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Nissan North America, Inc. and International Association of Machinists and Aerospace Workers (IAM), District Lodge 1888, Petitioner. Case 10–RC–273024

February 2, 2023

DECISION ON REVIEW AND ORDER

BY CHAIRMAN McFERRAN AND MEMBERS WILCOX
AND PROUTY

This case concerns whether the petitioned-for bargaining unit of tool and die maintenance technicians employed at the Employer’s automobile manufacturing facility is an appropriate craft unit. Section 9(b) of the National Labor Relations Act, 29 U.S.C. § 159(b), specifically identifies craft units as potentially appropriate. Accordingly, in keeping with the text of the Act, the National Labor Relations Board has long found appropriate separate units of craft employees, including those engaged in the tool-and-die trade, based solely on their shared craft status—i.e., their shared high level of skill and expertise in a work specialty acquired by experience and training. The multifactor test for determining craft status is set forth in *Burns & Roe Services Corp.*, 313 NLRB 1307, 1308 (1994). As we explain below, if craft status is demonstrated under *Burns & Roe*, there is no additional inquiry into whether the craft employees are “sufficiently distinct” from, or share an “overwhelming community of interest” with, other employees. Applying the correct standard, we find that the tool and die maintenance technicians qualify as craft employees under *Burns & Roe*. This finding is also amply supported by Board precedent concerning tool-and-die craft units. Accordingly, we reverse the contrary findings of the Acting Regional Director and remand the case for further appropriate action.

I. BACKGROUND

On February 19, 2021,¹ International Association of Machinists and Aerospace Workers (IAM), District Lodge 1888 (the Petitioner) filed a petition seeking to represent approximately 86 tool and die maintenance technicians employed at its automobile manufacturing facility in Smyrna, Tennessee.² The Petitioner contended that the tool and die maintenance technicians are an appropriate craft unit. The Employer asserted that the petitioned-for

¹ All dates hereinafter are in 2021 unless otherwise indicated.

² The number of the tool and die maintenance technicians actually working at the facility appears to have been 86 employees. All employee complements herein are stated in approximate numbers.

unit was inappropriate because the only appropriate unit must include all of the approximately 4300 production and maintenance employees at the Smyrna facility.

Following a hearing, on June 11, 2021, the Acting Regional Director of Region 10 issued her Decision and Direction of Election. The Acting Regional Director concluded that even if the tool and die maintenance technicians could be considered a craft unit, the petitioned-for unit “would still be inappropriate due to the community of interest they share with employees the Petitioner seeks to exclude.” Instead, she found, in agreement with the Employer, that the only appropriate unit is a plantwide unit of production and maintenance employees, and she therefore directed an election in that plantwide unit. The Acting Regional Director gave the Petitioner 2 business days from the issuance of the Decision and Direction of Election to provide an adequate showing of interest in the expanded unit, but the Petitioner was unable to do so. Accordingly, on June 16, the Acting Regional Director dismissed the petition. Thereafter, in accordance with Section 102.67 of the Board’s Rules and Regulations, the Petitioner filed a request for review of the Acting Regional Director’s Decision and Direction of Election. The Employer filed an opposition.

On December 21, the Board³ granted review with respect to the Acting Regional Director’s findings that the petitioned-for unit “does not constitute a separate craft unit, and that even if it did, the unit would be inappropriate for collective bargaining.” *Nissan North America, Inc.*, 371 NLRB No. 43, slip op. at 1 (2021). The Employer filed a brief on review.

Having carefully considered the entire record in this proceeding, including the brief on review, we find, for the reasons set forth below, that the petitioned-for unit of tool and die maintenance technicians is an appropriate craft unit. In addition, we clarify that when a petitioned-for unit is an appropriate craft unit, no further inquiry is required. We therefore reverse the Acting Regional Director’s decision, reinstate the petition, and remand this case to the Regional Director for further appropriate action consistent with this Decision on Review and Order.

II. FACTS

The Employer manufactures finished automobiles at its Smyrna facility. The production process starts in the stamping shop, where flat steel panels (called blanks) are shaped into exterior body panels or parts using presses equipped with dies. These panels and parts are then moved to the body shop,

³ Chairman McFerran and Members Wilcox and Prouty; Members Kaplan and Ring dissenting.

where they are welded together to form the car's metal shell. That shell is then primed, painted, and finished in the paint shop. Next, the car's interior and exterior components are installed in the trim and chassis shop. At this point, the car is a finished, drivable vehicle. Finally, the product quality assurance shop tests, inspects, and approves the completed vehicle. A separate maintenance department supports each of these shops, as does a material handling group. The plant runs on three 8-hour shifts (day, afternoon, and night), but start and end times vary by shop; further, depending on production needs, not every shop regularly operates on all three shifts.

As indicated, approximately 4300 employees work in the facility. The vast majority (roughly 3860) are classified as production technicians; there are also about 360 maintenance technicians and 86 tool and die maintenance technicians.⁴ Although (as indicated below) duties may differ within these classifications, there are no formal subclassifications.⁵

The stamping shop is the principal focus of this case. All of the petitioned-for tool and die technicians are assigned to the stamping shop, as are 228 production technicians and 46 maintenance technicians. As such, it is the only shop to which employees in all three classifications are assigned. The stamping shop has eight large bays, each of which houses several large presses. The presses use approximately 1000 unique dies to produce car panels and parts. The dies are highly complex and contain multiple components, including metallic, electrical, and pneumatic parts. The dies are mostly fabricated outside of the United States. There are no backup dies at the facility.

Stamping Manager Alan Lane oversees the entire stamping shop and reports to the director of body and stamping production (Kevin Hines).⁶ Tool and Die Manager Robert Bryson oversees the tool and die group—which has its own budget—and reports to Lane. The tool and die technicians are supervised by tool and die supervisors, who report to Bryson. Production technicians in the stamping shop report to their own supervisors, who

ultimately report to Lane. Maintenance technicians are technically part of the maintenance department, but those who are assigned to the stamping shop report to senior maintenance managers, who ultimately report to the director of maintenance. Tool and die supervisors do not supervise production technicians and only rarely supervise maintenance technicians; similarly, production supervisors at most only rarely supervise tool and die technicians.⁷

The tool and die technicians maintain, repair, modify, and clean the metal striking surfaces of the dies that are used in the stamping shop presses. Each tool and die technician is assigned either to stamping bays 1–4 or 5–8. Each bay has a dedicated area for the tool and die technicians to work on the dies. The tool and die technicians largely perform their duties in these areas, but they may repair dies directly on the production line, when possible, in order to minimize disruptions to press operation.⁸ The tool and die manager estimated that tool and die technicians will visit production areas two to three times (or fewer) per shift.

