UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

TOTAL RENAL CARE, INC. D/B/A DAVITA VISALIA VINEYARD DIALYSIS

Employer

and **Case 32-RC-370127**

SERVICE EMPLOYEES INTERNATIONAL UNION – UNITED HEALTHCARE WORKERS WEST

Petitioner

DECISION AND DIRECTION OF ELECTION

Total Renal Care, Inc. d/b/a DaVita (the Employer) provides kidney care and integrated medical care management at facilities throughout the United States. On July 25, 2025,[1] Service Employees International Union – United Healthcare Workers West (the Petitioner or Union) filed a petition (Petition) under Section 9(c) of the National Labor Relations Act (the Act) seeking to represent a proposed unit of approximately 29 Clinical Coordinators, Registered Nurses, Licensed Vocational Nurses, Patient Care Technicians, and Administrative Assistants at the Employer's Visalia Vineyard facility.

The Employer argues in its Statement of Position that the petitioned-for unit is inappropriate because the only appropriate unit includes all employees in the Employer's Pacific Gold Region 6 and because the petitioned-for unit includes Administrative Assistants and Clinical Coordinators, who they claim do not share an internal community of interest with the other named classifications in the petitioned-for unit. The two issues, therefore, in this case are:

(1) whether the petitioned-for unit, limited to employees at the Employer's Visalia Vineyard dialysis facility, is an appropriate unit for collective bargaining or whether the unit must also include employees at the Employer's other facilities located in its Pacific Gold Region 6; and

(2) whether the Employer's Administrative Assistants and Clinical Coordinators share a community of interest with the Employer's Registered Nurses, Licensed Vocational Nurses, and Patient Care Technicians.

Two hearing officers of the Board held a hearing in this matter, and the parties orally argued their respective positions prior to the close of the hearing. As explained below, based on the record and relevant Board law, I find that the petitioned-for single-facility unit is an appropriate bargaining unit. Furthermore, I find that the Employer's Administrative Assistants and Clinical

[1] All dates refer to 2025, unless otherwise specified.

Coordinators share a sufficient community of interest with the Employer's Registered Nurses, Licensed Vocational Nurses, and Patient Care Technicians to be included in the unit.

THE EMPLOYER'S OPERATIONS

The Employer delivers kidney dialysis services and education to patients with chronic kidney failure and otherwise fatal end stage renal disease. Most of the Employer's services are provided in its dialysis facilities, where patients receive hemodialysis treatments. In-center hemodialysis patients receive their dialysis treatment several times a week completely in the facility, monitored by facility staff. The Employer also provides education and training for home-based hemodialysis and peritoneal dialysis treatments. Home-based hemodialysis and peritoneal dialysis patients receive training to perform their dialysis themselves at home.

The Employer's operations are organized nationally in large geographical Groups, which are divided into geographical Divisions. Each Division is then divided into smaller geographical Regions, which are made up of individual dialysis facilities. Group Vice Presidents oversee their respective Groups. Division Vice Presidents (DVPs) oversee their respective Divisions. Regional Operations Directors (RODs) oversee their respective Regions. Regional Home Managers (RHMs) oversee the home-based side of their respective Regions. Facility Administrators (FAs)—which can be Assistant FAs (AFAs), FAs, or Group FAs (GFAs)—oversee their respective facilities.

The Visalia Vineyard facility, which covers the petitioned-for unit in the instant case, is part of the Employer's Pacific Gold Division, Region 6. The Pacific Gold Division is part of the Polaris Group, which covers Washington State, Oregon, Utah, and parts of California and Nevada. Within the Polaris Group there are four Divisions: ORCA, Sierra Terrific, North Star, and Pacific Gold. There are ten individual dialysis facilities in Pacific Gold Region 6. The facilities are located within a long diamond-shaped area spanning three California counties—Tulare County, Kings County, and Fresno County. The farthest distance between facilities in Pacific Gold Region 6 is approximately 80 miles.[2]

Holly Vigario is the ROD for Pacific Gold Region 6. Lauren Herrera is the RHM for the home-based side of Pacific Gold Region 6. Michelle Dewey is the GFA for the Visalia Vineyard facility.

There are approximately 29 employees in the petitioned-for unit at the Visalia Vineyard facility, and approximately 150 employees in the Employer's proposed multi-facility unit across Pacific Gold Region 6.

[2] Employer's Exhibit 1 is a map of Pacific Gold Region 6.

ISSUE 1: SINGLE-FACILITY UNIT VERSUS MULTI-FACILITY UNIT

BOARD LAW

The Board has long held that a petitioned-for single-facility unit is presumptively appropriate, unless it has been so effectively merged or is so functionally integrated that it has lost its separate identity. *D&L Transportation*, *Inc.*, 324 NLRB 160, 160 (1997). The party opposing the single-facility unit has the heavy burden of rebutting its presumptive appropriateness. *J&L Plate, Inc.*, 310 NLRB 429, 429 (1993); *Renzetti's Market*, *Inc.*, 238 NLRB 174, 175 (1978). To determine whether the single-facility presumption has been rebutted, the Board examines several factors, including: (1) central control over daily operations and labor relations; (2) similarity of employee skills, functions, and working conditions; (3) the degree of employee interchange; (4) functional integration; (5) geographic proximity; and (6) bargaining history, if any exists. *Audio Visual Services Group, LLC*, 370 NLRB No. 39, slip op. at 3 (2020), citing *Laboratory Corporation of America Holdings*, 341 NLRB 1079, 1081-1082 (2004); *Trane*, 339 NLRB 866, 867 (2003); *D&L Transportation*, 324 NLRB at 160; *J &L Plate, Inc*., 310 NLRB at 429.

