

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14**

BREAKTHRU BEVERAGE MISSOURI, LLC

Employer

and

Case 14-RC-364141

**LIQUOR & WINE SALES REPRESENTATIVES
UNION, LOCAL 3**

Petitioner

DECISION AND ORDER

Breakthru Beverage Missouri, LLC (Employer) distributes alcoholic beverages to grocery stores, liquor stores, bars, and restaurants across the State of Missouri from warehouses located in St. Louis, Missouri and Kansas City, Missouri and offices located in Cape Girardeau, Missouri, Columbia, Missouri, and Springfield, Missouri. On April 21, 2025¹, Liquor and Wine Sales Representatives Union, Local 3 (Petitioner) filed a petition with the National Labor Relations Board (Board) under Section 9(c) of the National Labor Relations Act (Act) seeking to represent a unit of Sales Representatives, Sales Merchandisers, Category Managers, Key Account Managers, Account Development Specialists, and Sales Development Representatives at Employer's St. Louis and Cape Girardeau facilities. There are approximately 266 employees in the petitioned-for unit.²

A Hearing Officer of the Board held a videoconference hearing in this matter on April 30 and took evidence on the issues of whether the petitioned-for unit of St. Louis and Cape Girardeau employees only is an appropriate unit, and whether the Category Managers share a community of interest with the other petitioned-for employees. The Employer opposes the petition on the grounds that the petitioned-for unit is not an appropriate unit as the petitioned-for employees share an overwhelming community of interest with the Sales Representatives, Sales Merchandisers, Key Account Managers, Account Development Specialists, and Sales Development Representatives in Employer's Kansas City, Columbia, and Springfield facilities. The Employer further contends that the petitioned-for Category Managers lack sufficient community of interest to warrant inclusion.

As more fully set forth below, based on the record, the parties' oral arguments in support of their respective positions, and relevant Board law, I find that the petitioned-for unit is not an

¹ All dates are in 2025, unless otherwise specified.

² The parties stipulated at hearing that any unit found appropriate by the Regional Director should include at least the full-time and regular part-time Sales Representatives, Sales Merchandisers, Key Account Managers, Account Development Specialists, and Sales Development Representatives.

appropriate unit based on the overwhelming community of interest amongst all the employees in those classifications at the other facilities, and that the Category Manager should be excluded from any unit as those employees do not share a community of interest with the included classifications.

I. FACTS

A. The Employer's Operation

Employer is an alcoholic beverage distributor which buys product from over 400 manufacturers, ships the product to facilities in Missouri, then sells and distributes the product to over 9,000 customers across Missouri. Employer's customer base includes shopping clubs, grocery stores, liquor stores, bars, restaurants, and hotels. About 80% of Employer's business is in shopping clubs, grocery stores, and liquor stores with the remaining 20% in bars, restaurants, and hotels. Employer is the Missouri operation/division of a larger national organization which operates in fifteen states. Employer's Missouri Operation has two main warehouses: one in St. Louis, Missouri and one in Kansas City, Missouri. In addition to the warehouses, Employer maintains offices in Columbia, Missouri, Cape Girardeau, Missouri, and Springfield, Missouri. Employer's Missouri field sales operation is divided into two Regions: an East Region which includes the St. Louis and Cape Girardeau facilities, and a West Region which includes the Kansas City, Springfield and Columbia facilities. The division is primarily for purposes of personnel management. Though Columbia is identified as part of the Western Region for sales force purposes, it receives product delivery from the St. Louis warehouse.

B. Job Titles and Reporting Structure

The petitioned-for unit includes Sales Representatives, Sales Merchandisers, Key Account Managers, Account Development Specialists, Sales Development Representatives, and Category Managers. Testimony was provided by one Sales Representative and one Sales Merchandiser.³

Sales Representatives are assigned a set of accounts that they are responsible for calling on and selling product. Sales Representatives develop their work schedule based on client buyer availability and delivery dates, and generally work a daytime schedule, from around 7:00 a.m. or 8:00 a.m. through about 4:30 p.m. Every Sales Representative's route varies because of differences in their assigned customer list. Assigned customers may be spread across multiple counties, but will be within a certain radius to facilitate regular visits.