The tool and die technicians use standard tools and machines to weld together cracks in the dies' metal surface, to sand out rough or defective surfaces, to modify the shape of the dies, or to clean the dies' surfaces.⁹ They also fabricate some of their own tools,¹⁰ as well as jigs and fixtures. The tool and die technicians also have "tryout presses" (generally not used for production purposes) that they use to test whether repaired or modified dies are working properly. Die repairs and modifications can be relatively simple tasks that can be performed in place on the production line, but they can also be complex and time-consuming affairs that require multiple shifts to complete, such as when a die has been totally destroyed and must be rebuilt.

In performing their work, the tool and die technicians must work to exact specifications and close tolerances. A recent job posting for tool and die technicians states that they must check dimensions, clearances, and alignments

⁴ To avoid confusion with the maintenance technicians, we will refer to the tool and die maintenance technicians as "tool and die technicians" for the remainder of this decision.

⁵ That said, the record reflects that there are informal subclassifications. For example, 15 tool and die technicians are designated as leads, and another 9 are designated as CNC mill operators. Similarly, within the stamping shop some production technicians work as die setters, who are responsible for placing and securing dies in the production presses.

⁶ The paint, trim and chassis, and product quality assurance shops each have their own director.

⁷ Stamping Manager Lane testified that there are possible situations where a production supervisor would supervise a tool and die technician but could not recall an instance where it actually happened.

⁸ In addition, tool and die technicians may travel to the body shop to work on "hem dies," which are used to fold different car parts together and are permanently affixed to the floor of the body shop.

⁹ The tools and machinery used include lathes, grinders (pencil, angle, and surface), milling machines, pressure washers, acetylene torches, drilling jigs, sand blasters, plasma cutters, welders (MIG, TIG, and arch), saws (band and chop), cutoff wheels, metal brakes, metal sheers, presses (drill and arbor), drills (magnetic, electric, and hammer), and sanders (disk and belt). Other classifications of employees may also use some of these types of tools and machines, but it appears that the tool and die technicians and other classifications of employees use different sets of the same types of tools, rather than the same actual tools. Indeed, Tool and Die Manager Bryson testified that the Employer provides each tool and die technician with their own set of tools.

¹⁰ These include scales and special bolts.

to verify that the repaired or machined dies conform to specifications, must modify dies to conform to engineering changes, and must work to blueprints, sketches, and written or verbal instructions. Robert Hansen, a longtime tool and die technician for the Employer, similarly testified that he must work to exact specifications and close tolerances. As an example of the precision involved, he stated that if he glued a penny to a table, he would need to be able to erase the date on the coin with a grinder, a matter of millimeters with “no room for error at all.”

No other employees perform the tool-and-die work performed by the tool and die technicians. Production technicians in the stamping shop operate the presses, use cranes to insert and remove dies from the presses, handle materials, finish metals, and conduct quality control checks, but they do not perform any welding or other work on the dies themselves.¹¹ Production technicians may fabricate devices, such as slug catchers and scrap chutes, for the dies, but the tool and die technicians attach these devices to the dies. Maintenance technicians in the stamping shop maintain the presses and related equipment, including the equipment used by tool and die technicians. Maintenance technicians in the stamping shop are responsible for working on the dies’ electrical and pneumatic components, but only the tool and die technicians have the skill and experience needed for working on the striking surface of the dies.¹²

As previously indicated, tool and die technicians do not frequently enter the production areas; similarly, it is uncommon for production technicians (even those assigned to the stamping shop) to be present in the tool-and-die areas.¹³ Thus, aside from instances when a tool and die technician is assigned to “Line Patrol” (discussed below), there is limited work-related contact between the tool and die technicians and the production technicians. As

indicated above, maintenance technicians may perform work in the tool-and-die areas, but this work is limited to their own area of expertise (i.e., maintaining equipment or working on the electrical and pneumatic die components that tool and die technicians do not work on).

Apart from repairing and maintaining dies, most tool and die technicians are periodically assigned to a 1-week rotation on Line Patrol.¹⁴ About 16 tool and die technicians are on Line Patrol on a given workday. When on Line Patrol, tool and die technicians spend 85 to 90 percent of their time on the stamping shop production floor, working with production technicians and maintenance technicians to monitor the production lines. More specifically, employees on Line Patrol verify the settings on presses, check the quality of “lifts” (i.e., how the steel blanks are being fed into the presses), monitor and clear scrap buildup, and confirm the quality of the stamped parts. Although the tool and die technicians on Line Patrol work alongside and confer with the production technicians and maintenance technicians, they remain focused on die-related issues, as Tool and Die Manager Bryson acknowledged. Incorrect press settings, improperly stacked lifts, and scrap buildup can all damage the dies. Further, although they will confer with production technicians and maintenance technicians to determine the source of a defective part, if a die is determined to be at fault, the tool and die technicians handle next steps for addressing the problem.

As set out in the tool and die technician job posting, when hiring external applicants for tool and die technician positions,¹⁵ the Employer prefers 5 or more years of experience in stamping die maintenance (or die making) or 2 years of experience plus a technical degree or certification in machine tool technology. Tool and Die Manager Bryson testified, however, that on at least four occasions

¹¹ The approximately 700 Production technicians in the body shop fabricate and assemble the car frame and other elements (including doors, hoods, and trunks) alongside robots (on which they also perform preventative maintenance). The 550 production technicians in the paint shop pretreat, bathe, cure, wipe down, and inspect the cars; they also operate fascia molds that form plastic into front and rear bumpers, which they paint and assemble. The roughly 1600 production technicians in the trim and chassis shop install interior components (including seatbelts, dashboards, and windshields), engines, transmissions, axles, gas tanks, and exhaust systems, wheel assemblies and tires, seats, and steering wheels; they also fill engines with necessary fluids, program the car’s computer software, and perform quality checks. The 580 production technicians in the product quality assurance shop test and inspect the finished car for defects and either repair them or notify the relevant “upstream” shops of the need for repair. Finally, in addition to the five shops, about 350 production technicians assigned to the material handling/manufacturing support group move parts as needed between the stamping shop, the body and trim and chassis shops, or the warehouse.

¹² The 85 maintenance technicians in the body shop maintain and repair the production line equipment (including the conveyer system and

the welding robots, which they also program). The approximately 80 maintenance technicians in the paint shop maintain and repair the painting robots (but do not program them); some of them also specialize in maintaining and repairing the fascia molds used to produce bumpers (nonspecialist maintenance technicians work on the molds’ electrical components). The roughly 80 maintenance technicians in the trim and chassis shop maintain the various types of equipment used in that shop. The product quality assurance shop has less need for maintenance technicians as it does not have production equipment to maintain, but some maintenance technicians work in that shop. Finally, maintenance technicians maintain and repair the tugs that transport parts around the facility.

¹³ Tool and die technician Hansen indicated that die setters may occasionally enter the tool-and-die area to inquire on the status of a die repair.

¹⁴ The 15 tool and die technician leads and nine CNC mill operators do not serve on Line Patrol.

