

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9**

SOFIDEL AMERICA CORPORATION

Employer

and

Case 09-RC-345188

**TEAMSTERS LOCAL UNION NO. 413,
AFFILIATED WITH THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**

Petitioner

DECISION AND DIRECTION OF ELECTION

I. INTRODUCTION

Sofidel America Corporation (the Employer) operates a manufacturing facility that produces tissue paper, napkins, and paper towels for consumers and businesses. Teamsters Local Union No. 413, affiliated with the International Brotherhood of Teamsters (Petitioner or Union) filed the instant petition with the National Labor Relations Board (the Board) under Section 9(c) of the National Labor Relations Act (the Act) seeking to represent all full-time and regular part-time employees in the Employer's converting department, including CNV production technicians, packaging operators, CNV rewinder operators, CNV rewinder operator assistants, and CNV robot operators employed by the Employer at its 25910 US-23, Circleville, Ohio facility; excluding all other employees, paper mill employees, warehouse employees, shipping and receiving employees, maintenance employees, quality employees, facilities employees, office clerical employees, professional employees, guards and supervisors as defined in the Act. There are approximately 231 employees in the petitioned for unit. The Employer argues that the petitioned-for unit is inappropriate because it excludes employees that share an overwhelming community of interest. The unit that the Employer contends is appropriate is one that includes all full-time and regular part-time production and maintenance employees, including converting department employees, papermill department employees, warehouse and supply chain employees and quality lab assistants; excluding all gatehouse attendants, shipping and transport office assistants, office clerical employees, CHP/Boiler Operators, all professional employees, guards, and supervisors as defined by the Act. The Employer clarified on the record that employees in its facilities department would also be included in its proposed unit as they are considered a part of the production and maintenance operations. There are approximately 416 employees in the unit sought by the Employer.

The issue before me is whether the petitioned-for-unit is an appropriate unit or if an appropriate must include all full-time and regular part-time production and maintenance

employees. The Union avers that the petitioned-for unit of converting department employees is a sufficiently distinct identifiable group that shares an internal community of interest. The Employer contends, in contrast to the Petitioner, that there is an overwhelming community of interest between converting department employees and all production and maintenance employees.

A hearing officer of the Board held a hearing in this matter in Cincinnati, Ohio on July 10 and 11, 2024, during which the parties entered into several stipulations.^{1/ 2/} Both parties filed post-hearing briefs. Based on the review of the record, relevant Board law and guidelines, and in consideration of the parties' arguments and briefs, I have concluded that the employees of the petitioned-for unit share an internal community-of-interest, are readily identifiable as a group, and are sufficiently distinct from the employees the Employer seeks to include in the unit. Accordingly, I shall direct an election in the petitioned-for unit.

II. FACTS

A. General Overview of the Employer's Operation.

The Employer is engaged in the manufacturing of tissue paper, napkins and paper towels for consumers and businesses. The facility at issue in this proceeding is located in Circleville, Ohio and generally transforms pulp into paper and then from that paper, produces finished products. Within this facility are various departments including the paper mill, converting, maintenance, warehouse, quality and facilities. Marco Lombardi is the facility's operations manager who oversees the entire plant. Each department, with the exception of facilities, whose employees report directly to Mr. Lombardi, is separately supervised. Ponjaresh Vairavanathan is the papermill manager. George Stiles is the converting manager. Boone Sabine is the maintenance manager. Brandy VanCuren is the quality manager. There is also a warehouse manager, but the record does not reflect this individual's name.

There is currently one bargaining unit present at the Employer, represented by an undisclosed local of the Operating Engineers Union. A collective bargaining agreement covering this unit was ratified in 2021. This unit consists of the Employer's "cogen" employees. The cogen employees operate boilers, turbines and other types of similar machinery which must be monitored and maintained to keep the facility online and operating. All cogen operators must possess at least a high-pressure boilers license. There are currently seven employees in this unit.

^{1/} All dates are in 2024 unless otherwise noted

^{2/} The hearing was originally scheduled for July 9, as such, according to the Board's Rules and Regulations, the Employer's Statement of Position was to be timely filed and served by noon on July 8. The hearing was subsequently rescheduled to July 10, but that did not affect the Employer's obligation to timely file and serve their statement of position by the originally scheduled due date. The Employer's Statement of Position was filed by the Employer on July 8 but was not served on the Petitioner until the morning of July 9. Based on the Employer's untimely service of its Statement of Position and pursuant to the Board's Rules and Regulations §102.66(d) the Employer was properly precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue or presenting argument concerning any issue at the hearing. The Employer was permitted to submit offers of proof pursuant to the Board's Rules and Regulations §102.66(c). Following the hearing, on July 23, the Employer filed a Request for Review of my decision on preclusion with the Board. On August 23, the Board issued an order denying the Employer's Request for Review.

In terms of physical layout, the Employer's facility has one parking lot and two entrances, one on the east side of the building and another on the west side. Typically, employees from the converting and paper mill departments along with employees who work in warehouses A and D use the east side entrance. All other employees use the entrance on the west side of the facility. Within the facility there are two papermill sections located perpendicular to one another on the east side of the facility. Directly in the center of the production floor is the converting department. There is a break room right off of the converting department floor and another one on the upstairs level of the facility. Both break rooms are accessible to all employees. The maintenance department's main shop is located to the left of the converting department. To the right of this shop is a breakroom that the maintenance employees use. The maintenance department also has satellite shops in the paper mill and finished goods warehouse. Above the maintenance department's main area is a work area for the facilities employees in which they keep equipment and parts. There are several warehouses located throughout the Employer's facility. Warehouse A, the pulp warehouse, is located on the northeast side of the facility. Warehouse D, the parent reels warehouse, is located in the center of the facility. Warehouse F, the raw materials warehouse, is located on the west side of the facility and Warehouse G, the finished goods warehouse, is located on the west side of the facility, to the left of Warehouse F.

Job position openings at the Employer are posted online for specific departments. All applications are reviewed through the same applicant tracking system, Paycor. Interviews for open positions are conducted by one individual from Human Resources and the supervisor/manager of the department that has the opening. For job positions within the paper mill and converting departments the Employer seeks candidates with prior manufacturing experiences. For maintenance department jobs the Employer seeks candidates with prior electrician or mechanical technician experience. Once applicants are hired there is a two-and-a-half-day orientation that is the same for all employees regardless of the job classification. Employees who will be driving a forklift undergo additional forklift training after this orientation process. All employees are subject to the same employee handbook and have the same security badges to permit them access to the facility.

