

Rental Uniform Service, Inc. and Teamsters Local 430, a/w International Brotherhood of Teamsters, AFL-CIO, Petitioner. Case 5-RC-14628

December 13, 1999

DECISION ON REVIEW AND ORDER

BY CHAIRMAN TRUESDALE AND MEMBERS FOX
AND LIEBMAN

On March 25, 1998, the Regional Director for Region 5 issued a Decision and Direction of Election, in which he found appropriate for collective bargaining a multi-facility unit of service representatives that is broader than the Petitioner's requested single-facility unit.¹

Thereafter, pursuant to Section 102.67 of the National Labor Relations Board's Rules and Regulations, the Petitioner filed a timely request for review of the Regional Director's Decision, asserting that a unit limited to the Hanover facility is appropriate based on separate local supervision and the lack of interchange among employees at the three facilities.² The Employer filed an opposition to the Petitioner's request for review. By Order dated April 22, 1998, the Board granted the Petitioner's request for review.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Having carefully considered the entire record, we reverse the Regional Director's decision and find that the single-facility presumption that a unit of employees at the Hanover location is appropriate has not been rebutted.³

The Employer, Rental Uniform Service, Inc., is engaged in the business of renting uniforms and industrial towels or mats to businesses. Corporate officials located in Virginia set wage policies and many human relations policies and rules. The Employer has 22 processing centers, 1 of which is located in Hanover, Pennsylvania.

At the Hanover processing center, the Employer launders and repairs garments, towels, and mats. Once processed, some products are retained at Hanover, and others are delivered by shuttle drivers to two satellite pickup stations, one in York, Pennsylvania, and the other in Frederick, Maryland. The York location is approximately 22 miles from the Hanover processing center. The Fre-

derick location is approximately 39 miles from Hanover. The Frederick and York locations are about 50 miles apart. The Hanover location has operated for over 30 years. The York and Frederick sites were created in the mid-1980s to minimize driving time for delivering products to customers.

The general manager of the Hanover area, which includes the three locations, is located at Hanover. The sales department, order department, and administration and human resources department for the Hanover territory are also housed at Hanover.⁴

The York and Frederick sites each have a service center manager. Hanover also has a service center manager position, which at the time of hearing was vacant.

The Employer employs service representatives and jumpers who deliver the products to customers and pick up soiled products. Service representatives and jumpers are permanently assigned to one of the three locations. Nineteen service representatives and three jumpers work from the Hanover location, 12 service representatives and 2 jumpers are assigned to York, and 12 service representatives and 2 jumpers are assigned to Frederick. Service representatives are assigned regular routes that originate from and terminate at the facility to which they are assigned. Routes may change as accounts are added or eliminated. Jumpers do not have assigned routes, but are trained to do the route service representative jobs at the particular site to which they are assigned. When a service representative is absent, a jumper from the same location fills in.

Service representatives report directly to a supervisor assigned to the same location. The supervisors report to the service center manager at the same location.⁵ The service representatives' immediate supervisor is responsible for overseeing the work of the service representatives, for ensuring that the routes get run every day, that invoices are checked in, and that credits or debits are adjusted in the computer. Service representatives are expected to bring any problems to their immediate supervisor. The supervisors also grant service representatives' requests for time off.

The supervisors evaluate the service representatives and are involved in discussing any performance problems. Day to day, the supervisors carry out discipline, including giving oral warnings, to service representatives. Supervisors also may issue written warnings, which are forwarded to the Hanover general manager, who signs off on them and who might call the supervisor to discuss the matter. The service center manager can suspend service representatives working at his location, after notifying and discussing the matter with the Hano-

¹ The Petitioner requested a unit of service representatives and route drivers and jumpers employed by the Employer at its Hanover, Pennsylvania facility. The Regional Director found that the requested unit was not an appropriate unit. The unit found appropriate by the Regional Director is as follows:

All full-time and regular part-time service representatives, shuttle drivers and jumpers employed by the Employer at its facilities located at York, Pennsylvania, Hanover, Pennsylvania, and Frederick, Maryland; excluding all other employees, office clerical employees, guards and supervisors as defined by the Act.

² The Petitioner also requested review of the Regional Director's inclusion of the shuttle drivers in the unit found appropriate.

³ We affirm, however, as discussed below, the Regional Director's inclusion of shuttle drivers in the unit.

⁴ The human resources director for the Hanover area also is responsible for the Allentown, Pennsylvania processing center.

