

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

J.R. Simplot Company, LLC

Employer

and

Teamsters Local 431

Petitioner

Case 32-RC-387441

DECISION AND DIRECTION OF ELECTION

For the reasons explained below, I am directing a manual election in the petitioned-for unit of all drivers.

On May 21, 2026, Teamsters Local 431 (the Petitioner) filed a representation petition under Section 9(c) of the National Labor Relations Act (the Act).^{1, 2} The Petitioner seeks to represent the full-time and regular part-time driver employees of J. R. Simplot Company, LLC (the Employer), at its facility in Helm, California (the Helm facility). An NLRB hearing officer held a hearing in this matter by videoconference beginning on June 3, 2026. The hearing officer heard testimony from the Employer's Division Administrative Manager, the Helm Facility's Distribution Center Manager, and a retail delivery driver.

The only issue presented in this case is whether the petitioned-for unit, limited to all drivers³ at the Employer's Helm, California facility, is an appropriate unit for bargaining, or whether the unit must include all of the Helm facility's employees as the Employer contends.

An NLRB hearing officer held a hearing in this matter and heard testimony from the Employer's Division Administrative Manager, the Helm Facility's Distribution Center Manager, and a retail delivery driver. The parties then filed briefs.

¹ Citations to the record are as follows: "Tr. ___" for the hearing transcript, "Board Ex. ___" for Board exhibits, and "Ex. E-___" for Employer exhibits.

² Board Ex. 1(a).

³ The parties agree that job title of "driver" includes all Class A delivery truck drivers, both year-round and seasonal, and comprises the job classifications (1) Operations Support 3 Helm SGS AB and (2) Seasonal DOT Operations Support Helm SGS AB. Board Ex. 2 ¶8.

Based on the record and relevant Board law, I find that the petitioned-for unit of drivers employed by the Employer at its Helm, California facility constitutes a readily identifiable group that shares an internal community of interest, and that the Employer has failed to meet its burden under *American Steel Construction, Inc.*, 372 NLRB No. 23 (2022) to show that any of the Helm facility’s non-driver employees share an “overwhelming” community of interest with the petitioned-for drivers. A unit limited to drivers at the Employer’s Helm facility is therefore appropriate, and I am directing a manual election in that unit.

To provide context, I begin with an overview of the Employer’s Helm facility operations, including a description of each job classification at issue. I then review the Board law on unit composition, summarize additional relevant facts, and discuss the law’s application to those facts. I conclude with a summary of my findings.

I. RELEVANT FACTS⁴

A. The Employer’s Operations⁵

The Employer is an agribusiness company. It delivers agricultural inputs to growers, such as seed, fertilizer, pesticides and insecticides, and crop protection products. Its Helm, California facility employs a mix of year-round and seasonal employees, with the seasonal employees joining during the peak agricultural season, which runs from roughly late February or early March through August.

The Helm facility consists of three main buildings. Each houses one of the facility’s three departments: Office, Distribution, and Retail.⁶

The Office Department provides clerical and administrative services to the Distribution and Retail Departments. It is housed in Building 1, which comprises a suite of administrative offices, a warehouse for storing surplus inventory, restrooms, a storage room, and break rooms.

The Distribution Department serves as a supply hub that delivers the Employer’s products to its retail locations across California. It is housed in Building 2, which comprises a warehouse where the Department’s inventory is stored, a dispatch office, and a loading dock for the Department’s trucks.

The Retail Department delivers the Employer’s products directly to retail customers within a 90-mile radius of the Helm facility. It is housed in Building 3, which comprises the Retail Department’s warehouse and a dispatch office. Building 3 also has a loading dock, but it is

⁴ Citations to the record are as follows: “Tr. ___” for the hearing transcript, “Board Ex. ___” for Board exhibits, and “Ex. E-___” for Employer exhibits.

⁵ Ex. E-1 & E-2; Tr. 13–21, 38–39, 44, 54–58, 63, 97, 113, 122, 124, 127–128, 134–135, 150, 159, 167–168, 193–194.