The Employer's departments mostly have their own distinct wage scale and wage progression. The papermill and converting departments have the same starting wage of \$22.55 an hour whereas, the maintenance department's starting wage is around \$31 dollars an hour. Quality department employees are paid \$18 an hour and facilities department employees are paid \$17 an hour. If employees want to move up in their department's wage progression plan, they must take a written assessment that is specific to their job position. Additionally, at least some of the different departments have unique uniforms. Converting department employees wear a uniform that consists of a blue shirt, navy blue pants and steel toed shoes. Warehouse employees wear coveralls and a jacket. The record does not reflect the uniforms worn by employees in the other departments. Both papermill and converting department employees are given uniform allowances however, the papermill's allowance is higher (although the record does not reflect the exact amounts). There are several different schedules worked by employees at the Employer which vary depending on the department. Converting and converting maintenance employees work 7 A.M. to 7 P.M. or 7 P.M. to 7 A.M. Quality employees rotate on shift with the converting department. Papermill and papermill maintenance employees work

6 A.M. to 6 P.M. or 6 P.M. to 6 A.M. Facilities employees work undisclosed hours on the dayshift. Warehouse employees work a variety of shifts including 7 A.M. to 7 P.M., 7 P.M. to 7 A.M., dayshift, 3 P.M. to 11 P.M. or 11 P.M. to 7 A.M. Converting, converting maintenance and warehouse employees work a 2-2-3 schedule. This means that employees rotate between two days on, two days off and three days on one week and two days off, two days on and three days off the next week. Paper mill and paper mill maintenance employees work a four-on-four-off schedule.

With regard to disciplinary action, the supervisor/manager of the relevant department will recommend the discipline he or she wishes to impose to Human Resources. Human Resources will then put the discipline together and give it to the supervisor/manager to issue. The only instances where department supervisors/managers do not recommend discipline are for attendance related disciplinary actions. If employees seek to transfer between departments, they are required to fill out an internal transfer form. Once they fill that out, they are then interviewed to assess whether they meet the qualifications for their desired job position. Between October of 2018 and June of 2024 there were sixty-seven permanent transfers from one department to another.

Per company guidelines, an inventory process, where a physical count is made of goods located at various locations throughout the facility, is performed monthly. It is company policy to have at least two employees from different departments perform this inventory. One of these employees must be the “owner” of whatever material is being counted. For example, if inventory is being taken of the pulp, then one of the employees conducting the count must work in the pulp warehouse.

Below, I will continue to discuss the specific nature of the Employer’s operation in the context of the employees who perform the job functions involved in this case.

B. The Employer’s Departments

1. Papermill Department

The papermill department is generally tasked with taking raw materials, including pulp, and transforming them into paper. There are approximately 54 employees in the papermill. As noted above, there is a manager, Ponjaresh Vairavanathan, who oversees the department. Below the manager there is an assistant production manager and each shift has one shift supervisor. The papermill department consists of six job positions: Paper Machine Leader (Machine Tender), Paper Machine Assistant (Back Tender), Paper Machine Rewinder Assistant (3rd Hand), Feeding Pulper Operator, Paper Machine Utilities and Chemical Operator and Paper Machine Process Lab Analyst.

Paper Machine Leaders, also referred to as Machine Tenders, are tasked with monitoring the operation of the paper mill by utilizing the computer systems to interpret mill activity and preparing rolls for removal from the mill. Paper Machine Assistants, also referred to as Back Tenders, oversee the dry end function of the paper machine, assist with preparing the roll for removal from the mill and coordinate with the crew to direct rolls from the paper machine to the rewinder or jumbo roll storage. Paper Machine Utilities and Chemical Operators monitor and

maintain appropriate supply levels for the paper machine and rewinder along with also assisting to prepare the roll for removal from the mill. Feeding Pulper Operators cut wires from pulp to prepare it for the pulper, feed the pulper in accordance with the furnish requirements, place pulp on the conveyor, monitor stock chest levels, determine pulper needs and operate forklifts to move raw materials from storage to pulper. Paper Machine Rewinder Assistants, also referred to as 3rd Hands, adjust rewinder parameters; monitor sheets through the rewinding process; ensure the finished product is of proper width, diameter, and roll build; prepare the roll for removal from the mill and operate clamp trucks to move and process paper rolls.

The papermill department's function of transforming raw materials into paper begins with pulp being brought to the papermill from the pulp warehouse. Once it has been delivered to the papermill it then undergoes a process which takes the pulp and other raw materials and turns it into a "parent reel." More specifically, this begins with the Feeding Pulper Operator radioing the pulp warehouse to request the raw materials needed to start the process. The materials are then brought to the papermill by forklift at which point the Feeding Pulper Operator will then transport these materials, also using a forklift, to the conveyor to begin the pulp processing. The Paper Machine Leader (Machine Tender), Paper Machine Assistant (Back Tender) and PM Rewinder Assistant (3rd Hand) then begin operating the papermill machines which inject paper and add chemicals to the raw materials. During this process the pulp is melted into water and eventually turned into a finished sheet of paper. This is what creates the parent reel. At this point the parent reel is either moved to the conveyors for wrapping, which is done by an automated system, or they are moved to the rewinder to be transformed into a different shape of reel, which is done by the PM Rewinder Assistant (3rd Hand). Once the parent reels are finished, they are then moved to the parent reels warehouse where they are stored until they are needed by the converting department.

2. Converting Department

The converting department is generally tasked with converting jumbo parent reels to sellable rolls of toilet paper, tissue paper and paper towels. Manager George Stiles oversees the Converting department. Beneath Mr. Stiles there is an assistant manager and three superintendents. Underneath them are normally three shift supervisors assigned to each shift. There are five job positions within this department: CNV Rewinder Operator Assistant, CNV Robot Operator, Packaging Operator, CNV Rewinder Operator and CNV Production Technician. There are currently 231 employees in the converting department.