⁵ The supervisors at Hanover report to the general manager at Hanover. As noted, at the time of the hearing, the Service Center Manager position at Hanover was vacant.

ver general manager. Hanover General Manager Paul Johnson testified that during his one-half year in the position, he has generally relied on the supervisors' judgment in handling discipline issues, and has never exercised his authority to overrule a supervisor's decision with regard to discipline. The immediate supervisor is also involved in discharge decisions, although the decision concerning discharge of service representatives at all three facilities is done through the Hanover office.

Applications for employment generally are made at a particular location. Supervisors at the three locations conduct initial interviews. The service center manager may conduct a second interview, or the applicant may interview with the human resources manager located at Hanover. The Hanover general manager retains final authority over all hiring decisions.

As noted, service representatives are permanently assigned to one of the three locations, where they drive assigned routes. There is no record evidence of any temporary interchange or instances in which a Hanover service representative has driven a route originating in either of the other facilities. In the mid-1980s, when the Employer opened the Frederick and York locations, some Hanover service representatives transferred to those locations. There are no recent examples of permanent transfers of service representatives to service representative positions at another facility. Service representatives have moved to another facility to accept a promotion to a nonunit position such as supervisor. Employees who transfer would retain their seniority with the Employer. The jumpers assigned to each facility fill in for absent service representatives at the facility to which the jumper is assigned because the jumper is familiar with that facility's routes; jumpers generally receive a promotion to a service representative position at the location where they have been working, although they may be offered a position at another location.

A unit consisting of employees at a single-plant or store location is presumptively an appropriate unit unless it has been so effectively merged into a more comprehensive unit, or is so functionally integrated, that it has lost its separate identity. *D&L Transportation, Inc.*, 324 NLRB 160, 160 (1997); *J&L Plate, Inc.*, 310 NLRB 429, 429 (1993); *Bowie Hall Trucking*, 290 NLRB 41, 42 (1988); *Dixie Belle Mills*, 139 NLRB 629, 631 (1962). To determine whether the presumption has been rebutted, the Board looks at such factors as centralized control over daily operations and labor relations; extent of autonomy in the local manager to handle the facility's day-to-day ordinary operations and to supervise the employees' day-to-day work; similarity of skills, functions, and working conditions; extent of employee interchange; geographic proximity; and bargaining history if any. *D&L Transportation*, supra; *Office Depot, Inc. v. NLRB*, 184 F.3d 506 (6th Cir. 1999).

In finding that the single-facility presumption had been rebutted, the Regional Director cited the highly integrated nature of the Employer's operation, the administrative and operational dependence of York and Frederick on Hanover, and centralized control over labor relations, administrative, and personnel matters. The Regional Director characterized the local managers' authority as "routine." Although recognizing the absence of significant interchange, the Regional Director determined that the similarity of skills, pay, and job functions of the service representatives at the three facilities demonstrated a shared community of interest that rendered the single-location unit inappropriate.

We recognize that the Employer maintains central control of aspects of labor relations, and that there is administrative and operational integration between Hanover and the two "satellite" facilities, and a similarity of job functions, skill, and pay. Based on these factors, we have little doubt that the combined unit would, if sought, constitute an appropriate unit. We disagree, however, with the Regional Director's finding that those factors are sufficient to overcome the single-facility unit presumption in the circumstances presented. *Carter Hawley Hale Stores*, 273 NLRB 621 (1984).

Contrary to the Regional Director's characterization, the record evidence demonstrates significant local autonomy over labor relations. York and Frederick have a service center manager, who oversees the delivery operation; a comparable, although vacant, position exists at Hanover. The service representatives permanently assigned to a facility report to an immediate supervisor, who, along with the local manager, has significant responsibility for the employees' day-to-day work. Service representatives bring "any" problems to their immediate supervisors, who also grant time off requests.⁶ The immediate supervisor can issue oral warnings and draft written discipline, and participates in discussions involving terminations. The local service center manager also may suspend an employee. Although the Hanover general manager reviews written warnings and suspensions, the general manager has never reversed the action of a local supervisor or manager. In addition, the direct supervisor does the evaluations of the service representatives, and is involved in discussions about performance problems. Further, although the Hanover general manager approves all hiring decisions, the local facility supervisor and service manager are involved in the hiring process.

Such significant involvement in a range of personnel and labor relations matters is not "routine in nature" as characterized by the Regional Director, but demonstrates meaningful local autonomy and participation in matters directly affecting the service representatives' working

⁶ Indeed, the supervisors' bonuses are based on the performance of the service representatives who report to them.

lives. See *Bowie Hall Trucking*, 290 NLRB 41, 43 (1988) (local terminal manager, who conducted initial screening for new hires and was consulted about major disciplinary decisions, made more than routine decisions, notwithstanding that central management had final authority with respect to hiring and major disciplinary decisions).