When examining the appropriateness of a unit, it is well established that "more than one [bargaining] unit may be appropriate among the employees of a particular enterprise." *American Steel Construction, Inc.*, 372 NLRB No. 23, slip op. at 2 (2022); *Overnite Transp. Co.*, 322 NLRB 723, 726 (1996). Therefore, the Board must determine not whether the unit sought is the only appropriate unit or the most appropriate unit, but rather whether it is "*an* appropriate unit." *Wheeling Island Gaming*, 355 NLRB 637, 637 n.2 (2010) (emphasis in original) (citing *Overnite Transp.*, supra at 723) (further citation omitted). Accordingly, in unit-determination cases, the Board first considers the petitioned-for unit. If the petitioned-for unit is appropriate, the inquiry ends. *Specialty Healthcare & Rehab. Ctr. of Mobile*, 357 NLRB 934, 941 (2011), *affirmed sub nom. Kindred Nursing Centers East, LLC v. NLRB*, 727 F.3d 552 (6th Cir. 2013); *Overnite Transp.*, supra at 723-26.

APPLICATION OF BOARD LAW TO THE FACTS OF THIS CASE

In reaching the conclusion that the petitioned-for single-facility unit is appropriate in this case, I rely on the following analysis and record evidence.

1. Central Control Over Daily Operations and Labor Relations

The Board has made clear that "the existence of even substantial centralized control over some labor relations policies and procedures is not inconsistent with a conclusion that sufficient local autonomy exists to support a single local presumption." *California Pacific Medical Center*, 357 NLRB No. 21, slip op. at 2 (2001) (citations omitted). Thus, "centralization, by itself, is not sufficient to rebut the single-facility presumption where there is significant local autonomy over labor relations. Instead, the Board puts emphasis on whether the employees perform their day-to-day work under the supervision of one who is involved in rating their performance and in affecting their job status and who is personally involved with the daily matters which make up their grievances and routine problems." *Hilander Foods*, 348 NLRB 1200, 1203 (2006) (citations

omitted). Therefore, the primary focus of this factor is the control that facility-level management exerts over employees' day-to-day working lives.

In the instant case, facility-level management exerts a high degree of control over employees' day-to-day lives. Specifically, individual facility FAs initiate and recommend employee hiring, discipline, discharge, promotions, and wage increases; and oversee the day-to-day operations of their respective facilities. While there is some centralized control over certain labor relations policies and procedures across Pacific Gold Region 6—and across the entire company—including, for example, a uniform personnel policy, employee handbook, wage and benefit program, and training, the record indicates that each individual facility within the Region has distinct supervision and significant local level autonomy.

This significant local level autonomy is demonstrated first through the hiring process. While Regional management sets hiring targets for the Region as a whole, individual FAs can request to hire for certain positions at their specific facilities. Most hiring is then facilitated by a contracted recruiter, who opens job requisitions and completes background checks and phone interview screens. After the recruiter-led steps of the process are complete, applicants are brought to the facility for an in-person interview led by the FA. Based on the interview, the FA has the authority to reject the applicant or make a recommendation to hire the applicant.

Once an employee is hired, they are put into training with a cohort of new hires that is coordinated on a Regional level. The training lasts a few weeks to a few months, depending on the job position. If the training occurs at the facility where the new hire will work, the new hire reports to their permanent FA on a daily basis throughout the training. If the training occurs at another facility (because of trainer availability), the new hire will report to that facility's FA on a daily basis for the duration of the training, but will still meet with their permanent FA on a weekly basis to check in on performance and training progress. Therefore, even in circumstances where employees train at another facility, the FA at the employee's permanent facility continues to exert some level of control throughout the training period.

After new hires complete their training and begin working, the FA for each individual facility monitors employee performance and directly handles instances of policy violations, attendance issues, or other performance concerns. For lower-level discipline, the FA initiates and recommends discipline. The Employer's Teammate Relations then reviews and approves (the ROD only needs to be notified). For more significant discipline and discharge, the FA also initiates and recommends, and then both Teammate Relations and the ROD approve.

The FA also exerts local level control by initiating and recommending promotions and wage increases for facility employees. The FA does so consistent with the Employer's Clinical Ladder, which is a step-based promotion track. The FA, ROD, and other facility managers, as appropriate, consult and make the final decision on employee promotions and wage increases for facility employees. The FA has the final sign-off on most employee skills checklists at the facility.

Not only does the record demonstrate that the FA at each individual facility has significant control and autonomy over facility-level hiring, training, performance, discipline, discharge, promotions, and wages increases, but the FA also manages the day-to-day operations of their

facility. The FA holds daily meetings with facility employees to discuss a range of topics regarding daily clinical operations. The FA also creates the schedule for employees at their facility. This is done by employee first submitting paid time off (PTO) requests, which the FA approves or denies. The FA then coordinates with facility employees to cover any gaps in the schedule. If necessary, the FA coordinates with the Region's float pool employees to fill gaps in the schedule. If float pool employees are unavailable, the FA will coordinate with other FAs to see if they have employees who can cover. FAs also oversee all patient care handled by facility employees and ensure sufficient supplies are available at the facility.