¹⁵ The Employer has externally hired about 16 tool and die technicians since 2018.

the Employer has hired tool and die technicians who had fewer than 2 years' experience.¹⁶ The job posting also lists journeyman status in tool and die (or equivalent knowledge and years of experience) as a requirement, but Bryson testified that the Employer has never hired anyone with a journeyman card or certification. The job posting also states that "[f]urther training will be required on all job responsibilities not otherwise satisfied." When hiring external applicants for Maintenance Technician positions,¹⁷ the Employer prefers 3 to 5 years of experience in industrial maintenance or 2 years of experience plus a 2-year technical degree or certification. Industrial electrical knowledge or experience and knowledge of computer systems (specifically programmable logic controllers) is required, as is the ability to perform rigging on heavy machinery. Production technicians are hired both directly "off the street" and through a staffing agency, depending on which shop requires workers.¹⁸

In addition to external hiring, 20 of the current tool and die technicians were originally hired as production technicians prior to transferring into their current positions. In nine instances, production technicians transferred directly to tool and die technician positions; in the other 11, the production technicians first transferred to maintenance technician positions and then to tool and die technician positions.¹⁹ As discussed below, at least some of these transfers were the result of production technicians completing since-discontinued training programs. There are no examples of tool and die technicians transferring into a nonsupervisory production technician or maintenance technician position, and there is no evidence of temporary interchange among the three groups.

At present, the Employer does not maintain any in-house apprenticeship or similar formal training program for Tool and Die Technician positions. Instead, the Employer provides on-the-job training for new tool and die technicians. One current tool and die technician per shift is designated as a trainer to assist new tool and die technicians and answer their questions; less-experienced tool and die technicians can also seek out other senior employees for guidance. The Employer typically assigns newer

tool and die technicians to the day shift because there are more experienced tool and die Technicians available on that shift to assist them. Further, the record indicates that the Employer also provides new tool and die technicians with opportunities to perform simulations to develop their skills.²⁰ Tool and die technician Hansen testified that even with on-the-job training, a new tool and die technician would not succeed without some prior relevant skill or knowledge.

The Employer has, however, offered formal training programs in the past. Prior to 2006, the Employer offered a 4-year in-house apprenticeship program to enable production technicians to become tool and die technicians. The program included formal classroom study and training (occurring both onsite and at a local technical school) as well as participants working on dies under supervision. The program did not award a journeyman's card or other formal certification. After completing the program, new tool and die technicians continued to improve their skills (tool and die technician Hansen testified that after finishing his apprenticeship, he needed another 2 years to fully develop his tool-and-die skills). In 2017, the Employer created a work-study program for production technicians who were graduates of, or current students in, a technical school. Participants in the program "shadowed" a tool and die technician, and, upon completing the program and demonstrating an aptitude for tool-and-die work, the production technician could transfer to a tool and die technician position when one became available. The Employer discontinued the program in 2021.²¹ The Acting Regional Director found, and the Employer does not dispute, that at least 20 of the current 86 tool and die technicians completed either the apprenticeship or work-study program.

Tool and die technicians generally work the same three shifts as the production technicians in the stamping shop.²² The maintenance technicians work similar, but not necessarily identical, shifts to production technicians.²³ The tool and die technicians make from \$26.70 to \$33.04 per hour depending on their experience and seniority, as do the maintenance technicians. Production Technicians earn from \$16.50 to \$28.17 per hour.²⁴ All hourly

¹⁶ In this regard, Bryson named four individuals. He did not, however, elaborate on their background or qualifications at hire, and none of these four tool and die technicians testified.

¹⁷ The Employer hires from 10 to 14 maintenance technicians per year through both external and internal means.

¹⁸ The record does not contain a job posting for production technicians.

¹⁹ All but two of these permanent transfers into current tool and die technician positions took place between 1985 and 2014.

²⁰ Employer Exhibit 18, which was introduced under seal, contains documents involving the discipline of a tool and die technician who, among other things, performed inadequately during the course of a simulation.

²¹ The Employer continues to maintain a similar work-study program that enables production technicians to transfer to maintenance technician positions.

²² Occasionally production technicians may be allowed to leave early.

²³ The director of maintenance testified that maintenance technicians may need to begin a shift a half hour before production technicians in order to make sure the production lines are ready to operate, but that the shifts are "very close." He also expressed uncertainty about the exact nature of maintenance technician shifts in the stamping shop, however.

²⁴ For all three classifications, leads make \$1 more per hour than non-leads.

employees receive the same benefits (such as holidays and vacation time off) and are subject to the same handbook, rules, and policies, including the same progressive discipline system that permits employees to choose between management or peer review processes to appeal terminations. All employees are required to undergo training in cybersecurity, the anti-harassment policy, the Manufacturing Code of Conduct, and Global Export Controls. Because the Covid-19 pandemic has reduced production, the Employer recently instituted a buyout program to reduce the number of maintenance technicians. Production technicians and tool and die technicians were not eligible for the buyout program.

III. DISCUSSION

A. Craft Unit Standard

Section 9(b) of the Act states that the Board shall decide, in each case, “whether . . . the unit appropriate for the purposes of collective bargaining shall be the employer unit, *craft unit*, plant unit, or subdivision thereof.” 29 U.S.C. § 159(b) (emphasis added). The Board has described a craft unit as “one consisting of a distinct and homogeneous group of skilled journeymen craftsmen, who, together with helpers or apprentices, are primarily engaged in the performance of tasks which are not performed by other employees and which require the use of substantial craft skills and specialized tools and equipment.” *Burns & Roe Services Corp.*, 313 NLRB 1307, 1308 (1994). In determining whether a petitioned-for craft unit is appropriate, the Board examines (1) whether the employees take part in a formal training or apprenticeship program; (2) whether the work is functionally integrated with the work of the excluded employees; (3) whether the duties of the petitioned-for employees overlap with the duties of the excluded employees; (4) whether the employer assigns work according to need rather than on craft or jurisdictional lines; and (5) whether the petitioned-for employees share common interests with other employees. *Id.* The Board does not limit its inquiry solely to these factors, but “will . . . determine the appropriateness of the craft unit sought in the light of all factors present in the case.” *E. I. DuPont de Nemours & Co.*, 162 NLRB 413, 417 (1966). This includes the “traditional” community-of-interest factors. See *Mirage Casino-Hotel*, 338 NLRB 529, 532 (2002). The traditional factors include whether the employees (1) are organized into a separate department; (2)

have distinct skills and training; (3) have distinct job functions and perform distinct work, including inquiry into the amount and type of job overlap between classifications; (4) are functionally integrated with the employer’s other employees; (5) have frequent contact with other employees; (6) interchange with other employees; (7) have distinct terms and conditions of employment; and (8) are separately supervised. *United Operations, Inc.*, 338 NLRB 123, 123 (2002).²⁵

Although the Petitioner maintains that the tool and die technicians constitute a craft unit,²⁶ the Acting Regional Director did not apply the *Burns & Roe* factors. Instead, after quoting *Burns & Roe* at length, she stated that “[e]ven if Tool and Die Technicians could be considered a craft unit because they are a unit of journeymen craftsmen who undergo a formal training or apprenticeship program, which they do not in this case, the petitioned-for unit would still be inappropriate due to the community of interest they share with employees the Petitioner seeks to exclude.”