Sales Representatives visit each assigned client once to twice a week, but may visit a client three to four times per week if sales volume warrants. Sales Representatives are assigned to the geographically closest office and may go to the office once per month and to a warehouse two to three times per month. Sales Representatives are given both quarterly and monthly goals. Sales numbers are sent to Sales Representatives broken down either by Region or by channel ("channel" refers to each specific type of customer) and Sales Representatives are broken into teams based on

³ No job descriptions were entered into evidence by either party. The description of each job classification is taken from witness testimony.

either account type (chain retail, on-premise, convenience stores, etc.) or by product (wine team, beer team, spirit team). Each team is made up of Sales Representatives and a Sales Manager. Sales Representatives report to a Field Sales Manager, who reports to a Sales Director, who reports to a Vice President of Sales, who reports to the Missouri Executive Vice President.

Sales Merchandisers are assigned a set of clients/accounts and are responsible for moving product from the client's receiving area and stocking it on a shelf or cold box. Sales Merchandisers also build displays and put up point of sale materials. Sales Merchandisers' primary responsibility is to keep stock organized and in rotation. Merchandisers work on-site at their client accounts and determine where they will work each day based on delivery schedules; they visit approximately four accounts per day. Sales Merchandisers start work at 5:30 a.m. on Monday, Wednesday, and Friday and at 7:00 a.m. on Tuesday and Thursday. Sales Merchandisers have no set stop time; the day ends when that day's work is done. Stop time can be impacted by delayed delivery, an upcoming holiday, or heavy traffic. Merchandiser routes are reviewed annually and can change based on coverage. Routes can also change if someone is out due to leave or injury. Sales Merchandisers primarily work at the clients' premises and only physically report to their assigned offices two to three times per year. Sales Merchandisers follow the same chain of command as Sales Representatives.

No Key Account Managers testified at hearing. ***Key Account Managers*** are responsible for multi-unit accounts, like Walmart. A Key Account Manager for Walmart would call on the head buyer for Walmart, who is responsible for all Walmart stores in the State of Missouri. A Key Account Manager for Walmart would try to sell product to the Walmart buyer for all stores within the State of Missouri, not just within a particular Region. Key Account Managers report to the Director of Key Accounts, who reports to a Vice President of Sales who reports to the Missouri Executive Vice President.

No Account Development Specialists testified at hearing. ***Account Development Specialists*** call on some of the same accounts Sales Representatives call on and conduct more intensive sales activities. Account Development Specialists spend more time with the accounts, do product tastings, and work with the accounts on products they may want to carry. Sales Representatives, and not Account Development Specialists, write the orders. Account Development Specialists follow the same chain of command as Sales Representatives and Sales Merchandisers.

No Sales Development Representatives testified at hearing. ***Sales Development Representatives*** are Sales Representatives in training and fill a variety of roles. They work with merchandisers on merchandising product, run sales routes for sales representatives who are on leave, implement shelf schematics. Sales Development Representatives follow the same chain of command as Sales Representatives, Sales Merchandisers, and Account Development Specialists.

No Category Managers testified at hearing. ***Category Managers*** work on managing a particular product category (such as beer) for specific customers (such as the Schnucks grocery store chain). A Category Manager receives sales data from the customer and using that sales data makes recommendations regarding what products the store should or should not carry and where

the products should be placed on the shelf. Category Mangers then work with computer assisted design programs to set a shelf schematic determining how much product should be shelved and where it should be placed on the shelves. Category Managers work in the field, but do not report through the field sales structure. They report to Employer's corporate office in Chicago, with all of their Human Resources and Labor Relations functions being handled by a Corporate Human Resource Officer instead of through the Missouri Human Resources personnel.

C. Employee Relations, Hiring, and Training

Recruiting, qualifications, and training are the same for all employees within a job classification across the state. Employer has a team of three Human Resources professionals who provide Human Resource and Training services to employees across Missouri. There is not a separate Human Resource structure for each region. The Human Resource team travels across the state to the various offices and fields questions and calls from all Missouri field sales employees with Human Resource issues.