While the Employer's ROD has final approval for hiring decisions, some discipline, discharge, promotions, and wage increases, it is clear from the record that the FA at each individual facility independently recommends hiring, discipline, discharge, promotions, and wage increases. Moreover, the FA manages the day-to-do operations and labor relations of their facility, including PTO requests, scheduling, and supplies. This demonstrates a substantial degree of local level control and autonomy.

I therefore find that with respect to control over daily operations and labor relations, the Employer has not overcome its high burden to show that the single-facility presumption is inapplicable.[3]

2. Similarity of Employee Skills, Functions, and Working Conditions

The similarity of skills, functions, and working conditions between employees at the facilities the party opposing a single-facility unit contends should be in the unit has some bearing on determining the appropriateness of the single-facility unit. However, this factor is less important than whether individual facility management has autonomy and whether there is substantial interchange. See, e.g., *Dattco, Inc*., 338 NLRB 49, 51 (2002) ("This level of interdependence and interchange is significant and, with the centralization of operations and uniformity of skills, functions and working conditions is sufficient to rebut the presumptive appropriateness of the single-facility unit").

Here, employees in Pacific Gold Region 6 share some skills, functions, and working conditions. For example, the record indicates that there are similar licensing requirements, qualifications, training, and job responsibilities across many of the facilities in the Region. However, there are also some significant differences. Specifically, the Region's ten facilities differ in the type of dialysis modality offered, which impacts the skills, functions, and working conditions of employees at each individual facility.

[3] See *Renzetti's Market, Inc.*, 238 NLRB at 175 (finding merit to petitioner's contention that such factors as centralized administrative control, uniform fringe benefits, and interdependence of the stores' operations were outweighed by the "factor which is of chief concern to the employees," the day-to-day working conditions, including discipline, scheduling, requests for leave, and handling routine grievances); *Bud's Thrift-T-Wise*, 236 NLRB 1203 (1978) (finding that, though central labor policies circumscribed authority, store managers exercised autonomy in interviewing, scheduling, granting time-off, adjusting grievances, evaluating employees, and making effective recommendations for hiring, discipline, and firing).

Within Pacific Gold Region 6, the Coalinga, Lemoore, Hanford, Tulare, and Exeter facilities only offer in-center hemodialysis. The Sequia, Visalia Cypress, Visalia Vineyard, and Dinuba facilities all offer both in-center hemodialysis and home-based peritoneal dialysis. The Hanford Home facility only offers home-based peritoneal dialysis. Given the range of dialysis modalities offered, the training and qualifications for employees differ depending on the facility. RHM Lauren Herrera testified that for RNs working in home-based dialysis, which, as noted above, is only offered at five of the ten Pacific Gold Region 6 facilities, they need to complete 360 hours of modality-specific training. Herrera testified that if an RN was trained in the home-based modality but wanted to work in-center, that RN would need to complete the in-center specific training curriculum. Therefore, if an RN wanted to transfer from, for example, the Hanford Home facility to the Coalinga facility, they would need to complete an entirely different training.

In addition to the difference in training and qualifications across facilities, only two facilities—Visalia Vineyard and Exeter—have isolation rooms available for patients with Hepatitis B. Employees working at Visalia Vineyard or Exeter in the isolation rooms need to have Hepatitis B antibodies, which is another difference between the facilities.

Lastly, the operating hours and days of the week differ between facilities in the Region. Most facilities are open Monday-Saturday, and open at 5am. However, the Exeter facility is only open Monday, Wednesday, and Friday, and the Hanford facility opens at 5am. Thus, an employee's schedule—their working conditions—will differ depending on the facility where they work.

Accordingly, I find the differences in skills, functions, and working conditions between the facilities in Pacific Gold Region 6, particularly in relation to the different dialysis modalities offered at the facilities, to be significant enough to weigh in favor of the appropriateness of the petitioned-for single-facility unit.

3. The Degree of Employee Interchange

Employee interchange occurs when a portion of the workforce of one facility is involved in the work of the other facilities through temporary transfer or assignment of work. However, to be considered interchange, a significant portion of the workforce must be involved, and the workforce must be actually supervised by the local facility to which they are not normally assigned in order for the party opposing the single-facility unit to meet its burden of proof. *New Britain Transportation Co.*, 330 NLRB 397, 398 (1999). For example, the Board found that interchange was established and significant where during a 1-year period there were approximately 400 to 425 temporary employee interchanges among three terminals in a workforce of 87 and the temporary employees were directly supervised by the terminal manager from the terminal where the work was being performed. *Dayton Transport Corp.*, 270 NLRB 1114 (1984). On the other hand, where the amount of interchange is unclear both as to scope and frequency because it is unclear how the total amount of interchange compares to the total amount of work performed, the burden of proof is not met, including where a party fails to support a claim of interchange with either documentation or specific testimony providing context. *Cargill, Inc.*, 336 NLRB 1114 (2001); *Courier Dispatch Group*, 311 NLRB 728, 731 (1993). Other important factors when considering interchange is whether the temporary employee transfers are voluntary or required, the number of

permanent employee transfers, and whether the permanent employee transfers are voluntary or required. *New Britain Transportation Co.*, supra.