The Acting Regional Director’s foregoing statement is premised on two incorrect assumptions. First, she appears to have understood the presence of a formal training or apprenticeship program as a prerequisite for finding that the tool and die technicians are craft employees. As explained in greater detail below, the presence of such programs is not required to find craft status.

Second, and more importantly, the Acting Regional Director assumed that even if the tool and die technicians constitute a craft unit, some further inquiry is required. In this regard, the Acting Regional Director considered whether the tool and die technicians were “sufficiently distinct” from production technicians and maintenance technicians under *PCC Structural, Inc.*, 365 NLRB No. 160 (2017), as revised in *Boeing Co.*, 368 NLRB No. 67 (2019). The Board recently overruled *PCC Structural* and *Boeing* in *American Steel Construction, Inc.*, 372 NLRB No. 23 (2022).²⁷ Regardless of this change in precedent, both *PCC Structural* and *American Steel* are concerned with the standard that applies when a petitioner seeks a “subdivision” of one of the units enumerated in the text of Section 9(b). As craft units are among the enumerated units, such precedent is inapplicable here. Indeed, there is no indication in Board precedent concerning craft units that any further inquiry is required upon determining that a petitioned-for unit is a craft unit. In such cases, the

²⁵ We observe that the final *Burns & Roe* factor—whether the petitioned-for employees share common interests with other employees—already implicitly incorporates the traditional community-of-interest factors.

²⁶ Although the Petitioner argued to the Acting Regional Director that the tool and die technicians constitute an appropriate unit even if they are

not craft employees, the Petitioner’s request for review was limited to arguing that the tool and die technicians constitute a craft unit.

²⁷ In doing so, the Board reinstated *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB 934 (2011), *enfd. sub nom. Kindred Nursing Centers East, LLC v. NLRB*, 727 F.3d 552 (6th Cir. 2013), which was overruled in *PCC Structural*.

Board simply finds, based on the relevant factors, that the petitioned-for employees constitute a craft unit. See, e.g., *Burns & Roe*, 313 NLRB at 1308–1310.²⁸ On that note, in *PCC Structural*s itself, the Board subsequently indicated that the craft-unit analysis is separate from the “sufficiently distinct” analysis.²⁹ Further, as a practical matter the *Burns & Roe* factors already inquire into the distinctive qualities of the putative craft employees, as emphasized by the Board’s description of a craft unit as “distinct and homogeneous,” 313 NLRB at 1308, and the craft-unit test incorporates the traditional community-of-interest factors, which also consider distinctions between petitioned-for and other employees, see *Mirage-Casino Hotel*, 338 NLRB at 532. It would therefore be redundant to engage in an additional community-of-interest analysis after finding that a petitioned-for unit is an appropriate craft unit.³⁰

In sum, we clarify that when a petitioner contends that a petitioned-for unit is a craft unit, the analysis begins and ends with the factors set forth in *Burns & Roe* (which, as indicated, include inquiry into the traditional community-of-interest factors). If the unit constitutes a craft unit, no further inquiry is warranted.³¹

²⁸ As indicated in *Burns & Roe*, some further inquiry may be required if another labor organization seeks to represent the petitioned-for craft employees in a broader unit, see id. at 1309, but such is not the case here.

²⁹ After overruling *Specialty Healthcare*, the *PCC Structural*s Board remanded the case to the Regional Director for further consideration. See 365 NLRB No. 160, slip op. at 13. On remand, the Regional Director relied on both craft-unit case law and the community-of-interest analysis as articulated in *PCC Structural*s to find the petitioned-for unit of welders was appropriate. The Board denied review, with one majority (then-Member McFerran and Member Emanuel) agreeing that the unit was appropriate for bargaining as a craft unit, and a separate majority (then-Member McFerran and Member Kaplan) finding that the unit shared “a community of interest sufficiently separate from excluded employees.” See *PCC Structural*s, Inc., 19–RC–202188, 2018 NLRB LEXIS 590, at *1 fn. 1 (Nov. 28, 2018) (not reported in Board volumes). In enforcing the Board’s order in the subsequent test-of-certification case, the D.C. Circuit similarly indicated that the two tests are different. See *PCC Structural*s, Inc. v. NLRB, 839 Fed.Appx. 571, 572–573 (D.C. Cir. 2021).

³⁰ If the record does not establish that petitioned-for employees constitute a craft unit, the Board may consider whether the petitioned-for unit is appropriate on some other basis.

³¹ Application of the *Burns & Roe* factors will, of course, require reference to Board precedent concerning craft units. We note here that a substantial subset of craft unit precedent involves the distinct question of whether a group of craft employees may be severed from a preexisting bargaining unit. Craft-severance cases involve a different analytical framework, which is premised on a greater interest in industrial stability, insofar as severance cases seek to alter an existing, historical unit. See *Mallinckrodt Chemical Works*, 162 NLRB 387, 392–397 (1966). Even so, craft-severance cases remain instructive in assessing whether a petitioned-for unit constitutes a craft unit in an initial organizing setting. See *Anheuser-Busch, Inc.*, 170 NLRB 46, 47 (1968) (“While not controlling

B. Application

Applying the *Burns & Roe* factors (including relevant traditional community-of-interest factors), as well as precedent involving the craft status of tool-and-die employees, we find that the petitioned-for unit of tool and die technicians is an appropriate craft unit. As detailed below, the tool and die technicians are highly trained, highly paid employees working in a trade that the Board has frequently recognized as a craft. No other employees perform the skilled tool-and-die work performed by the tool and die technicians, which is assigned on a craft basis. In addition, the tool and die technicians constitute a separate administrative subdivision, they have two layers of separate supervision, they have separate training with respect to their highly skilled tool-and-die work, and they have no significant interchange with other employees. Although the tool and die technicians do not currently have a formal apprenticeship program and have some functional integration and contact with production technicians and maintenance technicians, these circumstances are not entitled to significant weight here and are outweighed by the considerations that support craft status.