CNV Robot Operators generally operate, set up and maintain manual and automatic equipment which involves participating in accident investigations; applying customer specifications to the operation of the machine to assure finished goods comply with customer requirements; performing regular audits of equipment; keeping the operating area and equipment in a clean manner; running the machinery, inspecting and evaluating equipment conditions; performing basic maintenance functions; collaborating with the maintenance department to solve technical issues and collaborating with the quality department for application of quality management systems. Packaging Operators generally operate, set up and maintain packaging equipment and processes to produce a finished product that meets customer and company requirements. More specifically, amongst their duties are understanding and applying customer

specifications to the operation of the machine; performing regular audits of equipment; maintaining machinery in good condition; performing basic maintenance functions; eliminating all waste on raw materials and production activities; collaborating with the maintenance department to solve technical issues and collaborating with the quality department for application of quality management systems. CNV Rewinder Operators are responsible for operating the paper converting machine and equipment to meet the Employer's production goal. Their delineated job duties described in the job position are generally the same as the duties for Packaging Operators and Robot Operators. CNV Rewinder Operator Assistants work closely with and under the direction of CNV Rewinder Operators to operate the machines and provide support to the CNV Rewinder Operators. This involves the CNV Rewinder Operator Assistant programming and monitoring the computerized operating panel; calculating and determining proper core size, roll diameters, required forage and perforation; initiating set up, operations, and adjustments of the rewinder; programming the log saw and clamping product in the log saw; performing hourly quality checks; monitoring and performing product changeovers; and adjusting the embossing unit and changing core chuck. Finally, CNV Production Technicians, also known as Tuners, support the production sites in order to guarantee technical efficiency and equipment safety levels are maintained. This generally involves them monitoring actual production performance and comparing forecast performance to actual performance, analyzing, developing and implementing methods for improving production and working closely with the Plant Manager and the Quality Department to improve productivity, quality and efficiency.

The converting process begins with converting department employees, usually a CNV Rewinder Operator, requesting parent reels through the computer. The parent reels are then delivered, the majority of time, by a laser guided vehicle (LGV) however, if there is a technical issue with the LGV, it will be brought over by a Parent Reels Warehouse Operator using a forklift. Once the parent reels are delivered, they are scanned and IDed to make sure that they consist of the correct type of paper. If it is not the correct type of paper, the converting department employee will radio a Parent Reels Warehouse Operator to inform them of the mistake. A mistake of this nature, according to testimony of Plant Operations Manager Marco Lombardi, happens every shift. Once the converting employees have the correct paper, they will put the parent reel through their line which converts it into whatever product that line is tasked with producing. At the end of the line there are boxes that the finished product is placed into. The boxes then get piled up on pallets which are wrapped, labeled and sent to the finished goods warehouse. Throughout this process there are often technical issues which is where the Tuners step in. Tuners are in charge of the lower-level maintenance that is needed on the line which can sometimes include quality problems while a machine is running. If Tuners cannot figure out the issue that is when they escalate it to the maintenance department.

Two Converting Department employees testified in this matter. Converting Rewinder Operator Assistant Kenneth Bennett and Packaging Operator London May testified that, as converting employees, they do not interact with papermill employees. They also testified that they have never been asked to assist in any of the other departments. Ms. May testified that she very rarely interacts with the warehouse and Mr. Bennett said that the only time he has contact with warehouse employees is if he needs materials. Ms. May also testified that she has very minimal interactions with maintenance employees and no interactions with facilities or quality department employees. When maintenance works on her line, she either tends to other machines

or takes a break. Additionally, Mr. Bennett and Ms. May both testified that converting employees use the breakroom off of the converting floor and that the only other employees they ever see in this breakroom are from maintenance and generally they are just grabbing food. Finally, according to Ms. May, there are lockers in the converting department that only converting employees use.

3. Quality Department

The quality department is in charge of checking the quality of the paper, finished goods and checking the packaging of these goods for defects. There are approximately 7 employees in the quality department. Brandy VanCuren is the manager of the quality department. There are two job positions in this department: Quality Control Technician and Quality Lab Assistant. Quality Control Technicians perform duties to test raw materials, finished product, packaging and competitor products to determine conformance to material specifications. This involves testing raw materials against established specifications; testing finished products against established specifications; reporting results of raw material and finished product testing; releasing or rejecting raw materials based on specified requirements; operating quality testing equipment; processing non-conforming raw materials and finished products; testing competitor products, visually inspecting all aspects of packaging and comparing product testing results with customer specifications. Quality Lab Assistants, based on their job description, perform all of the same duties. However, based on the testimony, it appears that Quality Lab Assistants do more work in the lab actually looking at the samples pulled from the floor whereas Quality Control Technicians are the ones walking the line.

There are four quality employees who specifically rotate on shift with the converting department. These quality employees walk around the lines in converting and make sure that the Employer's quality standards are being met. To do this they pick up product off the line and make sure, for example, that things like the core and tissue meet the company expectations. Regional Human Resources Manager, Amy Schneider, testified, albeit somewhat equivocally, that if a quality employee notices an issue on a converting line the first person they would report it to would be the operator of the line.

4. Maintenance Department

The maintenance department supports the rest of the Employer's operation. There are approximately 49 employees in the maintenance department. The maintenance department has a manager, Boone Sabine, and two supervisors. The maintenance department is divided into two general groups. One group of maintenance employees is assigned to support the papermill and another group is assigned to support the converting department. Additionally, maintenance employees also support the warehouses with regard to the LGVs and the smart store. Maintenance employees also occasionally cross over to help out in other departments if needed. This includes helping with facilities related issues if there are no facilities employees present at the time. There are five maintenance employees assigned to converting per shift and three maintenance employees assigned to the papermill on two of the shifts and four on the other two shifts. The main maintenance shop is located near the converting department. At this shop, the department stores bigger pieces of equipment. Also, in this shop is where the "spare parts"

employees work out of. These employees provide all departments with the parts needed to keep the machines running. As mentioned above, the maintenance department has satellite shops in the papermill and finished goods warehouse. The satellite shop in the papermill houses some machinery, equipment and parts. There are two positions in the maintenance department: Electrical Technician and Mechanical Technician.