D. Terms of Employment

There is a statewide operational budget and sales goals are set on a statewide basis. Many of the goals are set by suppliers, and not directly by Employer. Compensation, job descriptions, and daily responsibilities are the same across the state. The daily job duties for each position are the same regardless of where the position is located. Sales Merchandisers are paid on an hourly basis and must track and report their working time; Sales Representatives are not paid hourly and are not required to track their time. There was no testimony or evidence presented regarding how the other job classifications are paid. Employee schedules depend on the employee's position and on the accounts to which they are assigned. All employees have the same available benefits. Employer has offered a cash incentive program (POT) based on goals met by the entire state and a travel incentive trip based on statewide performance that was awarded to the top performer in the state.

E. Engagement/Interchange with Other Employees

Field Sales employees do not regularly report to an office; their work is primarily in the field, at the clients' locations. Employer holds a monthly general sales meeting. Employer also holds town hall meetings which may occur either biannually or quarterly. If Employer indicates these meetings are required in-person meetings, each employee goes into the closest office. If Employer does not indicate the meeting is a required in person meeting, employees join via Zoom and participate remotely. Information presented during the monthly sales meeting is usually top down, starting from a broad overview and going down to either specific offices or specific channels of business. There are also team building events. For team building events, employees gather in the closest office to their territory and join the other Missouri offices via video.

Sales Representatives are assigned to teams, which are determined by either the type of business they serve (chain retail, on-premise, convenience stores, etc.) or the product they sell (wine, beer, spirits). Though all are part of the team, the teams do not often work together unless

there is a large merchandising task at a shopping club client. Employees mostly work alone with their own customers. Where employee interaction does exist, it is between employees from different job classifications who work the same account. As Account Development Representatives do not place orders, the Account Development Representative must coordinate with Sales Representatives to ensure customer orders are placed. Similarly, there must be coordination with Merchandisers regarding any planned displays or point of sale materials. A Sales Representative, depending on the type of accounts he/she works, may have more contact with an Account Development Representative than with other Sales Representatives. But the supplier/product/channel goals those Sales Representatives are trying to meet are statewide goals to which all Sales Representatives working with that supplier/product/channel are contributing.

There are incentive trips offered, some sponsored by Employer and some sponsored by suppliers, where employees from across the state interact. Incentive trips are based on performance and are offered statewide. They are not limited to a particular region.

F. Transfers Between Regions

Open jobs are posted on an online portal, and employees may apply for any open jobs which are listed regardless of where the jobs are located. Since 2011, eleven employees have transferred between Regions. The Sales Merchandiser who testified at hearing testified that before the organizing campaign, he was unaware the Company had two Regions in Missouri. Employees can transfer to positions anywhere in the state or be promoted to positions anywhere in the state.

II. ANALYSIS

A. Board Standard for Appropriate Units

The Act does not require a bargaining unit sought by a labor organization to be the only appropriate unit, the ultimate unit, or even the most appropriate unit. The unit sought need only be an appropriate unit able to safeguard to employees the fullest freedom in exercising rights guaranteed by the Act. *Barlett Collins Co.*, 334 NLRB 484 (2001); *Overnight Transportation Co.*, 322 NLRB 723 (1996). The starting point for an inquiry on unit composition is whether the petitioned-for unit is an appropriate unit. If the unit petitioned for is an appropriate unit, the inquiry ends there. *Boeing Co.*, 337 NLRB 152, 153 (2001). The Board has long recognized there is often more than one way employees may be organized and represented for purposes of collective bargaining. See, *General Instrument Corp. v. NLRB*, 319 F.2d 420, 422-423 (4th Cir. 1963), cert. denied 375 U.S. 966 (1964). A petition's preference as to unit composition, while relevant, is not determinative. *International Bedding Co.*, 356 NLRB 1336, 1337 (2011).