The Employer further failed to rebut the presumption by any showing of significant employee interchange. Indeed, there is no showing of any temporary interchange of service representatives among the three facilities. Service representatives are permanently assigned to one facility, and their routes begin and end at their assigned facility. Even jumpers, who fill in for absent service representatives, are assigned to a particular facility, fill in almost exclusively on routes originating from that facility, and generally are promoted to a service representative position at that facility. Further, the only examples of service representatives permanently transferring to a service representative position at another facility occurred in the mid-1980s, when the Employer opened the York and Frederick facilities.⁷

Although service representatives at the three facilities perform the same job, there is no evidence that Hanover service representatives interact with service representatives at York or Frederick to perform their jobs or on any regular basis.⁸ The instances of common training relied on by the Employer are offset by the many separate meetings the Employer holds at each facility. See *Bowie Hall Trucking*, 290 NLRB 41, 43 (1988) (finding presumption not rebutted where no substantial evidence of employee transfers, and only generalized testimony about employee contacts).

Given the absence of interchange and work interaction, the similarity of skills, pay, and job function does not establish that Hanover has no separate identity. Further, despite the Employer's argument about the dependency of York and Frederick on Hanover, that dependency is based on the administrative services that are separately performed at Hanover. There is no dependency between service representatives at Hanover and those at York or Frederick. See *Office Depot, Inc. v. NLRB*, 184 F.3d 506

(6th Cir. 1999) (rejecting contention that unit was required to include satellite delivery centers).⁹

Further, the geographic separation of the facilities is significant. The York location is 22 miles from Hanover and Frederick is 50 miles away. There is also an absence of bargaining history. These factors further support a single-location unit.

In sum, we find that the presumptive appropriateness of the petitioned-for, single-facility unit has not been rebutted.¹⁰ Accordingly, we reverse the Regional Director's decision in this regard,¹¹ and shall remand this proceeding to him for further appropriate action.

ORDER

The Regional Director's Decision and Direction of Election is reversed. This case is remanded to the Regional Director for further proceedings in conformity with this Decision on Review.

⁹ In *Neodata Product Distribution*, 312 NLRB 987 (1993), on which the Employer relies, the employer maintained two facilities located 3 miles apart. Employees at one facility received and processed orders for delivery of products, while employees at the nearby facility packaged, invoiced and shipped the ordered product to the customer, and entered information into the computer for the billing process, which was handled by employees of the first facility. In concluding that the only appropriate unit consisted of employees at both facilities, the Board found that "employees at each facility participate equally and fully at various stages in the Employer's overall production process, which consists of the processing and filling of customer orders . . . Thus . . . despite being physically separate from each other, the Washington and 10th Street employees constitute integral and indispensable parts of a single 'order flow process.'" Id. at 988. In *Neodata*, the Board also found that in performing their coordinated functions, the employees of the two facilities had regular, frequent contact. By contrast here, the Hanover service representatives and jumpers that the Petitioner seeks to represent perform their work wholly independent of, and with virtually no contact with, service representatives at either Frederick or York.

¹⁰ After the Board granted review, the Employer submitted to the Board a decision by an Acting Regional Director in *RUS of Morgantown*, Case 6-RC-11681, in which the Acting Regional Director found that a single-location unit, involving the same Employer, was not appropriate. No party requested review of that decision. "We do not attach any weight in this proceeding to that case since we have long held that Regional Director's Decisions do not have precedential value." *S. H. Kress & Co.*, 212 NLRB 132 fn. 1 (1974).

¹¹ We see no basis for reversing the Regional Director's inclusion of shuttle drivers in the unit. They are assigned to the Hanover facility, and are subject to the same line of supervision as the Hanover service representatives and jumpers. The Petitioner has provided no facts or argument in support of its bare assertion that they were improperly included.

⁷ *Dayton Transport Corp.*, 270 NLRB 1114 (1984), in which the Board found sufficient evidence to overcome the presumptive appropriateness of the requested single-facility unit, is distinguishable. There the record showed frequent (about 400-425 times in 1 year) short-term or temporary interchange of drivers among three facilities, where drivers from one terminal dropped loads at another terminal, and then were dispatched on another run from the intermediate terminal.

⁸ The Employer provided evidence that when it obtained a large contract in the Baltimore area to provide uniforms, individuals from all three locations helped with necessary measuring. That sole occurrence, about which the Employer provided no details, fails to demonstrate that Hanover service representatives have significant, regular work interaction with service representatives from the other two locations.