Mechanical Technicians perform duties to maintain equipment and machinery, prevent mechanical failure, adjust, replace and repair components and parts as needed. Electrical Technicians perform duties to ensure that all electrical and instrumentation maintenance is performed; replace and repair components and parts as needed; program monitoring systems and troubleshoot errors. Both job positions also require employees to engage in preventative routine maintenance to determine the priority for planned equipment shutdown. To be hired into the maintenance department, applicants must have experience as either an electrician or mechanical technician. Once a converting department employee works their way up to being a Tuner it is possible for them to transition to the maintenance department. For a Tuner to become a maintenance employee they must apply to the job position and be interviewed by Human Resources and the maintenance department supervisor. There have been several Tuners who have applied to work in the maintenance department but many have been unsuccessful (the record does not reflect the exact numbers). When Tuners are awarded maintenance positions, additional training is required.

In the converting department the Tuners take care of low-level maintenance on the line and escalate matters they cannot fix to maintenance. If there are insufficient Tuners on duty, maintenance employees will step in and perform some of the duties that Tuners usually perform such as machine calibrations and looking at the parameters of the machine with the operator. According to Mr. Sabine, the frequency of maintenance stepping in to perform Tuner duties depends on the shift, with it occurring at least once a shift on certain shifts but infrequently on other shifts. In the paper mill, maintenance is needed less but they will lend a hand if the papermill is short staffed. When the Tuners encounter issues they cannot resolve, they will either radio maintenance or walk into the maintenance shop to find a maintenance employee to assist. When this happens, according to Mr. Sabine's testimony, the maintenance employee will work with the Tuner to fix or troubleshoot the equipment. There are certain tasks that maintenance employees are able to do that Tuners cannot perform. Mr. Bennett testified that he has seen Tuners stay on the line when maintenance is working on it but other times, he has seen Tuners assist another line instead.

Maintenance department Electricians have been filling in for the facilities department Electrician because that job position is currently vacant. Additionally, since facilities employees only work dayshifts, if there is a facilities-related issue that arises outside of dayshift then maintenance will step in. There are currently three maintenance employees stationed in the smart store in the finished goods warehouse. Those employees mainly work on the LGVs. When quality department employees notice that adjustments need to be made to products they will radio maintenance. Quality Technicians will then come to maintenance with samples to show them what adjustments need to be made and maintenance will make the necessary adjustments to the equipment.

5. Warehouse Department

The Warehouse Department is responsible for storing goods and materials, transporting pulp to the paper mill, transporting parent reels to the converting department, moving finished goods from the converting lines to the finished goods warehouse and shipping the product. The warehouse department is overseen by one manager, below whom there are several area supervisors (the record does not reflect the exact number). There are 12 job positions in the warehouse department: Amazon Direct Fulfillment Coordinator, Automatic Warehouse Operator, Finished Goods Warehouse Coordinator, Finished Goods Warehouse Operator, Finished Goods Warehouse Operator/Yard Spotter, Finished Goods Warehouse Shift Leader, Parent Reels Warehouse Coordinator, Parent Reels Warehouse Operator, Pulp Warehouse Operator, Raw Materials Warehouse Operator, Spare Parts WH Asst, and Warehouse Shift Leader. The reference to operator in several of these job titles refers to that employee's ability to operate a forklift. There are approximately 62 employees in the warehouse department.

The Employer's facility has four warehouses: Warehouse A, the pulp warehouse, Warehouse D, the parent reels warehouse, Warehouse F, the raw materials warehouse, and Warehouse G, the finished goods warehouse. The pulp warehouse is where the pulp and other materials that are needed by the papermill to produce the parent reels are staged until they are needed. The pulp comes into the facility either by truck or rail car and is unloaded in Warehouse A by operators. Once the pulp and other raw materials are transformed into the parent reels by the papermill department they are transported to the parent reel warehouse by a an LGV known as the elephant. The elephant then positions them in Warehouse D. The parent reels are kept in Warehouse D until they are eventually needed by the converting department. When converting department employees need the parent reels, they will let the parent reel warehouse know through the computer system. After that is done, the elephant will bring the parent reel from Warehouse D to the converting department.

Mr. Bennett testified that 99% of the time it is the elephant that delivers the parent reel and Ms. May testified that this occurs 95% of the time. Only if there is an issue with the computer system will employees radio the warehouse instead. Mr. Bennett testified that nine out of ten times when they call the warehouse something is done to fix the elephant, and the elephant is still what delivers the parent reel. Occasionally there are issues with the LGVs that cannot be fixed quickly, at which point a warehouse operator will be tasked with moving the materials using a forklift. When this is done, Mr. Bennett testified that there is really no interaction between the warehouse employees and converting employees.

Warehouse F stores all of the raw materials that the converting department needs to run, e.g., cardboard boxes. When converting needs those materials, employees will call the warehouse to inform them of what they need, and an operator will then deliver the materials. Once a finished good is produced by converting, it is put onto a pallet, wrapped and labeled. Once this is complete, the product is sent to Warehouse G, the finished goods warehouse, where it is stored until it is shipped to the customer. These finished goods are usually taken to Warehouse G from converting by an LGV. There is a part of Warehouse G that is referred to as the "smart store." The smart store, which is fully automated, is where tissue is stored. The spare parts employees, who are a part of the warehouse department, work out of the main maintenance

shop that is off of the converting department floor. Their function is to provide the needed machine parts to all departments.

6. Facilities Department

The Facilities Department is responsible for housekeeping and general building maintenance tasks. There are approximately 13 facilities department employees. The Facilities Department reports directly to Plant Operations Manager Marco Lombardi. Within the facilities department there are four job positions: Fire Prevention Technician, Building Maintenance Operator, CNV Industrial Cleaner and Housekeeping.

The Fire Prevention Technicians are responsible for monitoring all areas related to the fire prevention system as well as coordinating and assisting in emergency response. Specifically, this position involves monitoring alarm panels; conducting daily, weekly, monthly and annual inspections of the fire protection system; maintaining documents related to the fire protection system; conducting minor maintenance; assisting in negotiating third party contractors in non-emergency system; conducting routine checks of elevators and stairwells; reviewing any logs or reports from other departments for reported fires; assisting in orientation; conducting fire and evacuation drills and managing the Emergency Response Team (“ERT”). The ERT is composed of employees from all departments at the facility and they meet at least monthly. The record does not reflect the number of employees who serve on the ERT. Employees who are a part of the ERT wear t-shirts that have ERT on them in red so, that if there is an emergency, employees in each department will know who their ERT members are.