To begin, as an overall matter it is beyond dispute that the tool and die technicians are highly skilled employees whose job duties are consistent with the type of high-

in a nonseverance situation, the *Mallinckrodt* tests are useful in our determination of the appropriateness of the unit requested here.” (internal footnotes omitted)); see also *PCC Structural*s, 839 Fed.Appx. at 573 (“We find no reversible error from the Board’s citing [craft-severance] decisions as merely instructive on whether welders constituted craft workers, a question implicated in both craft-unit and craft-severance disputes.”). Importantly, however, due to its emphasis on industrial stability the craft-severance standard is more stringent than the test for establishing an initial craft unit. Accordingly, the fact that the Board has found a unit inappropriate for severance does not mean that the group could not be found appropriate as a craft unit in an initial organizing setting. Cf. *Lear-Siegler, Inc.*, 170 NLRB 766, 770 (1968) (“Although we are satisfied that the [petitioned-for unit employees] are craftsmen, we nevertheless find that the unit sought is inappropriate for severance purposes . . .”). Conversely, if the Board has found a unit appropriate for severance based on one set of facts, that finding can directly support a craft-unit finding in an initial organizing situation involving similar facts. We note here that the cases the Employer cites in which the Board found a unit of tool-and-die employees inappropriate all involved severance. See *Aerojet-General Corp.*, 163 NLRB 890 (1967); *Holmberg, Inc.*, 162 NLRB 407 (1966); *Cessna Aircraft Co.*, 114 NLRB 1191 (1955); *F. L. Jacobs Co.*, 108 NLRB 544 (1954); *American Swiss Co.*, 59 NLRB 790 (1944); *American Thermometer Co.*, 34 NLRB 222 (1941). These cases are therefore of limited relevance to this initial-organizing situation. This is especially so for *American Swiss* and *American Thermometer*, both of which appear to turn entirely on prior bargaining history; moreover, they predate the enactment of Sec. 9(b)(2), which prohibits the Board from deciding that a craft unit is inappropriate “on the ground that a different unit has been established by a prior Board determination,” 29 U.S.C. § 159(b), and their reasoning may be in tension with this provision. As indicated below, the remaining severance cases cited by the Employer are also distinguishable on other grounds.

skilled work characteristic of craft units. In this regard, the tool and die technicians modify, repair, and maintain the dies, and in doing so they work to exact specifications (including blueprints) and close tolerances using typical tools of the trade (grinders, lathes, welders, etc.). They also fabricate jigs, fixtures, and some of their own tools. These are the types of skills and duties characteristic of the tool-and-die craft. See, e.g., *Lianco Container Corp.*, 177 NLRB 907, 908 (1969); *Friden Calculating Machine Co.*, 110 NLRB 1618, 1620 (1954); *Line Material Co.*, 108 NLRB 1033, 1034 (1954).³² The fact that the tool and die technicians do not fabricate the dies does not undercut their craft status; to the contrary, the Board has found craft status on similar facts. See, e.g., *Lianco*, 177 NLRB at 908 (finding craft unit where die work involved repairing and rebuilding dies purchased outside the plant); *General Electric Co.*, 125 NLRB 718, 720 & fn. 12 (1959) (craft severance appropriate where employees revised and maintained dies made by outside contractors).³³

The tool and die technicians' high skill level is reflected by the tool and die technician job posting, which lists journeyman status in tool and die (or equivalent knowledge and years of experience) as a requirement and states the Employer's preference for 5 or more years of experience in stamping die maintenance (or die making) or 2 years of experience plus a technical degree or certification in machine tool technology. Although Tool and Die Manager Bryson testified that the Employer has never actually hired anyone with a journeyman card or certification and has on at least four occasions hired tool and die technicians with fewer than 2 years' experience,³⁴ the job posting demonstrates that the Employer seeks highly skilled individuals with specialized tool-and-die skills for the tool and die technician positions. See, e.g., *Lianco*, 177 NLRB at 908 (in finding craft status, Board noted that although journeyman status was not required, the employer sought persons with prior training and experience in the field). In any

event, the job posting also states that further training will be required on all job responsibilities "not otherwise satisfied," which is consistent with the evidence showing that the Employer provides extensive on-the-job training for new tool and die technicians, including simulations.³⁵

There is no overlap with respect to this highly skilled work. The tool and die technicians are the only employees who work on the metal striking surfaces of the dies, as the Acting Regional Director recognized,³⁶ and there is no evidence that any other employees perform comparable work requiring comparable skills or skill levels.³⁷ The Employer nevertheless contends that tool and die technicians share work functions with other employees based on their service on Line Patrol, their operation of the "tryout" press, and their work in the body shop, as well as the maintenance technicians' work on the dies and the production technicians' fabrication of slug catchers and scrap chutes that are attached to the dies. We do not agree that these considerations establish significant overlap. With respect to Line Patrol, only a small minority of tool and die technicians are assigned to Line Patrol on a given day, and even then the tool and die technicians are primarily focused on die-related concerns, while the production technicians are concerned with the presses themselves. Furthermore, the Board has previously found that inclusion of putative craft employees on teams including other employees does not negate separate craft identity where, as here, the putative craft employees continue to work on their specialty. See *Burns & Roe*, 313 NLRB at 1308–1309 (inclusion of electricians on team of maintenance employees did not undercut craft status where electricians worked on own specialty); *Mirage Casino-Hotel*, 338 NLRB at 533 (craft status not undermined where "each member of the crew performs only the work associated with their traditional craft"). To the extent that there is overlap in Line Patrol duties such as checking lifts and clearing scrap chutes, this is merely the type of overlap of

³² *Dundee Cement Co.*, 170 NLRB 422 (1968), cited by the Employer, is distinguishable. In that case, the Board found that electrical maintenance employees were not craft employees because they did not exercise "the gamut skills of any craft"; in that regard, major electrical repairs were conducted by contractors because the electrical maintenance employees did not have the equipment or training necessary to do such work. See *id.* at 424.

³³ See also *Cans, Inc.*, 100 NLRB 1445, 1447 & fn. 9 (1952) (fact that tool-and-die employees only occasionally made dies—because employer purchased most of them—"does not preclude a finding that these employees are craftsmen"); *Continental Can Co.*, 98 NLRB 1252, 1254–1255 (1952) (craft severance appropriate where tool-and-die makers only "occasionally" made dies). Although the Employer cites two craft-severance cases in which the Board found severance inappropriate for groups of tool-and-die employees who did not fabricate dies, in neither case did the Board state this was a dispositive consideration; in fact, it is unclear whether the Board regarded this as a significant analytical

consideration. See *Aerojet-General*, 163 NLRB at 891–892; *F. L. Jacobs*, 108 NLRB at 545–546.

³⁴ As previously discussed, Bryson did not elaborate on this statement, and none of the four hires he named testified. There is accordingly no detailed evidence regarding the degree and nature of their skills and qualifications at hire.

³⁵ The Employer's hiring preferences and the need for on-the-job training is also consistent with tool and die technician Hansen's testimony that a new tool and die technician is unlikely to succeed without some prior tool-and-die experience.

³⁶ Although the Acting Regional Director did not specifically address the *Burns & Roe* factor of overlap, in her traditional community-of-interest analysis she found that the tool and die technicians have unique functions.

³⁷ This is in contrast to *Cessna Aircraft*, cited by the Employer, where the craft skills exercised by the petitioned-for employees were also exercised by employees the petitioner did not seek to represent. See 114 NLRB at 1193.