Here, the record does not establish a significant degree of employee interchange in Pacific Gold Region 6. Starting with training, the record reveals that employees occasionally train at facilities other than their permanent facility. However, Employer Exhibit 15 demonstrates that in the past year, approximately 38 of 45 employees (excluding float employees who do not have a permanent facility and who are excluded from the parties' respective proposed units) trained at their permanent facility, 42 of 45 employees trained at least some of the time at their permanent facility, and all Visalia Vineyard employees trained at the Visalia Vineyard facility. Visalia Vineyard GFA Dewey also testified that in her time in the GFA role, no Visalia Vineyard PCTs have trained at other facilities. The record was silent as to other positions. She also testified that in the past two years, Visalia Vineyard preceptors (trainers) have only trained employees from other facilities three times. The evidence in the record thus reflects only a minimal amount of employee interchange during training.

Turning to temporary transfers, the employee hiring packet states that employees in Pacific Gold Region 6 will cover at other facilities as the need arises. However, there is no evidence in the record that employees at the petitioned-for facility have significant daily interchange with employees at other facilities in the Region. As previously noted, FAs produces the shift schedule at their respective facilities. The schedules are printed and posted individually at each facility (not for the entire Region). If there are gaps in coverage, an FA will first look to employees in their own facility to fill any such gaps. If, after looking to find coverage within the facility an FA is unable to fill the gaps, the FA then turns to the Region's float pool. The Region maintains a float pool of employees who are not assigned to a specific facility and who are assigned to fill gaps at the Region's facilities where needed. If a float pool employee is unable to fill gaps in a facility's schedule, the FA will then contact other FAs in the Region to see if employees at other facilities are available to fill gaps in the schedule. Temporary transfers between facilities are thus clearly the last resort when getting shift coverage. Moreover, Visalia Vineyard GFA Dewey testified that working at another facility is voluntary and that employees will not be disciplined for declining to work at another facility. RHM Herrera also testified that over the past 6 months, no Visalia Vineyard home-based RNs have worked at other facilities and that this has only happened 5-6 times in the past 6 months across the entire Region. She also testified that only a couple of times per year an employee permanently transfers to another facility.

The record also indicates that within the petitioned-for job classifications in Pacific Gold Region 6, there is only one employee, an AA, who is shared between two facilities—Visalia Cypress and Dinuba. This is not a significant portion of the workforce engaged in this type of interchange. Furthermore, while the record indicates that there are Region-wide holiday parties and Region-wide one-off volleyball tournaments where employees interact, these examples are not sufficient to find significant employee interchange.[4]

[4] *Hilander Foods*, 348 NLRB 3 (2006) ("There is no evidence that . . . employees have had frequent contact with employees at the other facilities as a result of central training, central meetings, community service projects, or the newsletter.").

These nominal examples of interchange are not sufficient to demonstrate that a single-facility's homogeneity of employees has been destroyed or to rebut the single-facility presumption. Compare *Purolator Courier Corp.*, 265 NLRB 659, 661 (1982) (interchange factor satisfied where 50 percent of the workforce worked at other facilities *each day* and were frequently supervised by managers at other terminals). Further, as noted by Visalia Vineyard GFA Dewey, employees in the instant case are not required to work shifts at a facility outside their permanent facility. The Employer also does not discipline employees who refuse to work at another facility. See *New Britain Transp. Co.*, 330 NLRB 397, 398 (1999) ([V]oluntary interchange is given less weight in determining if employees from different locations share a common identity"); *Red Lobster*, 300 NLRB 908, 911 (1990) (noting that "the significance of that interchange is diminished because the interchange occurs largely as a matter of employee convenience; *i.e., it is voluntary*").

Consequently, I find that the insignificant level of interchange between Pacific Gold Region 6 employees supports a finding that the petitioned-for single-facility unit is appropriate.

4. Functional Integration

Evidence of functional integration is also relevant to the issue of whether a single-facility unit is appropriate. Functional integration refers to when employees at two or more facilities are closely integrated with one another functionally, notwithstanding their physical separation. *Budget Rent A Car Systems*, 337 NLRB 884 (2002). This functional integration involves employees at the various facilities participating equally and fully at various stages in the employer's operations, such that the employees constitute an integral and indispensable part of a single work process. Id. An important element of functional integration is that the employees from the various facilities have frequent contact with one another. Id at 885.

Here, employees in Pacific Gold Region 6 are not part of a single work process. While all employees in the Region are involved in the provision of dialysis treatment, each individual facility is its own discrete unit of services. Visalia Vineyard does not rely on other facilities to cover its operational, staffing, or inventory needs, or vice versa. It may be that a facility in the Region has an employee from another facility covering a shift gap, or a facility may occasionally need to borrow supplies from another facility because of a need for special medication that the facility does not have, but individual facilities do not rely on other facilities in the Region to operate on a daily basis. Employees at the various facilities in the Region therefore do not constitute an integral and indispensable part of a single work process. While certain employees hold "champion" roles where the employee oversees a specific Employer need/issue area, these one-off responsibilities are not sufficient to demonstrate functional integration between facilities. Moreover, each facility in the Region has its own license, and the accreditation of one facility does not affect the accreditation of another facility—factors which further confirm the individual nature of the facilities in the Region. Lastly, as demonstrated in the previous section, Visalia Vineyard employees do not have regular or frequent communication with other employees in the Region.