Building Maintenance Operators are tasked with perform cleaning tasks. Specifically, employees in this position perform pre-shift inspections of the sweeper; clean the sweeper after every use; operate small balers; operate shovels, brooms, pallet jacks and balers to remove waste from the plant floor and clean the outside perimeter of the facility as requested. In practice, this generally means that the Building Maintenance Operators care for the actual physical place of operations, e.g. cleaning the restrooms, fixing lighting and working on the roof. Building Maintenance Operators are also able to drive forklifts.

CNV Industrial Cleaners share a lot of the same delineated cleaning tasks with the Building Maintenance Operators. Their job position requires them to perform pre-shift inspections, drive the company sweeping vehicle, maintain sweeper appearance and cleanliness, communicate sweeper issues to management and operate small balers as needed. Finally, Housekeeping employees clean conference rooms, hallways, restrooms, locker rooms, offices, closets, stairways and windows; sweep, remove debris, clean spills and mop floors; regularly check trash receptacles, clean windows and mirrored surfaces; polish stainless steel surfaces, dust fixtures, shelves and product as needed, and complete logs, as directed.

III. LEGAL ANALYSIS

A. The Current Legal Standard

It is well established that the Petitioner is not required to seek a bargaining unit that is the only appropriate unit or even the most appropriate unit. The Act merely requires that the

unit sought by the Petitioner be *an* appropriate unit. *Wheeling Island Gaming*, 355 NLRB 637, 637 fn. 2 (2010), citing *Overnite Transportation Co.*, 322 NLRB 723 (1996); *P.J. Dick Contracting, Inc.*, 290 NLRB 150 (1988). “[I]n every unit determination case, the Board’s inquiry will ‘consider only whether the requested unit is an appropriate one even though it may not be the optimum or most appropriate unit for collective bargaining.’” *American Steel Construction, Inc.*, 372 NLRB No. 23, slip op. at 3 (2022), quoting *Black & Decker Mfg. Co.*, 147 NLRB 825, 828 (1964). “The Board’s inquiry necessarily begins with the petitioned-for unit. If that unit is appropriate, then the inquiry into the appropriate unit ends.” *The Boeing Company*, 368 NLRB No. 67, slip op. at 3 (2019).

In *American Steel Construction, Inc.*, 372 NLRB No. 23 (2022), the Board overruled *PCC Structurals, Inc.*, 365 NLRB No. 160 (2017), and reinstated the “overwhelming” community of interest standard for determining whether a unit is appropriate. The Board begins this inquiry by considering whether “the employees in the petitioned-for unit share a community of interest (i.e., whether the unit is homogeneous); whether the petitioned-for unit is readily identifiable as a group (i.e., identifiable) based on job classifications, departments, functions, work locations, skills, or similar factors; and whether the petitioned for unit is sufficiently distinct.” *American Steel Construction, Inc.*, 372 NLRB No. 23, slip op at 6 (2022) (internal quotations omitted). When a party contests that the smallest appropriate unit contains employees not in the petitioned-for-unit, that party bears the burden of proving that there is an “overwhelming community of interest” between the petitioned-for and excluded employees. *Id.* To satisfy this burden the contesting party must make the heightened showing that the interests of the “petitioned-for and excluded employees are so similar that the petitioner is seeking, in essence, an arbitrary segment of an otherwise appropriate unit.” *Id.* “A unit is not fractured simply because a larger unit might also be appropriate, or even more appropriate.” *Macy’s Inc.*, 361 NLRB 12, 22 (2014) (citing *Specialty Healthcare*, 357 NLRB 934, 942 (2011)). Indeed, the Board has found that while “a unit might be fractured if it is limited to the members of a classification working on a particular floor or shift,” an entire department or classification can be an appropriate unit. *Ibid.*

B. Application of Law to Facts Using the Current Standard

i. The Petitioned-For-Unit is a Readily Identifiable Group That Shares an Internal Community-of-interest.

To begin the analysis, I must determine whether the petitioned-for employees share an internal community-of-interest. I must also decide whether the petitioned-for employees are readily identifiable as a group based on job classifications, departments, functions, work locations, skills, or similar factors. A petitioned-for unit is identifiable “where unit employees can ‘logically and reasonably be segregated from other employees for the purposes of collective bargaining.’” *American Steel Construction*, 372 NLRB No. 23 slip op. at 3, quoting *Champion Machine & Forging Co.*, 51 NLRB 705, 707-708 (1943). “Put differently, there must be a ‘substantial, rational basis’ for the unit’s contours.” *American Steel Construction*, 372 NLRB No. 23 slip op. at 3-4, quoting *Johnson Controls, Inc.*, 322 NLRB 669, 672 (1996). For the following reasons, I find the first two elements of the *Specialty Healthcare* test are met in this case.

All the petitioned-for employees work within the Employer's converting department. The converting department is its own distinct subsection of the Employer's workforce. The department performs a discernable part of the Employer's production process that is distinguishable from the processes other departments perform. Every employee in the converting department is working together on a production line to achieve one objective, i.e. to convert the parent reels into a finished good. All of these employees work in the same location of the Employer's facility. That work location is separate from the locations within the facility at which the Employer's other employees work. Additionally, they are separately supervised by a departmental manager, George Stiles, and the department itself has its own distinct supervisory hierarchy.

Based on the above, I find there is common departmental organization and supervision; significant evidence of similar job functions and work and overlap between the employees within the Converting department; and evidence of frequent contact. Given the above, I find there to be a logical, rational basis for including all converting department employees into a single unit. Accordingly, I conclude that the petitioned-for unit is readily identifiable as a group and shares an internal community-of-interest.

ii. The Remainder of the Employer's Production and Maintenance Employees Do Not Share an Overwhelming Community-of-Interest with the Employees in the Petitioned-for Unit.

"The third element—that the unit be 'sufficiently distinct'—recognizes that even if the petitioned-for unit exhibits a mutuality of interests and has some coherent organizing principle, it may nonetheless be inappropriate because it excludes employees who cannot rationally be separated from the petitioned-for employees on community-of-interest grounds." *American Steel Construction*, 372 NLRB No. 23 slip op. at 4. "Crucially, the Board has always made clear that the presence of *some* overlapping interests between the petitioned-for and excluded employees does not invalidate the petitioned-for unit, even if those overlapping interests indicate that a larger unit would also be appropriate for collective bargaining." *Ibid.* "Instead, the excluded employees must share 'strong,' 'substantial,' 'overwhelming,' 'significant,' or extremely 'close' interests with the petitioned-for employees to mandate inclusion." *Id.* slip op. at 4 (internal citations omitted). Because the Employer contends that the smallest appropriate unit must contain all of its production and maintenance employees, the Board dictates I apply the traditional community-of-interest factors "to determine whether there is an 'overwhelming community-of-interest' between the petitioned-for and excluded employees." *Id.* slip op. at 13.

