

SUBPOENA DUCES TECUM**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**To Keeper of the Records, Massachusetts Institute of Technology77 Massachusetts Avenue, Cambridge, MA 02129As requested by Laura A. Sacks, Regional DirectorThomas P. O'Neill, Jr. Federal Buildingwhose address is 10 Causeway St, Room 1002, Boston, MA 02222-1001

(Street)

(City)

(State)

(ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE Essie Ablavsky, Board Agentof the National Labor Relations Boardat 10 Causeway St, Room 1002in the City of Boston, MAon Wednesday, October 11, 2022 conducted via ZOOM conference at 12:00 p.m. or any adjournedor rescheduled date to testify in Massachusetts Institute of Technology01-RC-304042

(Case Name and Number)

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

SEE ATTACHMENT

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R. Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

B-1-1H42WEV

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Boston, MADated: September 30, 2022

A handwritten signature in cursive script that reads "Lauren McFerran".

Lauren McFerran, Chairman

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- by person
 - by certified mail
 - by registered mail
 - by private delivery service
 - by any other means of service authorized by law, specifically
- 7000 1670 0007 7622 4395

(Check method used.)

by leaving copy at principal office or place of business at

on the named person on

(Month, day, and year)

(Name of person making service)

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

ATTACHMENT TO SUBPOENA DUCES TECUM
DEFINITIONS AND INSTRUCTIONS

1. “MIT” or “the Employer” refers to the Massachusetts Institute of Technology, which maintains an office and a place of business in Cambridge, Massachusetts, and to its owners, officers, accountants, attorneys, trustees, successors, assigns, managers, supervisors, employees, agents, officials, and/or representatives.
2. “Petitioner” refers to United Electrical, Radio and Machine Workers of America.
3. “The petition” refers to the RC petition filed by the Petitioner with the National Labor Relations Board on September 26, 2022 in case 01-RC-304042.
4. The terms “document” and "documents" include, but are not limited to, any written, recorded, or graphic material, or any matter existing on computer software or hardware, whether previously erased or not, including but not limited to: accounts receivable records; agreements, applications, appointment calendars, attendance calendars or records, audio or video recordings, billing slips, bills, bills of lading, bookkeeping entries, books, briefs, business records, charts, checks, check stubs, compilations, computer documents and files, computer printouts, contracts, correspondence, delivery records, diaries, digital recordings, electronic mail messages (“emails”), facsimile transmissions, files, financial statements, forms, graphs, interoffice communications, invoices, leaflets, ledgers, letters, lists, journals, memoranda, minutes, notebooks, notes of all types including "post-it" notes and marginal comments, pamphlets, payroll records, periodicals, photographs, postings or messages on the internet or any intranet, press releases, receipts, records, reports, schedules, speeches, statements, summaries, tax returns, telephone bills, telephone contacts, telegrams, text messages, timecards or other timekeeping records, transcripts, videotapes or video recordings, voice mail messages (including transcriptions thereof), and work orders, as well as all material defined in Rule 34 of the Federal Rules of Civil Procedure, and are not limited to the specific examples listed above. We seek production of all requested documents within your possession, custody, or control without regard to who maintains physical possession of them, who prepared the documents, or where the documents are retained.
5. For any document withheld pursuant to a claim of privilege or pursuant to the work-product doctrine, identify the date, author(s), recipient(s), title, general nature, and privilege claimed.
6. If additional documents are discovered that fall within the terms of this subpoena request, these additional documents shall be produced immediately.
7. Documents should be organized and labeled to correspond with the identifying paragraph number. If there are no documents responsive to a particular paragraph, or if all responsive documents have previously been provided, please so indicate.
8. Whenever used in this subpoena, the singular includes the plural, and vice versa; the present tense includes the past tense, and vice versa; the masculine includes the feminine, and

vice versa; the disjunctive (e.g., "or") includes the conjunctive (e.g., "and"), and vice versa; and each of the words "each," "any," "every," and "all" includes each of the other words.

9. The term "person" means any natural person, corporation, partnership, proprietorship, association, organization, trust, joint venture, and/or group of natural persons or organizations.

10. The terms "copy" or "copies" shall refer to exact and complete copies of original documents.

11. Documents subpoenaed shall include all documents in MIT's physical possession, custody, or control, or in the physical possession, custody, or control of present and/or former MIT owners, officers, accountants, attorneys, trustees, successors, assigns, managers, supervisors, employees, agents, and/or representatives, and/or any other person(s) and companies directly or indirectly employed by, or connected with MIT.

12. If any document responsive to any request herein was, but no longer is, in your possession, custody or control, identify the document (stating its date, author, subject, recipients, and intended recipients); explain the circumstances by which the document ceased to be in your possession, custody, or control, and identify (stating the person's name, employer title, business address and telephone number, and home address and telephone number) all persons known or believed to have any such document in their possession, custody, or control.

13. If any document(s) has been destroyed, discarded, or is otherwise disposed of for whatever reason(s), identify the document(s): explain the circumstances surrounding the destruction, discarding, or disposal of the document(s), including the timing of the destruction, identify all personnel who authorized the destruction, discarding, or disposal of the document(s), and identify all persons known or believed to have the document(s) or a copy thereof in their possession, custody, or control.

14. Any copies of original documents that are different in any way from the original, such as by interlineation, receipt stamp, notation, or indication of copies sent or received, are considered unique individual documents and must be produced separately from the originals.

15. For any document covered by this subpoena that uses a code, all documents explaining the code(s) used in the document must also be produced.

16. This subpoena request is continuing in nature and if additional responsive documents come to your attention after the date of production, such documents must be promptly produced.

17. Electronically stored information should be produced in the form or forms in which it is ordinarily maintained or in a reasonably useable form or forms.

18. Unless otherwise expressly stated, this subpoena does not supersede, revoke, or cancel any other subpoena(s) previously issued in this proceeding.

DOCUMENTS REQUESTED

1. A list containing the full names, work locations, shifts, and job classifications of all individuals in the petitioned-for bargaining unit below, as of the payroll period immediately preceding the filing of the petition, who remain employed as of the date of the filing of the petition.

Bargaining Unit:

All graduate fellows enrolled in Massachusetts Institute of Technology (MIT) degree programs who are employed to provide instructional or research services; but excluding all other employees, undergraduate students, graduate student resident advisors, hourly graders who are not also graduate fellows, graduate students not seeking MIT degrees (including visiting students), office clericals, managers, guards and supervisors as defined in the National Labor Relations Act.

2. If the Employer contends that the proposed bargaining unit is inappropriate, it must provide a separate list containing the full names, work locations, shifts, and job classifications of all individuals that it contends must be *added* to the proposed unit, if any, to make it an appropriate unit.
3. If the Employer contends that the proposed bargaining unit is inappropriate, it must provide a separate list containing the full names, work locations, shifts, and job classifications of any individuals it contends must be *excluded* from the proposed unit to make it an appropriate unit.
4. Provided that the Regional Director determines that there is a sufficient showing of interest by the Petitioner to proceed with the election, within two business days of the issuance of a Decision and Direction of Election or approval of a stipulated election agreement, the Employer will provide the Regional Director and the Petitioner a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, 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. 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. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.