Accordingly, I conclude that the Employer has not established a sufficient degree of functional integration to overcome the single-facility presumption.

5. Geographical Proximity

The Board has found varying distances to weigh in favor of or against rebutting a single-facility presumption, depending largely on what other factors are present. See, e.g., *Lipman's*, 227 NLRB 1436, 1438 fn.7 (finding single-store units appropriate where stores located only 2 miles apart); *Red Lobster*, 300 NLRB at 908, 912 (finding single-store units appropriate where stores were an average distance of 7 miles apart and all within a 22-mile radius); *New Britain Transportation*, 330 NLRB at 398 ("geographic separation [of 6 to 12 miles], while not determinative, gains significance where, as here, there are other persuasive factors supporting the single-facility unit," citing *Bowie Hall Trucking Inc.*, 290 NLRB 41, 43 (1988)).

As set forth above, the facilities in Pacific Gold Region 6 are spread out across three California counties—Tulare County, Kings County, and Fresno County. While some of the facilities are geographically close to other facilities, within a few miles of each other, other facilities are 80 miles apart. When viewed on a map, the ten facilities within Pacific Gold Region 6 cover a long diamond-shaped area across a large swath of land.

Not only is the 80-mile distance already significantly greater than certain distances in cases where the Board has found single-facility units appropriate, thus indicating that this factor cleanly points toward the appropriateness of a single-facility unit, but moreover given the high degree of local autonomy at each individual facility and the insignificant amount of interchange and functional integration between facilities in the Region, the close proximity of a few of the facilities in the Region does not overcome the Employer's heavy burden of rebutting the presumptive appropriateness of the petitioned-for single-facility unit.

6. Bargaining History

The absence of bargaining history is a neutral factor in the analysis of whether a single-facility unit is appropriate. *Trane*, supra at 868, fn. 4. Thus, the fact that there is no bargaining history in this matter does not support nor negate the appropriateness of the petitioned-for unit.

Issue 1 Conclusion

Based on the above single-facility versus multi-facility analysis, I conclude that the petitioned-for single-facility unit in the instant case is appropriate for collective bargaining.

ISSUE 2: COMMUNITY OF INTEREST

BOARD LAW

In addition to addressing the appropriateness of the petitioned-for single-facility unit, I must also address whether the Administrative Assistants (AAs) and Clinical Coordinators (CCs) at the Employer's Visalia Vineyard facility share a community of interest with the Registered Nurses (RNs), Licensed Vocational Nurses (LVNs), and Patient Care Technicians (PCTs) at the same facility.

In determining an appropriate unit, each unit determination must foster efficient and stable collective bargaining. *Gustave Fisher, Inc*., 256 NLRB 1069 (1981). However, the Board has also made clear that the unit sought for collective bargaining need only be an appropriate unit. Thus, the unit sought need not be the ultimate, or the only, or even the most appropriate unit. *Overnite Transp.*, 322 NLRB at 723. As a result, the Board first considers whether the unit sought in a petition is appropriate. Id. In deciding whether the unit sought in a petition is appropriate, the Board focuses on whether the employees share a "community of interest." *NLRB v. Action Automotive,* 469 U.S. 490, 494 (1985). When deciding whether a group of employees shares a community of interest, the Board considers whether the employees sought are organized into the same department; have similar skills and training; have similar job functions and perform similar 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; are commonly supervised; and have similar terms and conditions of employment. *United Operations, Inc*., 338 NLRB 123 (2002). Particularly important in considering whether the unit sought is appropriate are the organization of the facility and the utilization of skills. *Gustave Fisher, Inc*., supra at fn. 5. However, *all* relevant factors must be weighed in determining community of interest.

APPLICATION OF BOARD LAW TO THE FACTS OF THIS CASE

1. Organization of the Facility

An important consideration in any unit determination is whether the proposed unit conforms to an administrative function or grouping of an employer's operation. The Board has made clear that it will not approve of fractured units—that is, combinations of employees that are too narrow in scope or that have no rational basis. *Seaboard Marine*, 327 NLRB 556 (1999). Thus, for example, the Board would not generally approve a unit consisting of some, but not all, of an employer's production and maintenance employees. See *Check Printers, Inc.* 205 NLRB 33 (1973). However, in certain circumstances the Board will approve a unit in spite of the fact that other employees in the same administrative grouping are excluded. See *Home Depot USA,* 331 NLRB 1289, 1289 and 1291 (2000).

Here, the record establishes that all employees in the petitioned-for unit conform to an administrative grouping of the Employer's operation. The record is clear that all employees in the petitioned-for unit work at a single standalone Employer facility—Visalia Vineyard. Moreover, all employees in the petitioned-for unit, including the CCs, RNs, LVNs, PCTs, and AAs, serve a critical role in providing dialysis treatment to patients at this facility. From the first time a patient interacts with the facility to schedule treatment, through intake, treatment, and post-assessment, employees in the petitioned-for unit on both the in-center and home-based sides of the facility are the ones working with patients to complete the dialysis treatment process. There is thus a rational basis for the grouping of the petitioned-for unit. Moreover, as previously noted, the unit sought need not be the ultimate, or the only, or even the most appropriate unit, it only needs to be *an* appropriate unit. *Overnite Transp.*, supra.