Applying the Board's traditional community-of-interest test, I find, for the following reasons, that the remainder of the Employer's production and maintenance employees do not share an overwhelming community-of-interest warranting their inclusion with the petitioned-for employees. Thus, I find the petitioned-for unit is appropriate for the purposes of collective bargaining.

1) Departmental Organization and Supervision

The Employer divides its production and maintenance employees into six distinct departments: paper mill, converting, maintenance, facilities, warehouse and quality. The facility's operations manager is the highest-ranking manager in the plant and oversees all of the managers, however, the distinctions between the department managers and the hierarchies within the departments themselves are significant to my analysis. Each department has its own manager and within each department there is a distinct supervisory hierarchy. The converting department is the only department that has one manager, one assistant manager, three superintendents and three shift supervisors per shift. The remainder of the departments all also have their own unique supervisory structures. For example, the paper mill has a manager, assistant production manager and one shift supervisor per shift whereas the quality department has only one supervisor.

The Employer argues that although employees are under different departments, all employees work at the same facility and park in the same parking lot. While it is true that all employees share the same parking lot and work in the same facility, each department has its own distinct location within the facility. The paper mill and converting departments have separate production lines in different areas. The warehouse department has its own separate locations, spread throughout the facility. Although the maintenance department has satellite shops within the paper mill and finished goods warehouse, its main shop is also distinct and, even though it is close in proximity to the converting department, it is not an integrated part of their workspace.

Based on the above, I find that this factor weighs heavily in favor of finding that the remainder of the Employer's production and maintenance employees do not share an overwhelming community-of-interest with the petitioned-for employees.

2. Distinct Skills, Training, Job Functions and the Performance of Distinct Work, Including Inquiry into the Amount and Type of Job Overlap Between Classifications

One factor in the community-of-interest test examines whether disputed employees can be distinguished from one another based on duties or skills. If they cannot be distinguished, this factor weighs in favor of including the disputed employees in one unit. Evidence that disputed employees must meet similar requirements to obtain employment, that they have similar job descriptions or licensure requirements, that they participate in the same employer training programs, or that they use similar equipment, supports a finding of similarity of skills. *Casino Aztar*, 349 NLRB 603 (2007); *J.C. Penny Co., Inc.*, 328 NLRB 766 (1999); *Brand Precision Serv.*, 313 NLRB 657 (1994).

Moreover, a separate factor examines whether the disputed employees can be distinguished from one another based on job functions. If they cannot be distinguished, this factor weighs in favor of including the disputed employees in one unit. Evidence that employees perform the same basic function or have the same duties, that there is a high degree of overlap in job functions or of performing one another's work, or that disputed employees work together as a crew, supports a finding of similarity of functions. *Casino Aztar*, 349 NLRB 603.

The record contains evidence that certain employees must meet similar requirements to obtain employment. Job positions at the Employer are posted online for specific departments but all applications are reviewed through the same applicant tracking system. Interviews for all job positions are conducted with one individual from Human Resources present. However, the other individual present for the interview is always the supervisor/manager of the department that the job position is within. For both paper mill and converting jobs, the Employer seeks prior manufacturing experience. For maintenance employees, however, the Employer looks for prior experience as either an electrician or mechanical technician. All employees go through the same two-and-a-half-day orientation process when they are onboarded.

The job position descriptions within the departments share some commonalities but between departments they are generally distinct. For example, most of the job descriptions for the paper mill mention monitoring the mill operation and preparing rolls for removal. These job duties are not, however, mentioned in any of the other departments' job descriptions. Similarly, both quality department job positions require employees to test raw materials and finished products against established specifications. No job positions outside of the quality department require employees to engage in these tasks. Finally, all jobs in the maintenance department require employees to determine the priority for the planned equipment shutdown by performing preventative routine maintenance. No other departments require their employees to perform that work. Contrastingly, some job positions across the departments do require forklift experience including the Feeding Pulper Operator in the paper mill, Building Maintenance Operator in facilities and all warehouse employees. Accordingly, while there is evidence of similar job requirements for certain positions, there is also evidence that job positions in each department perform distinct work from one another. For these reasons, I find this factor weighs against finding the petitioned-for employees share an overwhelming community-of-interest with the remainder of the Employer's production and maintenance employees.

3) Functional Integration

Functional integration refers to when employees' work constitutes integral elements of an employer's production process or business. For example, functional integration exists when all of the employees in the sought-after unit work on different phases of the same product or a single service as a group. *Arvey Corp.*, 170 NLRB 35 (1968); *Transerv Sys.*, 311 NLRB 766 (1993). Another example of functional integration is when an employer's workflow involves all employees in the sought-after unit. Evidence that employees work together on the same matters, have frequent contact with one another, and perform similar functions is relevant when examining whether functional integration exists. *Transerv Sys.*, 311 NLRB 766.

The warehouse, paper mill, quality and converting departments all perform integral elements of the Employer's production process. The pulp warehouse begins this process by providing the paper mill with the materials they need to create the parent reels. Once the parent reels are finished, they are transported to the parent reels warehouse where they are stored until they are needed by the converting department. When the parent reels are needed, they are transported, typically by LGVs, to the converting department. Once on the converting department floor the parent reels are converted to finished goods. While the converting department is in the midst of this process quality employees are checking to make sure that the

product meets customer and company standards. When the goods are finished, they are taken, usually by an LGV, to the finished goods warehouse. On the other hand, as discussed above, I do not find that the employees have similar functions and as discussed more fully below, I do not find that employees have frequent contact with one another.

Based on the foregoing, I find this factor to weigh slightly in favor of finding that the remainder of the Employer's production and maintenance employees share a community-of-interest with the petitioned-for unit.