Where a petition seeks to represent a unit of employees and an employer contends the appropriate unit must be a larger complement of employees, the applicable standard is set forth in *American Steel Construction, Inc.*, 372 NLRB No. 23 (2022). Under *American Steel*, a petitioned for unit is appropriate where employees (1) share an internal community of interest; (2) are readily identifiable as a group based on job classifications, departments, functions, work locations, skills, or similar factors; and, (3) is sufficiently distinct. Where a party urges that the petitioned-for unit

is not sufficiently distinct because the smallest appropriate unit must include additional employees, the Board will apply traditional community of interest factors to determine whether there exists an “overwhelming community of interest” between the petitioned-for employees and employees a party would exclude. *Id.* When a party contends the smallest appropriate unit includes a larger complement of employees it challenges the third prong of *American Steel*, i.e., the proposed unit is not sufficiently distinct. *Id.* The Board opined in *American Steel*:

“But if a party contends that the petitioned-for unit is not sufficiently distinct—i.e., that the smallest appropriate unit contains additional employees—then the Board will apply its traditional community of interest factors to determine whether there is an ‘overwhelming community of interest’ between the petitioned-for and excluded employees, such that there is no rational basis for the exclusion. If there are only minimal differences, from the perspective of collective bargaining, between the petitioned-for employees and a particular classification, then an overwhelming community of interest exists and that classification must be included in the unit. As the Board noted in *Specialty Healthcare*, this test does not disturb or displace any preexisting rules or presumptions applicable to specific industries or occupations.”—*American Steel*, *supra*.

The Board has considered the following factors in evaluating whether groups of employees share a community of interest:

“[W]hether the employees are organized in a separate department; have distinct skills and training; have distinct job functions and perform distinct work, including inquiry into the amount and type of work 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.” *United Operations, Inc.*, 338 NLRB 123, 123 (2002)

In applying these community of interest factors, the Board focuses on whether the interests of the group petitioned for are sufficiently distinct from the interests of other employees to warrant a separate unit. *Wheeling Island Gaming*, 355 NLRB 637, 637 fn. 2 (2010). The manner in which an employer has chosen to organize its workforce and utilize employee skills are significant factors in determining appropriateness of a petitioned-for unit. *Gustave Fisher, Inc.* 256 NLRB 1069 fn. 5 (1981). Where only minimal differences exist, from the perspective of collective bargaining, between petitioned-for employees and employee classifications to be left outside the unit an overwhelming community of interest exists and the classifications left out are appropriately included in the unit. *American Steel*, 372 NLRB No. 23, slip op at 17. The Board eschews arbitrary or irrational bargaining units that constitute haphazard groupings of classifications of employees or that represent arbitrary segments of broader groups with indistinguishable interests. *Id.* slip op. at 5.

The *American Steel* test applies when parties dispute the classifications that must be included in the appropriate unit, not when parties dispute the locations that must be included in appropriate unit. *Id.*, slip op. at 3 fn. 17.

When presented with the question of whether a petitioned-for multilocation unit must include additional locations, the Board will apply an analysis based on a variant of the community of interest test, examining the following factors: employees' skills, duties, and working conditions; functional integration of business operations, including employee interchange; geographic proximity; centralized control of management and supervision; bargaining history; and extent of union organizing and employee choice. *Exemplar, Inc.*, 363 NLRB 1500, 1501 (2016); see also *Cazanove Opici Wine Group*, 371 NLRB No. 30 (2021); *AT&T Mobility Services, LLC*, 371 NLRB No. 14 (2021); *Laboratory Corp. of America Holdings*, 341 NLRB 1079, 1081-1082 (2004); *Bashas', Inc.*, 337 NLRB 710 (2002); *Alamo Rent-a-Car*, 330 NLRB 897 (2000). The Board will find a petitioned-for multilocation unit inappropriate if the petitioned for group does not share a community of interest distinct from that shared with employees at other, excluded locations. *Laboratory Corp. of America Holdings*, 341 NLRB 1079, 1082 (2004); see also *Acme Markets, Inc.*, 328 NLRB 1208 (1999).

Both standards must be applied in the instant matter: the multilocation standard to determine whether the St. Louis and Cape Girardeau locations are an appropriate unit separate and distinct from the Columbia, Springfield and Kansas City locations; and, the community of interest standard to resolve whether Category Managers are appropriately included in the unit.