Accordingly, I conclude that the petitioned-for unit conforms to an administrative grouping of the Employer's operations. This factor thus weighs in favor of a finding that the employees in the petitioned-for unit share a community of interest.

2. The Nature of Employee Functions and Skills

This factor examines whether disputed employees can be distinguished from one another based on job functions or skills. 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. Evidence that disputed employees have similar requirements to obtain employment; that they have similar job descriptions or licensure requirements; that they participate in the same Employer training programs; and/or that they use similar equipment supports a finding of similarity of skills. *Casino Aztar*, 349 NLRB 603 (2007); *J.C. Penny Company*, *Inc*., 328 NLRB 766 (1999); *Brand Precision Services*, 313 NLRB 657 (1994); *Phoenician*, 308 NLRB 826 (1992). Where there is also evidence of similar terms and conditions of employment and some functional integration, evidence of similar skills and functions can lead to a conclusion that disputed employees must be in the same unit, in spite of lack of common supervision or evidence of interchange. *Phoenician*, supra.

Here, the record reveals that all petitioned-for employees work together as a crew, which supports a finding of similarity of functions. As previously outlined, all petitioned-for employees participate directly in the provision of dialysis treatment, and they do so as a crew. The record demonstrates that the AA schedules patient treatment, greets and admits the patient when they arrive at the facility, an RN, LVN, or PCT then comes to the lobby where the AA admitted the patient and takes the patient to be weighed and set up at their dialysis chair, the PCT enters the prescription, the RN verifies the prescription and completes the pre-assessment, the RN, LVN, or PCT then administers the dialysis, the RN completes the post-assessment, the RN, LVN, or PCT then returns the patient to the lobby where the AA discharges the patient. Importantly, the CC is an RN who completes their CC responsibilities 1-2 shifts per week and then works as an RN the remaining shifts per week. The record establishes that the CC does not have a reduced patient load associated with their CC responsibilities. Thus, when the CC is completing their RN responsibilities, they are working alongside the other RNs, LVNs, PCTs, and AAs as a crew. The entire petitioned-for unit therefore works together as a crew to ensure the completion of each patient's dialysis treatment.

Regarding the similarity of skills, CCs must retain their RN license, which means that CCs and RNs have the same licensure requirements for their positions. CCs participate in the RN training, and CCs and RNs are the only two employees in the facility (unless the FA is also an RN) who can enter orders and review charts. RHM Herrera testified that on the home-based side, the CC does not need to complete any additional training beyond the training already completed to be an RN. Thus, there is a high degree of similarity of skills between the CC and RNs; indeed, they are often one in the same individual. Further evidence of similarity of skills amongst the petitioned-for unit is the fact that the disputed employees use similar equipment. Specifically, the CC, RNs, LVNs, and PCTs all use the same dialysis equipment on the treatment floor.

I therefore conclude that the similar functions and skills of the petitioned-for unit weighs in favor of a community of interest finding.

3. Degree of Functional Integration

Functional integration refers to when employees' work constitutes integral elements of an employer's production process or business. Thus, for example, functional integration exists when employees in a petitioned-for unit work on different phases of the same product or as a group provides a service. Another example of functional integration is when the Employer's workflow involves all employees in a petitioned-for 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 Systems*, 311 NLRB 766 (1993). If functional integration does not result in contact among employees in the petitioned-for unit, the existence of functional integration has less weight.

Here, the record clearly reflects functional integration between the CCs, RNs, LVNs, PCTs, and AAs at the Visalia Vineyard facility. Specifically, these employees all work as a group to provide a service—dialysis treatment. They all work on different phases of a single process of providing treatment to patients. The petitioned-for employees work together to ensure that patients receive proper treatment, and they do so by coordinating with each other regarding the type of dialysis access the patient receives, by ensuring patients are scheduled for appointments and are rescheduled after missed appointments, by administering the treatment, and by ensuring that patients have transportation to and from their appointments. All employees in the petitioned-for unit have frequent contact with one another in the facility lobby and on the treatment floor while providing dialysis treatment to patients at the facility.

Based on the above, I conclude that the petitioned-for employees, which includes the AAs and CCs, are functionally integrated. This factor therefore weighs in favor of finding that the petitioned-for employees share a community of interest.

4. Interchangeability Among Employees

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 critical 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 Resource Associates*, 301 NLRB 400, 401 (1991), citing *Spring City Knitting Co. v. NLRB*, 647 F.2d 1011, 1015 (9th Cir. 1081).

In the instant case, the record reveals evidence that there is some employee interchange between the CCs, RNs, LVNs, PCTs, and AAs. Specifically, the record demonstrates that there are some temporary transfers between the AAs/CCs and the RNs/LVNs/PCTs. For example, PCTs cover for AAs while AAs are out on break. In addition, as previously noted, the CCs retain their

RN credentials and complete RN duties in addition to CC duties on a weekly basis. This temporary transfer between the CC and RN responsibilities indicates a high degree of interchange between CCs and RNs—all CCs are RNs, and thus the interchange is so significant that the individual completing the CC responsibilities is the same person completing the RN responsibilities.