4. Contact Amongst Employees

There is some evidence that employees across different departments have contact with one another, although this is heavily limited by the automation of the Employer's processes and frequently involves a work around for a problem with the ordinary processes. For instance, if the system is down in the paper mill, converting department employees must radio the warehouse operator to get the materials, they need. This would lead to the warehouse either troubleshooting the LGV or having the operator deliver the materials needed. However, the majority of the time it is the LGVs delivering the materials from the warehouses and contact is minimal. Ms. May testified that 95% of the time it is the LGVs that deliver the materials and Mr. Bennett testified that this happened 99% of the time. Warehouse employees will deliver raw materials to converting via forklift but it does not appear that this leads to significant employee interaction. Converting employees radio the parent reels warehouse if they have been delivered an incorrect type of paper and this occurs, usually once a shift. There was also some testimony regarding quality's contact with converting in which the witness testified, albeit equivocally, that quality employees first notify the operator of the machine when there is an issue with the product. However, another witness, Ms. May, testified that she does not interact with quality employees at all. Additionally, she testified that she has no interactions with facilities employees and both Ms. May and Mr. Bennett testified that they do not interact with papermill employees.

The Employer does have a monthly inventory process that requires at least two employees from different departments to work together. A select group of employees meet at least monthly as a part of the ERT, but the record evidence of these interactions was limited. Finally, the only other evidence of contact amongst employees from different departments would be the Tuners in the converting department and maintenance employees. Maintenance employees will work with and/or interact with Tuners when problems arise with machinery. The record reflects that sometimes these employees will collaborate on fixing machinery. Conversely, there is also evidence that instead of working with maintenance when a machine is down, a Tuner will find other work to do.

As discussed more fully above, each department appears to perform its work in a distinct location within the Employer's facility with the exception of maintenance employees who will go to the paper mill and converting departments when there are machinery problems. Apart from the above, converting employees may run into other departments' employees in the breakroom off of the converting department floor. However, they typically only encounter maintenance employees stopping in to grab food and the interaction is minimal.

Although the record contains evidence of some contact between converting department employees and employees of other departments, such contact appears to be rare, limited in duration and often the result of the Employer's processes not functioning as intended. Furthermore, even though there may be some contact between Tuners and maintenance this appears to be an exception to the typical self-contained nature of each of the Employer's departments. For these reasons, I find this factor weighs against finding the petitioned-for employees have an overwhelming community-of-interest with the remainder of the production and maintenance employees.

5. Interchange

Interchangeability refers to temporary work assignments or transfers between two groups of employees. Frequent interchange "may suggest blurred departmental lines and a truly fluid work force with roughly comparable skills." *Hilton Hotel Corp.*, 287 NLRB 359, 360 (1987). As a result, the Board has held that the frequency of employee interchange is a factor in determining whether employees who work in different groups share a community-of-interest sufficient to justify their inclusion in a single bargaining unit. *Executive Res. Assoc.*, 301 NLRB 400, 401 (1991) (citing *Spring City Knitting Co. v. NLRB*, 647 F.2d 1011, 1015 (9th Cir. 1981)). A relevant consideration for this factor is whether there are permanent transfers among employees in the unit sought by a union. However, the existence of permanent transfers is not as important as evidence of temporary interchange. *Hilton Hotel Corp.*, 287 NLRB 359.

The record contains some evidence of permanent interchange between the departments at the Employer. Between October of 2018 and June of 2024 there were sixty-seven permanent transfers. When employees transfer between departments, they are required to fill out an internal transfer form. After this form is submitted, they are interviewed to ensure they meet the qualifications for the job they want to transfer to. The record reflects that transfers among departments are not automatic, for instance several Tuners interviewed for maintenance jobs but were not awarded the job. Even when Tuners are transferred to maintenance they are required to participate in additional training. I conclude that the need to interview employees prior to awarding them the transfer, requiring additional training and evidence that employees have frequently been denied transfers is illustrative of the fact that the Employer's work force does not share roughly comparable skills between the various departments. Other than permanent transfers, there is conflicting evidence as to whether employees assist in other departments. The record reflects that maintenance employees will lend a hand in both the paper mill and converting departments when they are short staffed. On the other hand, two converting employees testified that they had never been asked to assist another department. Accordingly, I find this factor is neutral in the community-of-interest test, neither weighing in favor of, or against, finding the petitioned-for employees have an overwhelming community-of-interest with the remainder of the production and maintenance employees.

6. Terms and Conditions of Employment

There is evidence in the record that employees share at least some common terms and conditions of employment. All employees at the Employer are subject to the same handbook, go through the same orientation process and have the same security badges that permit them

access to the facility. There is also, however, evidence that there is significant variability in terms and conditions of employment between the departments. Significantly, all of the departments have distinct wage progressions and only the paper mill and converting departments have the same starting wage. While there is some overlap in the shifts that employees work, there is also a great degree of variability between the departments. Maintenance employees work the same shift as the department they are assigned to assist, and quality rotates on shifts with converting. Employees in the paper mill, converting, facilities and warehouse departments, however, generally work different shifts from the other departments. There are also differences in the uniforms and uniform allowances between the departments, signifying how the Employer views the different departments as different groups. Finally, employees in each department are disciplined by their specific departmental supervisor despite a common Human Resources department approving the discipline. For these reasons, I find this factor weighs against a finding that the petitioned-for employees have an overwhelming community-of-interest with the remainder of the production and maintenance employees.

C. Alternative Analysis Utilizing the Traditional Community-of-Interest Standard Prior to American Steel Construction, Inc.

Prior to the decision in *American Steel Construction, Inc.*, 372 NLRB No. 23 (2022), the Board followed the *PCC Structurals, Inc.*, 365 NLRB 1696 (2017), traditional community of interest test to determine whether a petitioned-for unit is appropriate. This analysis required the Board to determine:

whether the employees are organized into separate departments; have distinct skills and training; have distinct job functions and perform distinct work, including inquiry into the amount and type of job overlap between classifications; are functionally integrated with the Employer's other employees; have frequent contact with other employees; interchange with other employees; have distinct terms and conditions of employment; and are separately supervised.

PCC Structurals, 356 NLRB 1696, 1700, citing *United Operations, Inc.*, 338 NLRB 123 (2002).

The Board later clarified in *The Boeing Company*, 368 NLRB no. 67 (2019), that the traditional community-of-interest test, as articulated in *PCC Structurals*, involves a three-step analysis:

First, the proposed unit must share an internal community of interest. Second, the interests of those within the proposed unit and the shared and distinct interests of those excluded from that unit must be comparatively analyzed and weighed. Third, consideration must be given to the Board's decisions on appropriate units in the particular industry involved.