B. Multilocation Factors

1. Employee Skills, Duties, and Working Conditions

The evidence presented shows employees are divided into two Regions, East and West, for personnel management purposes. There was no evidence presented demonstrating that such division creates a meaningful difference in terms and conditions of employment. It is additionally unclear that all employees are even aware there are two Regions. When asked if he was familiar with the division of employees into an Eastern and a Western Region, the Sales Merchandiser who testified at hearing responded, "I am hearing about it kind of for the first time owing to this unionization effort and this hearing." Tr. 128-129:21-1. Management is divided into East and West through the Director level, but ultimately both Regions report to a single Vice President of Sales.

Employees within a job category have the same job description and the same basic daily responsibilities regardless of Region. While there may be some differences in products sold, based on Employer's various county licenses, and differences in customers assigned, the activities required to sell and merchandise the product are the same. Additionally, the differences in county licensing may occur within a Region as well as between Regions.

Employer's organization chart was entered into the record as Petitioner Exhibit 2. The organization chart identifies multiple Directors of Division Sales but does not identify what the

various divisions are. There was no testimony identifying the specific divisions or discussing the work of that division. The Sales Representative who testified referenced that there are teams for chain retail, on-premise accounts, and convenience stores as well as wine teams (divided by supplier group), a spirit team, and a beer team. It is unclear how those teams fit into various divisions or whether the team, in and of itself, constitutes a division.

Skills and training are the same statewide within each job classification. There is no specialized training required based on assigned Region, and recruiting of new employees is the same across Regions. All employees receive job specific training, compliance training (pertaining to sales and ethics), and anti-harassment training. Job specific training for each position is the same, regardless of the Region to which the position is assigned. Additional training initiatives are handled by a Director of Learning and Development, who delivers training to employees across the state. All employees within a job classification have the same job functions statewide. As noted above, the products each employee handles may vary, but the activities to sell and merchandise the products are the same.⁴

All employees have access to the same employee benefits. While compensation type and pay ranges are the same within a job classification, it is not clear how all of the positions in the petitioned-for unit are paid. There was testimony that Sales Merchandisers are paid hourly and must record their time, but that Sales Representatives are not paid hourly and do not have to record their time. There was no testimony regarding how Sales Representatives, Key Account Managers, Account Development Specialists, Sales Development Representatives, and Category Managers are paid.

There was testimony about bonuses or incentives offered to employees. Employer testimony indicated such bonuses are offered statewide. However, Petitioner testimony and Employer's exhibits establish that some of the bonuses may be offered based on movement of specific product, or movement of a specific product within a specific line of business. Without more specific evidence regarding the various divisions and teams, it is unknown whether there is equal access to bonuses or incentives for all petitioned-for employees.

2. Functional Integration and Employee Interchange

There is functional integration where all employees in a sought-after unit work on different phases of the same product or a single service as a group. *Transerv Systems*, 311 NLRB 766 (1993); *Avery Corp.*, 170 NLRB 35 (1968). All employees play a role in the sales process. Sales Representatives sell and order the product, Sales Merchandisers stock and display the product. Account Development Representatives seek to expand and grow the product mix (which then requires the Sales Representatives to order the product and the Sales Merchandisers to stock and display the product). Key Account Managers sell to buyers at large chain stores (and then rely on Sales Merchandisers to stock and display the product). Sales Development Representatives work

⁴ There may be variation in daily activities based on the division or team to which the employee is assigned. There was testimony that teams exist for Chain Retail, On-Premise Accounts, Wine, Spirits, and Beer. The testimony was general and did not flesh-out job responsibilities by job classification within a team or channel.

with Sales Representatives and Sales Merchandisers to learn the jobs and fill in when other employees are absent. All positions rely on the others to execute sales goals.

As Sales Representatives and Account Development Specialists call on some of the same accounts, there is likely some overlap in the client services provided, but there is insufficient record evidence to quantify that overlap. Similarly, the evidence indicates Sales Development Representatives work with, or sometimes substitute for, Sales Representatives and Sales Merchandisers. It therefore follows that there is some overlap between the Sales Development Representatives and the Sales Representatives and some overlap between the Sales Development Representatives and the Sales Merchandisers. There is insufficient record evidence to quantify the overlap.