Also relevant for consideration with regard to interchangeability is whether there are permanent transfers among employees in the petitioned-for unit. Notably, however, the existence of permanent transfers is not as important as evidence of temporary interchange. *Hilton Hotel Corp*, supra. Here, there are instances of permanent transfers among employees in the petitioned-for unit. For example, the record reflects that an in-center Visalia Vineyard PCT transferred to be a home-based AA. This is not only a permanent transfer between roles, but Visalia Vineyard GFA Dewey also testified that the individual can still temporarily work as a PCT when needed. This is therefore an example of both a temporary and permanent transfer between the PCT and AA job classifications. In addition, the CC position is a promotion from the RN position. Thus, when an RN becomes a CC, this is a permanent transfer between the two positions. This permanent transfer functions in conjunction with the temporary transfers between these positions that occur weekly.

An analysis of interchangeability also requires an inquiry into work-related contact among employees, including whether they work beside one another. It is therefore important to consider the amount of contact employees in the petitioned-for unit have with one another. See, e.g, *Casino Aztar*, supra at 605-606. Here, there is a high degree of work-related contact between all employees in the petitioned-for unit. First, the evidence is clear that all employees in the petitioned-for unit work in the same area. The Visalia Vineyard facility is a single-story standalone building. Employees at the facility share a breakroom, a kitchen, a conference room, and restrooms. There is a shared hallway between the in-center side and the home-based side. There are also shared entrances and exits, and shared workspaces such as the treatment floor. While the CCs and AAs have offices, the offices are directly adjacent to the treatment floor. Moreover, the in-center CC works on the treatment floor when working as an RN, and the AA regularly goes on the treatment floor when interacting with patients to discuss appointment reminders and insurance.

Second, not only do all petitioned-for employees work in the same physical space, but the record also indicates that all petitioned-for employees interact with each other on a daily basis on patient-related matters. For example, on the in-center side, the PCTs regularly interact with the AA on patient scheduling, transportation, and dialysis access while the RNs and AA work together to ensure the team is aware of new doctors' orders. Visalia Vineyard GFA Dewey testified that there are also in-center morning huddles every morning that everyone in the petitioned-for unit attends, including the CC, RNs, LVNs, PCTs, and AA. On the home-based side, RHM Herrera testified that the home-base CC and RNs work with the AA on patient scheduling, transportation, referrals, and records, in addition to ordering supplies. Lastly, the record demonstrates that CCs provide ongoing education and training to PCTs and LVNs, and CCs sign off on RN annual skills checklists—all of which highlights interaction between the different job classifications in the petitioned-for unit. Further, the record indicates that if the home-based AA is out of office, the home-based CC or RN can ask the in-center AA for assistance, thereby not only indicating contact between the different job classifications but also between the home-based side and in-center side.

Based on the above, I find that there is a significant amount of interchangeability and contact among employees in the petitioned-for unit, which supports a community of interest finding.

5. Common Supervision

Another community of interest factor is whether the employees in dispute are commonly supervised. In examining supervision, most important is the identity of employees' supervisors who have the authority to hire, to fire or to discipline employees (or effectively recommend those actions) or to supervise the day-to-day work of employees, including rating performance, directing and assigning work, scheduling work and providing guidance on a day-to-day basis. *Executive Resources Associates*, supra at 402; *NCR Corporation*, 236 NLRB 215 (1978). Common supervision weighs in favor of placing the employees in dispute in one unit. However, the fact that two groups are commonly supervised does not mandate that they be included in the same unit, particularly where there is no evidence of interchange, contact, or functional integration. *United Operations*, supra at 125. Similarly, the fact that two groups of employees are separately supervised weighs in favor of finding against their inclusion in the same unit. However, separate supervision does not mandate separate units. *Casino Aztar*, supra at 607, fn 11. Rather, more important is the degree of interchange, contact, and functional integration. Id. at 607.

In the instant case, all petitioned-for employees are commonly supervised. The CC, RNs, LVNs, PCTs, and AA on the in-center side are all supervised by the Visalia Vineyard GFA. The record demonstrates that the Visalia Vineyard GFA has the authority to effectively recommend hiring employees, firing employees, and disciplining employees. The Visalia Vineyard GFA also has the authority to effectively recommend promotions and wage increases. Further, the Visalia Vineyard GFA supervises the day-to-day work of the petitioned-for employees, including directing and assigning work, scheduling, and providing guidance to employees. In addition, the record indicates that all petitioned-for employees on the home-based side of the Visalia Vineyard facility are commonly supervised on a day-to-day basis by the RHM, while the Visalia Vineyard GFA oversees the home-based side of the facility, and the home-based side job descriptions indicate that petitioned-for employees report to the FA. There is thus no dispute that all petitioned-for employees on the home-based side have common supervision across both the RHM and the GFA.

I therefore conclude based on the above analysis that the petitioned-for employees, which includes the CCs and AAs, have common supervision. This is yet another factor pointing toward a shared community of interest between the petitioned-for employees.