“lesser skilled duties” that does not detract from craft status. *Burns & Roe*, 313 NLRB at 1309; see also *E. I. DuPont*, 162 NLRB at 418.

Similarly, the fact that tool and die technicians may operate the “tryout” press to determine if die repairs have been successful does not establish any significant overlap with production technicians; this is clearly an activity that is ancillary to the tool and die technicians’ specialized work. Finally, the remaining evidence cited by the Employer does not establish any overlap at all. Maintenance technicians may work on electrical and pneumatic die components, but they do not work on (nor do they possess the skill to work on) the metal striking surfaces of the dies, and tool and die technicians do not work on the electrical or pneumatic components.³⁸ Similarly, Production Technicians may fabricate scrap chutes and slug catchers, but the tool and die technicians attach them to the dies; there is no evidence that either position ever carries out the other function.

Thus, although there is some functional overlap between the tool and die technicians and the excluded employees, it is limited and confined to lesser skilled duties. Board precedent is clear that this degree of overlap does not preclude finding the petitioned-for unit appropriate. *Burns & Roe*, 313 NLRB at 1309; *E. I. DuPont*, 162 NLRB at 418. On the facts of this case, it is far more significant that no other employees perform the skilled work of the tool and die technicians (and that the tool and die technicians do not perform the skilled work of the other positions).³⁹

With respect to assignment, there is no evidence that the Employer assigns tool-and-die work according to need rather than based on the skill level of the employees. Once again, the tool and die technicians are the only employees who work on the dies’ metal striking surface; this work is never assigned to any other employees. Likewise, tool and

die technicians are not assigned to perform the work of the production technicians or the maintenance technicians. Given that the Board has found that this factor favors craft status where virtually all of the putative craft work is performed by the putative craft employees, this circumstance clearly favors craft status here. See *Mirage Casino-Hotel*, 338 NLRB at 533.⁴⁰ There is also no indication that tool and die technicians are cross-trained to perform non-tool-and-die work or that any other employees are cross-trained to perform tool-and-die work (other than when they are seeking to permanently transfer to tool-and-die work); this, too, is indicative of craft status. See *Burns & Roe*, 313 NLRB at 1309 (no cross-training between electricians and non-electricians).

Turning to whether the petitioned-for employees share common interests with other employees, we find that the record establishes that the tool and die technicians have a number of significant interests distinct from those of the excluded employees insofar as they are organized in a separate administrative grouping, have separate supervision, have little interchange with other employees, and are the highest-paid employees at the facility.

Contrary to the Acting Regional Director’s finding, the Employer has organized the tool and die technicians as a separate administrative grouping. Although part of the stamping shop, the tool and die technicians have at least two layers of separate supervision from other stamping shop employees, they are referred to as their own “group,” and that group has its own dedicated budget. Under these circumstances, they clearly conform to an administrative grouping. The fact that this grouping is not the entirety of the stamping shop does not, as the Acting Regional Director found, render this a “fractured” unit. See *WideOpen-West Illinois, LLC*, 371 NLRB No. 107, slip op. at 8 fn. 19 (2022) (“[T]he Board has never held that an appropriate unit requires the inclusion of all employees organized in a

³⁸ In a similar vein, although some testimony likened the tool and die technicians to the maintenance technicians who repair the fascia molds that are used to fabricate bumpers in the trim and chassis shop, there is no evidence of interchange or overlap between the two groups, strongly suggesting that different skills and skill levels are involved.

³⁹ The limited overlap here is not comparable to the degree of overlap in many of the tool-and-die severance cases cited by the Employer. See *Aerojet-General*, 163 NLRB at 891–892 (severance unwarranted where tool-and-die employees “move[d] back and forth between production and tooling jobs,” and accordingly there was “no sharp demarcation between tooling and production work”); *Holmberg*, 162 NLRB at 408–410 (declining to direct severance election based in part on the “considerable amount of overlap” in the duties of the tool-and-die employees and excluded employees); *F. L. Jacobs*, 108 NLRB at 546 (severance inappropriate based on “a constant overlapping of assignments” between tool-and-die employees and other employees). Several other cases cited by the Employer are similarly distinguishable. In *Proctor & Gamble Paper Products Co.*, 251 NLRB 492, 494 (1980), the Board found that electrical support technicians did not constitute a craft unit where “a substantial

amount of electrical work [was] also performed by more than 200 other technicians,” and the electrical support technicians worked in tandem with excluded employees to accomplish electrical repairs. Similarly, in *Timber Products Co.*, 164 NLRB 1060, 1063 (1967), maintenance electricians spent the vast majority (85 to 90 percent) of their time “doing whatever is necessary” to keep production machines running, including working with mechanical employees to conduct production repairs, and some of them “routinely” performed production work.

⁴⁰ Several of the cases the Employer cites in which the Board declined to direct a severance election among tool-and-die employees are distinguishable on this ground as well. See *Aerojet-General*, 163 NLRB at 892 (tool-and-die employees performed production work “as necessitated by the fluctuations in employment”); *Holmberg*, 162 NLRB at 409 (diemakers received production assignments as dictated “by manpower requirements and the availability of employees for such assignments”); *F. L. Jacobs*, 108 NLRB at 546 (production schedules required “a constant overlapping of assignments” between tool-and-die and other employees).

department where there are other reasons for exclusion, as there are here.”). Further, the Board has found less-than-department-wide craft units appropriate. See *Mirage Casino-Hotel*, 338 NLRB at 533–534 (finding that crews of upholsterers and carpenters within the engineering department constituted a craft unit).⁴¹

Similarly, the tool and die technicians’ separate supervision favors the petitioned-for unit. There is no dispute that the tool and die technicians have two levels of separate supervision from the production technicians, that maintenance technicians have an entirely different supervisory and managerial chain, and that there is little to no cross-supervision. The Acting Regional Director acknowledged that the tool and die technicians are separately supervised “up to the level of a Tool and Die Manager,” but nevertheless found this factor favors a larger unit because “discipline and termination must be approved by” higher level managers. The cases the Acting Regional Director cited do not support the proposition that two levels of separate supervision weigh against finding a unit appropriate merely because some personnel authority is reserved to higher management,⁴² and in fact the Board has found that separate supervision supported craft status for two crews within the same department even though the director of that department was responsible for discipline and firing. See *Mirage Casino-Hotel*, 338 NLRB at 530, 533. More generally, the Board has repeatedly emphasized the existence of separate supervision in craft-unit cases, including tool-and-die cases. See, e.g., *Lianco*, 177 NLRB at 908 (noting tool-and-die employees had separate immediate supervision).⁴³

The absence of significant interchange also clearly supports finding the tool and die technicians constitute an appropriate unit. The Acting Regional Director (who discussed this factor together with contact) correctly found

that evidence of permanent transfers is not as important as evidence of temporary interchange, and that there is no evidence of temporary interchange here. But she also found that permanent interchange is “quite common.” We do not agree. Although it is true that nearly a quarter of the current tool and die technicians are former production technicians and/or maintenance technicians, these 20 examples are spread over a 35-year period.⁴⁴ On these facts, this amount of interchange cannot be regarded as “significant.” See *Mirage Casino-Hotel*, 338 NLRB at 533 (“Evidence of 14 transfers over a 10-year span is insignificant.”). Moreover, this limited permanent interchange is all one way, which further reduces its significance. *Id.* at 533–534.