Sales goals are statewide, not by facility, but may be specific to certain products or lines of business. Although individual employees may have their own sales goals, those goals are not stand-alone goals, but are components of the larger, statewide goal.

Employer uses a field sales structure, where employees spend the majority of their working time at the clients' locations and not in Employer offices or warehouses. The nature of the job limits the amount of in-person contact with other employees. Employees are sometimes required to report in person for meetings but often have the option to participate remotely via Zoom or Teams. Sales meetings are held monthly, townhall meetings are held quarterly. While sales meetings may be held by Region, the townhall meetings are statewide meetings in which all employees participate.

As the skills and responsibilities required for the job classifications are the same statewide, employees have the ability to apply for jobs anywhere in the state and to transfer to open jobs anywhere in the state. Since 2011, there have been eleven employees who transferred between regions.

3. Geographic Proximity

All employees work within the state of Missouri. As noted above, employees are assigned to offices and/or warehouses. However, office/warehouse assignment is not particularly informative as to geographic proximity, because employees work primarily in the field within their assigned territories. Geographic proximity is thus more accurately assessed based on territory assignment and not warehouse/office assignment. The parties did not present any evidence regarding the geographic makeup of the employees' assigned territories, other than to note that territories cover a specific radius to allow employees to make their required weekly client visits. With territories being within an established radius, the bounds of the territories can bring employees geographically close to employees from other offices/warehouses. For example, there are 115 miles between Cape Girardeau, Missouri and St. Louis, Missouri, and 125 miles between St. Louis, Missouri, and Columbia, Missouri. Depending on how territories are drawn, there could be more day-to-day geographic proximity between an employee assigned to St. Louis and an employee assigned to Columbia than between the same St. Louis assigned employee and a Cape Girardeau assigned employee.

4. Supervision

The entirety of the sales team reports up to an Executive Vice President of Sales, with the Vice Presidents of Sales for the East and West Regions reporting directly to the Executive Vice President of Sales. Within each Region, there are Directors of Division Sales, Field Sales Managers, and Directors of Key Accounts. Other than Key Account Managers and Category Managers, employees report up through a structure of Field Sales Manager, Director of Division Sales, Regional Vice President of Sales, and Executive Vice President of Sales. Key Account Managers report to a Director of Key Accounts, who reports to a Regional Vice President of Sales, who reports to the Executive Vice President of Sales. Category Managers do not follow this reporting structure and instead report up through an entirely different corporate chain of command.

All employees, other than Category Managers, have their personnel issues managed by the same Human Resource team. Category Managers have their personnel issues managed by a corporate Human Resource team.

5. Bargaining History & Employee Organizing

There is no bargaining history for the petitioned for classifications within the state of Missouri. The record indicates there was a prior petition filed earlier in 2025, but that petition was withdrawn without an election being held.

C. Analysis

1. Category Manager Inclusion/Exclusion

Based on the record as a whole, I find the Category Manager classification does not share a community of interest with the other petitioned-for classifications and must be excluded. Not only do the Category Managers follow a different reporting structure, they have a fundamentally different job than the other petitioned-for classifications.

Petitioner's witness stated Category Managers "...pull data throughout the year and try to make suggestions to corporate people at those chains that they work in and suggest new items and pulling items that were not performing kind of in the best interest between us and those companies that they work with." Tr. 110: 3-9. Employer's witness stated similarly that Category Managers "are responsible for category management for specific customers. So we have a Category Manager who focuses on Schnucks. And regardless of where that Schnucks store is, that Category Manager takes sales data from that account, helps make recommendations to the account of what products that store should carry or not carry and where those products should be placed on a shelf. And they create what we call schematics on a computer." Tr. 18: 15-25.

Category Managers, rather than selling or emphasizing a particular product from a particular supplier to a particular client location, focus on performance of product in-store across a single chain of stores. Category Managers are thus not limited to accounts within a particular

radius. They handle all stores, regardless of location, for their assigned client. This involves data analysis, and the use of tools to perform such analysis, not required of the other petitioned-for job classifications. Further, Category Managers interact with corporate level client representatives, not the on-location or field-based representatives with whom the other sales employees interact.