6. Terms and Conditions of Employment

Terms and conditions of employment include whether employees receive similar wage ranges and are paid in a similar fashion (for example, hourly); whether employees have the same fringe benefits; and whether employees are subject to the same work rules, disciplinary policies, and other terms of employment that might be described in an employee handbook. However, the fact that employees share common wage ranges and benefits or are subject to common work rules does not warrant a conclusion that a community of interest exists where employees are separately supervised, do not interchange, and/or work in a physically separate area. *Bradley Steel, Inc*., 342

NLRB 215 (2004); *Overnite Transp.*, supra. Similarly, sharing a common personnel system for hiring, background checks and training, as well as the same package of benefits, does not warrant a conclusion that a community of interest exists where two classifications of employees have little else in common. *American Security Corporation,* 221 NLRB 1145 (1996).

Here, the record reveals that the RNs, LVNs, and PCTs share common terms and conditions of employment with the CCs and AAs. While the record is silent as to employee wage ranges and payment type, the record is clear that petitioned-for employees all have the same fringe benefits such as medical, dental, vision, educational assistance, and retirement (the only difference in benefits being for full-time or per diem employees, not for specific job classifications). In addition, all petitioned-for employees are subject to the same Teammate Policies and Code of Conduct.

I thus conclude that the petitioned-for employees share sufficient terms and conditions of employment to weigh in favor of finding a community of interest.

Issue 2 Conclusion

Based on the above analysis, I conclude that the petitioned-for unit in the instant case shares a community of interest and is therefore appropriate for collective bargaining.

CONCLUSION

In determining that the petitioned-for single-facility unit is appropriate, and that the petitioned-for unit shares a community of interest, I have carefully considered the record evidence and weighed the various factors that bear on the determination. In particular, I rely on the high degree of local level autonomy and the lack of employee interchange, in addition to the other factors outlined above, in reaching my conclusion that the petitioned-for single-facility unit is appropriate. In reaching my conclusion that the petitioned-for unit shares a community of interest, I rely heavily on the functional integration and interchangeability of the petitioned-for unit, in addition to the common supervision and shared terms of conditions of employment.

Therefore, based upon the entire record in this matter and in accordance with the discussion above, I find and conclude as follows:

Based upon 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 the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.

3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.

4. 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.

5. 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:

Voting Group - Unit A (Professional Unit):

Included: All full-time, regular part-time, and eligible per diem Registered Nurses ICHDs, Registered Nurse PDs, Registered Nurse HHDs, Clinical Coordinator ICHDs, and Clinical Coordinator PDs, employed by the Employer at or from its 1140 S Ben Maddox Way, Visalia, California facility.

Excluded: All other employees, nonprofessional employees, float pool employees, Social Workers, Dieticians, Biomedical Services Specialists, confidential employees, guards, and supervisors as defined in the Act.

Voting Group - Unit B (Non-Professional Unit):

Included: All full-time, regular part-time, and eligible per diem Administrative Assistants, Licensed Practical Nurse ICHDs, Licensed Practical Nurse PDs, Licensed Vocational Nurse ICHDs, Licensed Vocational Nurse PDs, Patient Care Technician ICHDs, Patient Care Technician PDs, and Patient Care Technician HHDs employed by the Employer at or from its 1140 S Ben Maddox Way, Visalia, CA facility.

Excluded: All other employees, professional employees, float pool employees, Social Workers, Dieticians, Biomedical Services Specialists, confidential employees, guards, and supervisors as defined in the Act.

Also eligible to vote are all employees in Voting Groups A and B who have worked an average of four (4) or more hours per week during the 13 weeks immediately preceding the eligibility date for the election.

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 Service Employees International Union – United Healthcare Workers West.

A. Election Details

The election will be held on **Wednesday, October 8, 2025** and **Thursday, October 9, 2025,** from 11:00 a.m. to 1:00 p.m. on both days and conducted in the conference room of the Employer's facility located at 1140 S Ben Maddox, Visalia, CA 93292.

B. The Ballot

The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

Two questions shall appear on the ballot of the professional employees (Group A):

1. Do you wish to be included with nonprofessional employees in a unit for the purposes of collective bargaining? The choices on the ballot will be "Yes" or "No".

2. Do you wish to be represented for purposes of collective bargaining by Service Employees International Union - United Healthcare Workers West? The choices on the ballot will be "Yes" or "No".

The question on the ballot for the non-professional employees in Unit B will be "Do you wish to be represented for purposes of collective-bargaining by Service Employees International Union, United Healthcare Workers - West?" The choices on the ballot will be "Yes" or "No".

C. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **Saturday, September 13, 2025**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the unit on both the payroll period ending date and on the date they mail in their ballots to the Board's designated office.

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, and, in a mail ballot election, before they mail in their ballots to the Board's designated office; (2) striking employees who have been discharged for cause since the strike began 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.

D. Voter List

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names (that

employees use at work), 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 **Tuesday, September 23, 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.nlrb.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.nlrb.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.

E. 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.

The following individual will serve as the Employer's designated Notice of Election onsite representative: Michelle Dewey, Vineyard Clinic facility administrator, 1140 S Ben Maddox, Visalia, CA 93292 Email: michelle.dewey@davita.com.

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.nlrb.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.

Dated: September 19, 2025

Christy J. Kwon
Regional Director
National Labor Relations Board
Region 32
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Oakland, Ca 94612-5224