In addition, the tool and die technicians are the highest paid employees at the facility, averaging \$26.70 to \$33.04 per hour. It is true that the maintenance technicians share this pay scale with the tool and die technicians,⁴⁵ but it remains the case that the tool and die technicians are the highest paid (if not the only highest paid) at the facility, a consideration that the Board has also emphasized in finding craft status. See, e.g., *E. I. DuPont*, 162 NLRB at 416 (noting that electricians, “like other highly skilled classifications, are in the highest pay group of the [e]mployer”).⁴⁶

To be sure, the tool and die technicians do share some common interests with excluded employees. Although we have emphasized the tool and die technicians’ status as the highest paid employees, the limited evidence regarding other terms and conditions of employment indicates that the tool and die technicians share similar hours, receive the same benefits, are subject to the same handbook, and have some similar training requirements as the production technicians and maintenance technicians. Similarly, the tool and die technicians clearly have regular contact with

⁴¹ The Acting Regional Director’s analysis of this factor erred in three further respects. First, her reliance on the presence of maintenance technicians in the stamping shop was misplaced; although maintenance technicians are assigned to the stamping shop, they are part of the separate maintenance department. Second, she incorrectly suggested that the presumptive appropriateness of plantwide units disfavored the petitioned-for unit, but that presumption only applies when the petitioned-for unit is a plantwide unit. Finally, the other considerations the Acting Regional Director cited in analyzing whether the tool and die technicians constitute an administrative grouping (e.g., Line Patrol and pay scale) bear on other factors.

⁴² Both *NCR Corp.*, 236 NLRB 215 (1978), and *Executive Resources Associates*, 301 NLRB 400 (1991), involved situations where an employer contested the propriety of a petitioned-for single-location unit. Accordingly, the Board’s discussion of the personnel authority of the supervisors in those cases was within the context of considering the degree of each employer’s centralized control and administration. As previously indicated, precedent regarding petitioned-for single-facility units is inapplicable here.

⁴³ We also disavow the Acting Regional Director’s statement that interchange, contact, and functional integration are “more important” than separate supervision. *Casino Aztar*, 349 NLRB 603, 607 (2007), cited by the Acting Regional Director in support of this proposition, merely found that separate supervision was outweighed by other factors in that case.

⁴⁴ The record appears to reflect that there have only been two such permanent transfers since 2014.

⁴⁵ The fact that the maintenance technicians are also the highest paid employees at the facility simply reflects that they, too, are highly skilled employees.

⁴⁶ Accordingly, we do not agree with the Acting Regional Director’s finding that the shared pay scale between the tool and die technicians and the maintenance technicians favors a larger unit. Further, even if the shared wage scale establishes common interests between the tool and die technicians and the maintenance technicians, it does not reflect shared interests between these classifications and the production technicians, who constitute the vast majority of employees at this facility and are paid significantly less (\$16.50 to \$28.17 per hour) than the tool and die technicians.

other employees. The significance of such contact, however, is tempered by other considerations. The best evidence of contact is Line Patrol, and as already discussed less than a quarter of tool and die technicians are assigned to Line Patrol on any given day.⁴⁷ Further, although there are also examples of contact outside of Line Patrol, that type of contact does not appear to be frequent; as noted, tool and die technician Hansen testified that when not on Line Patrol, his contact with other employees was limited to a handful of interactions a day, and Tool and Die Manager Bryson similarly testified that tool and die technicians would visit production areas only 2–3 times per shift. In addition, for both Line Patrol and other interactions, the evidence mainly illustrates contact between the tool and die technicians and production technicians.⁴⁸ Although there is no doubt that tool and die technicians also have contact with the maintenance technicians, it is unclear how frequently such contact occurs. Thus, the degree of contact here is not entitled to significant weight; indeed, it is comparable to *Mirage Casino-Hotel*, 338 NLRB at 531, where the Board still found craft status despite evidence of contact.

With respect to functional integration, we agree with the Acting Regional Director’s finding that the “the Employer’s operation is a highly integrated one.” But the Board has made clear that functional integration “is not in and of itself sufficient to preclude the formation of a separate craft bargaining unit, unless it results in such a fusion of functions, skills, and working conditions between those in the asserted craft group and others outside it as to obliterate any meaningful lines of separate craft identity.” *E. I. DuPont*, 162 NLRB at 419. As set forth above, the integrated nature of the Employer’s operation has not obliterated the tool and die technicians’ separate identity, which is amply demonstrated by the fact that they perform highly skilled tool-and-die functions that no other employees perform, that this work is assigned along craft lines, that they are organized in a separate department with separate supervisors, that there is only limited interchange between them and other employees, and that (aside from Line Patrol) they mostly work in their own areas.

In addition, the evidence of functional integration that is present here should not be overstated; rather, it is entitled to relatively little weight. The Board has recently

clarified that “functional integration exists only where employees must work together and depend on one another to accomplish their tasks.” *WideOpenWest*, 371 NLRB No. 107, slip op. at 7 fn. 16.⁴⁹ Thus, the integrated nature of the operation does not by itself reflect functional integration. And here, although it is true that production lines in the stamping shop (and at least some lines in the body shop) cannot run until damaged dies are repaired, the record is also clear that a significant amount of tool and die work can be completed in the dedicated tool and die works areas. It accordingly is not the case that the tool and die technicians are constantly working side by side with other employees. Indeed, as tool and die technician Hansen testified, it is uncommon for tool and die technicians to see other employees when working in their dedicated areas. Further, as already discussed with respect to contact, although tool and die technicians’ duties on Line Patrol (along with the occasional die repairs they perform directly on production lines) also exhibit functional integration with the production technicians assigned to the stamping shop, less than a quarter of the tool and die technicians are engaged on Line Patrol on any given day. Similarly, the fact that maintenance technicians (1) repair tool-and-die equipment and (2) work on electrical and pneumatic components of the dies shows some degree of functional integration with the tool and die technicians, but the former circumstance is characteristic of any manufacturing operation with a separate maintenance department, and it is unclear how often maintenance technicians need to work on the electrical and pneumatic components. Finally, the Employer’s alternate unit (and the unit found appropriate by the Acting Regional Director) is a plantwide unit of 4300 employees. The evidence of the tool and die technicians’ functional integration, however, is largely limited to the other approximately 275 employees assigned to the stamping shop.⁵⁰ In short, the degree of functional integration here is not unusually high for a manufacturing operation, and therefore is not entitled to significant weight. In any event, it is only one factor in the craft unit analysis, and, again, the degree of functional integration here does not “obliterate” the tool and die technicians’ separate craft identity.