The Boeing Company, 368 NLRB 1696, slip op. at 3. "[T]he traditional community-of-interest standard is not satisfied if the interests shared by the petitioned-for employees are too disparate to form a community of interest within the petitioned-for unit." *Id.*, citing *Saks & Co.*, 204 NLRB 24, 25 (1973) and *Publix Super Markets, Inc.*, 343 NLRB 1023, 1027 (2004). In step two of the analysis, "the Board must determine whether the employees excluded from the unit 'have meaningfully distinct interests in the context of collective bargaining that *outweigh* similarities

with unit members.” *The Boeing Company*, 368 NLRB no. 67, slip op. at 4. “[W]hat is required is that the Board analyze the distinct and similar interests and explain why, taken as a whole, they do or do not support the appropriateness of the unit.” *Id.*

The first step in the traditional analysis as described in *The Boeing Company*, supra, is to determine whether the petitioned-for unit shares an internal community-of-interest. This step is the same as the first step in the overwhelming community-of-interest test and as I have already discussed above when analyzing this case under *American Steel Construction, Inc.*, supra. As such, I find that the petitioned-for converting department employees share an internal community of interest.

The second step in the traditional analysis is to determine whether the petitioned-for unit shares a sufficiently distinct community-of-interest from the remainder of the employer’s production and maintenance employees. For this step of the analysis the Board analyzes the traditional community-of-interest factors discussed above. As discussed above, I have found that the majority of these factors; departmental organization and supervision; distinct skills, training, job functions and the performance of distinct work; contact amongst employees and terms and conditions of employment, weigh in favor of a finding that the petitioned for unit shares a sufficiently distinct community of interest from the Employer’s other production and maintenance employees.

The third step in the traditional analysis is to consider Board decisions on similar units within the same industry. This step entails “consideration of guidelines the Board has established for specific industries with regard to appropriate unit configurations.” *The Boeing Company*, 368 NLRB No. 67, slip op at *1. In *The Boeing Company* the Board recognized that there is a long-held presumption that a plantwide unit is appropriate under the Act. *Id.* (internal citations omitted). However, the Board also stated that this does not establish that a “less-than-plantwide unit is presumptively inappropriate, or that a petitioner seeking such a unit bears any heightened burden of proving that it is appropriate.” *Id.* Given that there are no industry-specific guidelines to apply in this case and that there is no presumption that a less-than-plantwide unit is inappropriate, I find that step three of the Board’s analysis neither favors, nor disfavors, finding that the petitioned-for drivers share sufficiently distinct interests in the context of collective bargaining that outweigh similarities with the excluded employees.

D. Conclusion

On balance, and reviewing the record as a whole, I find that the Employer has failed to carry its burden of proving that the petitioned-for unit shares an overwhelming community-of interest with the remainder of the Employer’s production and maintenance employees under *American Steel Construction, Inc.*, supra. Although there is some limited evidence of functional integration and interchange, there is strong departmental demarcation, no evidence of common supervision (other than at the highest level), distinct job functions, distinct work and limited contact amongst the departments. The majority of the factors weigh against finding that the remainder of the Employer’s production and maintenance employees have an overwhelming community-of-interest with petitioned for employees. Indeed, even if the traditional community-of-interest test were to be used, the result would be the same. The petitioned-for

unit shares an internal community-of-interest and shares a community-of-interest sufficiently distinct in the context of collective bargaining from the interests of the excluded employees.

Accordingly, I find the petitioned-for unit to be a unit appropriate for purposes of collective bargaining, and I direct an election in the petitioned-for unit of employees.

IV. CONCLUSIONS AND FINDINGS

Based upon the foregoing, the parties' stipulations, and the entire record in this matter, I conclude and find as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.
2. The Employer is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this case.^{3/}
3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act.
4. The Petitioner claims to represent certain employees of the Employer.
5. The parties stipulated, and I find, that there is no collective-bargaining history between the parties with regard to the employees in the appropriate unit described below, and there is no contract bar or other bar to an election in this matter.
6. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
7. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time employees in Sofidel America Corporation's converting department, including CNV production technicians, packaging operators, CNV rewinder operators, CNV rewinder operator assistants, and CNV robot operators employed by the Employer at its 25910 US-23, Circleville, Ohio facility; excluding all other employees, paper mill employees, warehouse employees, shipping and receiving employees, maintenance employees, quality employees, facilities employees, and all office clerical employees, professional employees, guards and supervisors as defined in the Act.

^{3/} The parties stipulated that the Employer, Sofidel America Corporation, is a Florida corporation engaged in manufacturing paper products at its Circleville, Ohio facility. During the past 12 months, a representative period, the Employer sold and shipped goods in excess of \$50,000, from its Circleville, Ohio facility directly to points located outside the State of Ohio.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by TEAMSTERS LOCAL UNION NO. 413, AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS.

A. Election Details

The election will be held on **Thursday, February 27, 2025**, at 6:30 a.m. to 8:30 a.m., and on **Friday, February 28, 2025**, at 6 p.m. to 8 p.m. Both polling sessions shall be held in the downstairs breakroom of the Employer's facility located at 25910 US-23, Circleville, Ohio 43113.

B. Voter Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **January 25, 2025**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

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

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period for eligibility, and, in a mail ballot election, before they mail in their ballots to the Board's designated office; (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Acting Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the Regional Director and the parties by **February 10, 2025**. The list must be accompanied by a certificate of service showing service on all parties. **The Region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution. Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 10 business days after a final disposition of the proceeding by the Regional Director.

Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review must be E-Filed through the Agency's website and may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street, SE, Washington DC 20570-0001, and must be accompanied by a statement explaining the circumstances concerning not having access to the Agency's E-Filing system or why filing electronically would impose an undue burden. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board. If a request for review of a pre-election decision and direction of election is filed within 10 business days after issuance of the decision and if the Board has not already ruled on the request and therefore the issue under review remains unresolved, all ballots will be impounded. Nonetheless, parties retain the right to file a request for review at any subsequent time until 10 business days following final disposition of the proceeding, but without automatic impoundment of ballots.

Dated: February 6, 2025

A handwritten signature in blue ink, reading "Eric A. Taylor", with a long horizontal flourish extending to the right.

Eric A. Taylor, Regional Director
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