There was no evidence presented to demonstrate Category Managers share a community of interest with the other petitioned-for employees, other than the Sales Representative who testified stating that he sometimes works with Category Managers to execute a shelf reset. This testimony falls short of establishing a community of interest.

2. Appropriateness of Petition-For Unit

While Employer does maintain two regions, and while employees are assigned to particular warehouses/offices, I find the petitioned-for unit does not share a community of interest distinct from that shared with employees at other, excluded locations. As this is a field sales organization where employees work primarily in the field and not at their assigned warehouse/office, the mere assignment of employees to the same office does not establish a unique community of interest. Employees within the same job classification share the same job responsibilities, expectations, benefits, chain of command, training, and employee relations management regardless of assigned office. There was no evidence presented that employees in St. Louis and Cape Girardeau have terms and conditions of employment or particularized interests differing from those of employees at other locations.

III. CONCLUSIONS AND FINDINGS

In determining the smallest appropriate unit, I have carefully weighed the community of interest factors cited in *United Operations*, 338 NLRB 123, 123 (2002) and considered the multilocation unit test set forth in *Exemplar, Inc.*, 363 NLRB 1500, 1501 (2016). I conclude that the unit sought by Petitioner of Sales Representatives, Sales Merchandisers, Key Account Managers, Account Development Specialists, Sales Development Representatives, and Category Managers in St. Louis and Cape Girardeau does not share a community of interest distinct from that shared with employees at the Columbia, Springfield, and Kansas City locations and is therefore not an appropriate unit. I further find that Category Managers do not share a community of interest with the other petitioned-for classifications and may not be included in an appropriate unit. Petitioner has not indicated it is willing to proceed to election in any unit other than the petitioned-for unit.

Based on the entire record in this matter and in accordance with the discussion above, I conclude and find as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is 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 herein.⁵
3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act.
4. A question affecting commerce exists concerning the representation of certain employee(s) of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The petitioned-for unit of the Employer shares an overwhelming community of interest with excluded employees and therefore does not constitute an appropriate unit.

IV. ORDER

IT IS HEREBY ORDERED that the petition is dismissed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67(c) of the Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A copy of the request for review must be served on each of the other parties as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations. The request for review must contain a complete statement of the facts and reasons on which it is based.

Procedures for Filing Request for Review: Pursuant to Section 102.5 of the Board's Rules and Regulations, a request for review must be filed by electronically submitting (E-Filing) it through the Agency's web site (www.nlrb.gov), unless the party filing the request for review does not have access to the means for filing electronically or filing electronically would impose an undue burden. A request for review filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Section 102.5(e) of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations. The request for review must comply with the formatting requirements set forth in Section 102.67(i)(1) of the Board's Rules and Regulations. Detailed instructions for using the NLRB's E-Filing system can be found in the [E-Filing System User Guide](#).

A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5 p.m. Eastern Time**) on **June 12, 2025**, unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire

⁵ The parties' stipulated at hearing to the following commerce facts: "The Employer, Breakthru Beverage Missouri, a Delaware Corporation, with its principal facility located at 6701 Southwest Avenue Northwest, Suite 4900, St. Louis, Missouri, is engaged in the business of wholesale distribution of beverages. During the past 12 months, the Employer purchased and received at [its] facility goods and supplies valued in excess of \$50,000 directly from suppliers located outside the State of Missouri."

May 29, 2025

document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time on June 12, 2025.**

Filing a request for review electronically may be accomplished 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. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which must also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Any party may, within 5 business days after the last day on which the request for review must be filed, file with the Board a statement in opposition to the request for review. An opposition must be filed with the Board in Washington, DC, and a copy filed with the Regional Director and copies served on all the other parties. The opposition must comply with the formatting requirements set forth in §102.67(i)(1). Requests for an extension of time within which to file the opposition shall be filed pursuant to §102.2(c) with the Board in Washington, DC, and a certificate of service shall accompany the requests. The Board may grant or deny the request for review without awaiting a statement in opposition. No reply to the opposition may be filed except upon special leave of the Board.

Dated: May 29, 2025



CARLA K. COFFMAN, Acting Regional Director
National Labor Relations Board
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