Finally, we acknowledge that, at present, there is no formal apprenticeship or training program for tool and die

⁴⁷ As also indicated, some tool and die technicians (i.e., the leads and CNC Mill Operators) are never assigned to Line Patrol. We acknowledge that there was testimony that some other tool and die technicians may rotate onto Line Patrol every other week. Even so, we find that, on the whole, only a minority of tool and die technicians’ work time is spent performing Line Patrol duties.

⁴⁸ This contact is, furthermore, largely confined to production technicians in stamping.

⁴⁹ We therefore do not rely on the Acting Regional Director’s overly broad characterization of functional integration. See *id.* We also do not rely on her statement suggesting that functional integration is “more important” than other factors.

⁵⁰ The tool and die technicians’ role in repairing hem dies also shows some functional integration with production technicians assigned to the body shop. The record contains little, if any, evidence suggesting that tool and die technicians are functionally integrated with production technicians in the paint, trim and chassis, or quality assurance shops.

technicians. But the absence of a formal program or extensive on-the-job training “does not necessarily negate separate craft status” where the employer requires extensive experience in the skill at issue, “and no other class of employees is required to have the same level of . . . knowledge.” *Burns & Roe*, 313 NLRB at 1308.⁵¹ Here too, notwithstanding the lack of an apprenticeship program, the Employer seeks tool and die technicians with extensive tool-and-die experience, provides on-the-job training to cover any deficit in this regard, and does not require any other class of employees to have comparable tool-and-die knowledge. In addition, the lack of a current apprenticeship program is entitled to less significance in view of the fact that a substantial number of the tool and die technicians currently employed at the facility—including the sole current tool and die technician who testified—completed either the apprenticeship program discontinued in 2006 or the more recent work-study program.⁵² There is no indication that these programs were discontinued due to any lowering of the skill level required for the tool and die technicians.⁵³ Indeed, as discussed at the outset, the tool and die technicians are highly skilled employees who perform the skills traditionally associated with the tool-and-die craft.⁵⁴ In any event, the lack of an apprenticeship is not dispositive; even if it weighs against craft status, we find that it is easily outweighed by other factors that favor craft status.

Conclusion

For the foregoing reasons, we conclude that the relevant factors establish that the tool and die technicians constitute an appropriate craft unit. The tool and die technicians are

⁵¹ See also *Mirage Casino-Hotel*, 338 NLRB at 531, 533 (finding craft status for carpenters despite absence of apprenticeship where employer required 2 to 4 years of experience before being hired); *Wal-Mart Stores*, 328 NLRB 904, 907 (1999) (“That the Employer does not have a meat-cutter apprenticeship program or other formalized training in meatcutting is of little relevance here, as the meatcutters had prior experience when hired.”); *Anheuser-Busch*, 170 NLRB at 47 (finding craft status in absence of formal training program where electricians were hired with 3 to 4 years of experience).

⁵² The Employer generally asserts that neither program was indicative of craft status, but the two cases it cites in support of this statement did not involve comparable specialized apprenticeships or work-study programs. See *Proctor & Gamble*, 251 NLRB at 493 (no electrical apprenticeship; vocational school training available for all employees); *Dundee Cement Co.*, 170 NLRB 422, 423 (1968) (no apprenticeship or on-the-job training). Further, the 4-year apprenticeship program as described by tool and die technician Hansen accords with training programs described in myriad tool-and-die cases where the Board has found craft status. See, e.g., *General Electric*, 125 NLRB at 720–721 (severance appropriate where, inter alia, employer maintained 4-year apprenticeship program). The Employer nevertheless contends that the apprenticeship program was “not the kind of program recognized as an apprenticeship program by industry standards or by the Department of Labor” and did not award a “nationally recognized certification.” The Board has never held that industry, state, or federal licensing is necessary for an

highly skilled and perform the functions traditionally associated with the tool-and-die craft. They are the only employees who perform those traditional tool-and-die functions; any overlap is with respect to ancillary, lesser skilled duties. Tool-and-die work is assigned on a craft basis, rather than according to need. The tool and die technicians constitute a separate administrative grouping, have separate supervision, have minimal interchange with other employees, and (along with maintenance technicians) are the highest paid employees at the facility. Although they do have regular contact and functional integration with at least some excluded employees, neither circumstance warrants significant weight based on the facts of this case; similarly, the lack of a current apprenticeship or other formal training program is not dispositive and not entitled to significant weight here. In any event, even if these considerations (along with the limited evidence of shared terms and conditions of employment) weigh slightly against finding that the tool and die technicians constitute a craft unit, we find that they are clearly outweighed by the foregoing factors that favor craft status. Having found that the tool and die technicians are an appropriate unit under the craft unit analysis, no further inquiry is required.

We therefore reverse the Acting Regional Director’s finding that the smallest appropriate unit must include employees in all three classifications employed at the Smyrna facility.

ORDER

The Acting Regional Director’s Decision and Direction of Election and her administrative dismissal of the petition are reversed, the petition in Case 10–RC–273024 is

apprenticeship or other training program to be indicative of craft status, and the Board has found craft unit status where an apprenticeship was not state approved. See *E. I. DuPont*, 162 NLRB at 416. Even in referring to federally recognized apprenticeship programs and the “generally accepted standards” for how long an apprenticeship should be in a given craft, the Board has specified that it will “recognize an experience equivalent where it is clearly demonstrated to exist.” *American Potash & Chemical Corp.*, 107 NLRB 1418, 1423 (1954).

⁵³ In fact, what evidence there is suggests that their discontinuation is simply indicative of wider trends in training for the tool-and-die trade. In this regard, tool and die technician Hansen testified, without contradiction, that apprenticeship and trade school programs for tool-and-die specialists are increasingly rare, and as a result training is now largely completed on the job. We take administrative notice that the Bureau of Labor Statistics webpage regarding tool and die makers and machinists similarly states that although apprenticeships may be available, such employees “typically are trained on the job.” See Bureau of Labor Statistics, U.S. Department of Labor, *Occupation Outlook Handbook: Machinists and Tool and Die Makers*, BLS.GOV, <https://www.bls.gov/ooh/production/machinists-and-tool-and-die-makers.htm#tab-4> (last modified Sept. 8, 2022).

⁵⁴ Cf. *Bartlett Collins Co.*, 334 NLRB 484, 485 (2001) (declining to find that mold-repair employees were craft employees where, among other things, they did not perform functions traditionally associated with mold making or any other craft).

reinstated, and the case is remanded to the Regional Director for further appropriate action consistent with this Decision on Review and Order.

Dated, Washington, D.C. February 2, 2023

Lauren McFerran, Chairman

Gwynne A. Wilcox, Member

David M. Prouty, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD