could warrant setting aside the election. MLRC Rules & Regulations, 402 CMR 14.12(5); Hudson Bus Lines, Inc., 4 MLC 1736, 1739 (1978). With regard to the other objections, this burden has not been met and we find that no hearing is required.

PLEASE TAKE NOTICE that, pursuant to Section 4 of the Law, the Commission hereby orders that a Formal Hearing be held regarding Objection 10 before the Labor Relations Commission, Leverett Saltonstall Building, 100 Cambridge Street, Room 1604, Boston, Massachusetts 02202, on WEDNESDAY, JUNE 8, 1983 AT 10:00 A.M.

All parties to the proceedings have the right to appear in person at the hearing, to examine and cross-examine witnesses, to produce evidence and otherwise defend or support this objection to the election.

COMMONWEALTH OF MASSACHUSETTS
LABOR RELATIONS COMMISSION

PAUL T. EDGAR, Chairman
JOAN G. DOLAN, Commissioner
GARY D. ALTMAN, Commissioner

[Appendix Omitted]