⁶ The Employer does not use the term “department.” Rather, it refers to the distribution and retail “sides” of the business, and to the “office workers” generally. This decision uses the term solely for the convenience of the reader.

not generally used; the department's trucks are loaded and unloaded in another area next to Building 3. Building 3 has no interior break room, but it has a trailer outside where employees can take breaks.

The Helm facility has one Distribution Center Manager, who reports to the Employer's Division Operations Manager. Reporting to the Distribution Center Manager are two Location Supervisors, one of whom supervises the Distribution Department employees and the other the Retail Department employees. The Distribution Center Manager supervises the Office Department employees directly.

The Employer's overall operations are essentially the same for both the distribution and retail sides of the business. The Employer stores its products in its warehouses. When a product order comes in, Office Department employees receive and process the order, then transmit it to the Distribution or Retail Department. That department's warehouse employees pull the products from the warehouses and load them onto the department's trucks, and the department's drivers deliver the products to the ordering store or customer.

Some of the Employer's workplace terms and conditions apply to Helm facility employees generally. For example, all Helm employees must follow the Employer's same written workplace policies. All Helm employees receive nearly the same benefits, including medical, dental, and vision insurance; a 401(k) retirement plan; and a clothing allowance for boots. The only difference is that year-round employees are also eligible for paid time off and incentive pay, while seasonal employees are not. Similarly, all Helm employees (other than some Office Department staff) must take the Employer's in-house forklift training at the time of hire, and an in-house training on hazardous materials every other year. All Helm employees must take various in-house safety trainings every one to two years.

Having described the Employer's overall operations, I now briefly describe each job classification at issue.

B. The Petitioned-For Classifications

1. Operations Support 3 (Shuttle Drivers and Retail Drivers)

Operations Support 3 employees are commercial truck drivers who work year-round. There are approximately 13 employees working in this classification.

a. Shuttle Drivers⁷

Three employees in this classification work in the Distribution Department. The Employer refers to them as "shuttle drivers." Shuttle drivers' principal function is to deliver the Employer's products from its Helm facility distribution center to its retail stores. They

⁷ Tr. 28, 35, 88, 98, 106, 113, 115–121, 123, 130–131, 161, 179–180, 194–195, 197–199.

sometimes also pick up products from other Employer locations or from manufacturers along their routes and take them back to the Helm facility. Shuttle drivers drive large commercial trucks with enclosed box trailers. They are required to hold a Class A commercial driver's license (CDL) and a hazardous materials endorsement. Shuttle drivers must wear reflective safety vests or other reflective clothing while working. Because commercial trucking is regulated by the U.S. Department of Transportation (DOT), they are subject to a host of additional work rules that are driver-specific. These include hours-of-service rules, random drug testing, and regular medical certification.

Shuttle drivers start their day when they arrive at the Helm facility and clock in. Then they go to their assigned trucks and do a pre-trip inspection. Warehouse employees have already loaded the trucks the day before, using a forklift or pallet jack. The drivers secure the loads with straps, then drive their assigned routes to the Employer's retail stores. These stores are located across California, far from the Helm facility, so shuttle drivers drive only one route per day. The routes are fixed, and the shuttle drivers rotate between them. When the drivers arrive at the destination retail store, that store's warehouse employees unload the inventory. The drivers then return to the Helm facility. Upon their return, they back their trucks up to the Building 2 loading dock, go to Building 2's shipping and receiving office, and get their paperwork ("manifest") & route assignments for the next day. Drivers then take their manifests to the warehouse workers and instruct them how to load the truck for the next day's route. Drivers stay at the Helm facility while the warehouse employees stage the next day's load, verifying that load has been staged correctly. Finally, they perform a post-trip truck inspection and clock out.

Shuttle drivers work 5 days a week, for at least 12 hours a day. On Mondays, Wednesdays, and Fridays, they start around 5:00 AM to 5:30 AM. On Tuesdays and Thursdays, they start around 4:00AM. Shuttle drivers' hours are relatively steady regardless of the season. Their starting pay ranges from \$22 to \$26 per hour.

b. Retail Drivers⁸

Ten employees in this classification work in the Retail Department. Like shuttle drivers, retail drivers are required to hold a Class A (CDL) and hazmat endorsement. Retail drivers drive large commercial trucks with open flatbed trailers. In peak season, retail drivers work Monday through Friday, plus every other Saturday; in the off-season, they do not work Saturdays.⁹ Drivers' hours also vary, ranging from between 8 and 12 hours a day depending on seasonal demand.¹⁰ Their start time is 6:00 AM.¹¹ Their wages, benefits, work rules, and uniforms are the same as those of shuttle drivers.

⁸ Tr. 29, 47–48, 194–195, 208–210, 215–216, 235.

⁹ Tr. 136–137.

¹⁰ Tr. 136.

¹¹ Tr. 135–136.

Much of a retail driver's day is like that of a shuttle driver, with a few notable differences. After arriving at the Helm facility and clocking in, retail drivers go to their assigned trucks and perform a pre-trip inspection. They make sure that the products listed on their delivery paperwork match those that are staged on their pallets, get their route assignments from the dispatch office, and ask a warehouse employee to load the pallets onto the truck with a forklift. The drivers secure the loads with straps, then drive their first delivery route of the day. Unlike shuttle drivers, retail drivers' routes change from day to day, because they are delivering directly to consumers rather than to retail stores. Retail drivers' routes are also shorter, as they only deliver to customers within about 90 miles of Helm. Moreover, they drive multiple routes a day—two or three on average, depending on the season—returning to the Helm facility after each one for a post-trip inspection, then repeating the process until the day's last route has been run.

2. Seasonal DOT Operations Support (Seasonal Retail Drivers)

There are three employees in this classification. They work in the Retail Department, and their job duties, terms, and conditions are the same as Operations Support 3 retail drivers, with a few exceptions. First, these employees work seasonally rather than year-round. Second, because they are seasonal, these employees are not eligible for paid time off or incentive pay that the year-round retail drivers enjoy.

C. The Excluded Classifications

1. Office Department

Operations Support 1 (Office Employee)¹²

There are two employees in this classification. Their primary duty is to receive and process product orders for the Distribution or Retail Departments, along with other clerical work. When a customer, salesperson, or other Employer location places an order, these employees write up the order, verify that the Helm facility has the requested inventory, and submit the order to the appropriate Shipping Receiving Coordinator. The wage rate for this classification starts at \$20 to \$22 per hour. The work hours for this classification are not in the record.

¹² Tr. 65, 157–158, 194–195.

Operations Support 2 (Retail Warehouse Lead)¹³

There is one employee in this classification. Although this classification is housed within the Office Department and reports to the Distribution Center Manager like other office workers, this employee does not have an office in Building 1 and works primarily in the Retail Department warehouse in Building 3, where he serves as a warehouse lead. This employee performs the same tasks as the other retail warehouse employees, shares the same salary grade, and presumably works similar hours. His additional duties include quality control—making sure that retail warehouse workers have pulled the correct products requested in product orders—assisting with inventory control, providing guidance to other retail warehouse employees, and performing odd jobs for the Distribution Center Manager.^{14, 15} The wages and work hours for this classification are not in the record.

Area Inventory Analyst HQ¹⁶

There is one employee in this classification. This employee's principal duty is to forecast the Helm facility's inventory needs for its retail center, making sure that the Retail Department has the right products at the right time. This classification is an exempt position under the Fair Labor Standards Act, and this employee receives a fixed salary regardless of the number of hours worked. The amount of the salary and the work hours of this classification are not in the record.

Seasonal Office Coordinator¹⁷

There is one employee in this classification. She performs clerical duties such as filing, mailing, and assisting with customer invoicing. The wage rate for this classification starts at \$20 to \$22 per hour. The work hours for this classification are not in the record.

¹³ Tr. 39–41, 62–63, 79–84, 153–155, . The Employer admits that this classification's written job description does not accurately reflect this employee's actual duties or qualifications. Tr. 83; Ex. E-3(b). For example, the job description states that this classification's duties include delivering chemicals and blending fertilizer, which this employee does not do. The job description also states that this classification requires a Class A commercial driver's license and related endorsements, which this employee does not have. Tr. 79–84.

¹⁴ The Employer acknowledges that this employee is in fact essentially an Operations Support 1 (Warehouse Worker) and claims that he is classified as an Operations Support 2 solely to identify him as a lead. Tr. 83–84. It is not clear from the record why the Employer organizes this classification under the Office Department rather than the Retail Department.

¹⁵ Witnesses were asked limited questions that bear on whether the Operations Support 2 position is a supervisory position under Section 2(11) of the Act, such as whether this classification has the power to hire, fire, assign, or discipline employees. *See* Tr. 40–41, 154–155, 189. I conclude that the answer is irrelevant because, as explained below, this classification does not share an overwhelming community of interest with the Employer's driver employees.

¹⁶ Tr. 27, 42–43, 46, 69–70; Ex. E-3(e).

¹⁷ Tr. 27–28, 41, 46; 194–195. Ex. E-3(c).

2. Distribution Department

Operations Support 1 (Warehouse Employee)¹⁸

There are two employees in this classification. This classification's principal duties include counting inventory, pulling and staging inventory for product orders, loading and unloading shuttle drivers' trucks, and verifying drivers' product manifests. The wage rate for this classification starts at \$20 to \$23 per hour. This classification works from Monday to Friday, starts work between around 6:00 AM and 7:00AM, and works between about 10 and 11 hours a day.¹⁹ The wage rate for this classification starts at \$20 to \$23 per hour.

Shipping Receiving Coordinator²⁰

There are two employees in the Distribution Department who work in this classification. One of them functions as the main dispatcher for the shuttle drivers. His responsibilities are to communicate with shuttle drivers while they are out on their routes. For example, if a shuttle driver encounters mechanical problems, traffic delays, or other issues, the driver notifies this employee, who relays the message to the destination Simplot retail store. The other employee in this classification formerly worked as the shuttle driver dispatcher, but he now functions essentially as an Operations Support 1 (Warehouse Employee), filling in as dispatcher only if the main dispatcher is out. The wage rate for this classification starts at \$20 to \$23 per hour. This classification starts work between around 6:00 AM and 7:00 AM and works about 10 hours a day.

3. Retail Department

Operations Support 1 & Seasonal Operations Support (Warehouse Employee / Seasonal Warehouse Employee)²¹

There are seven employees in the Retail Department who work in this classification: four year-round employees and three seasonal employees. Like their Distribution Department counterparts, these employees' principal duties include counting inventory, pulling and staging inventory for product orders, loading and unloading shuttle drivers' trucks, and verifying drivers' product manifests. The wage rate for this classification starts at \$20 to \$23 per hour. This classification works from Monday to Friday, starts work between around 5:45 AM, and works between about 10 and 11 hours a day.

Shipping Receiving Coordinator²²

¹⁸ Tr. 28, 33, 127–130.

¹⁹ Tr. 131.

²⁰ Tr. 28, 74, 76.

²¹ Tr. 84–86, 131, 155.

²² Tr. 30, 48, 73, 77–79.

There are three employees in the Retail Department who work in this classification: two year-round employees and one seasonal employee. One of the year-round employees serves as the Retail Department's main dispatcher. This employee also creates and distributes the retail drivers' daily routes. The other year-round employee does no dispatching work unless the main dispatcher is out. His primary function is reviewing product orders, then sending the orders to the warehouse to be picked. The seasonal employee's primary job is to type up the product orders. The wage rate for this classification starts at \$20 to \$23 per hour. The hours of the main dispatcher in this classification are not in the record. The work hours of the other two employees in this classification start between around 6:00 AM and 7:00 AM, and they work about 10 hours a day.

II. LEGAL STANDARD

When a union petitions for an election in a particular unit, the Board's inquiry begins with the petitioned-for unit. If that unit is appropriate, then the inquiry into the appropriate unit ends. A petitioned-for bargaining unit is appropriate where the requested grouping of employee classifications (1) shares an internal community of interest; (2) is readily identifiable as a group based on job classifications, departments, functions, work locations, skills, or similar factors; and (3) is sufficiently distinct. *American Steel Constr., Inc.*, 372 NLRB No. 23, slip op. at 3 (2022). Both the Board and the Supreme Court recognize that there may be more than one reasonable grouping of employee classifications that satisfies this test—and the sole inquiry is whether the proposed unit is one of those reasonable groupings. The petitioned-for unit need only be “an” appropriate unit, “not necessarily *the* single most appropriate unit.” *Id.* at 3 n.11, quoting *American Hospital Ass’n v. NLRB*, 499 U.S. 606, 610 (1991). Therefore, if the union's proposed unit meets the test, it is an appropriate unit for collective bargaining.

When a party contends that the unit is not appropriate because it excludes certain classifications of employees, it challenges the third factor noted above: that the unit is not sufficiently distinct. *See American Steel*, 372 NLRB No. 23, slip op at *6. In this situation, the Board will again apply its traditional community-of-interest factors to determine whether there is an “overwhelming community of interest” between the petitioned-for and excluded employees. *Id.* Additional employees share an overwhelming community of interest with the petitioned-for unit only when there “is no legitimate basis upon which to exclude” the employees from the larger unit because the traditional community-of-interest factors “overlap almost completely.” *Id.*, at *5, n. 28 (quoting *Blue Man Vegas, LLC. v. NLRB*, 529 F.3d 417, 421 (D.C. Cir. 2008)). Those traditional factors are:

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

Id. at *3. In addition, a petitioner's desires as to the unit is a relevant consideration. *NLRB v. Southern Metal Services*, 606 F.2d 512, 514 (5th Cir. 1979); see also *Airco, Inc.*, 273 NLRB 348, 348 fn. 1 (1984) (petitioner's desires are a relevant consideration). Finally, the burden of demonstrating the existence of an overwhelming community of interest is on the party asserting it. *Northrop Grumman Shipbuilding, Inc.*, 357 NLRB 2015, 2017 n. 8 (2011).

III. ANALYSIS

A. The Classifications Sought by Petitioner are Readily Identifiable as a Group and the Shares an Internal Community of Interest.

The driver employees in the petitioned-for unit fall under two Employer classifications: Operations Support 3 and Seasonal DOT Operations Support. As explained below, the employees in these classifications are readily identifiable and all share an internal community of interest.

First, the *American Steel* factors also show that all the drivers share internal community of interest. They all have similar skills and training, in that they must all hold a Class A commercial driver's license (CDL) and hazmat endorsement. They all work out of the same facility and have the same fundamental job function: hauling products from the Helm facility to other locations in the field. Their duties are similar, driving alone from place to place in a large commercial vehicle. And they can interchange with each other if needed.

There are differences between the working conditions of shuttle drivers and retail drivers, but they are not enough to defeat their internal community of interest. For example, shuttle drivers and retail drivers work in different departments and are supervised by different people, but they all end up reporting to the same top-level supervisor: the Distribution Center Manager. Some retail drivers only work seasonally and are ineligible for certain benefits, but their working conditions are otherwise the same as the other retail drivers. The kind of vehicle used by shuttle drivers and retail drivers differs (box trailers versus open flatbed trailers), but they are both large commercial vehicles. Shuttle drivers drive fixed routes year-round, while retail drivers' routes vary every day. Shuttle drivers leave and return to the Helm facility once a day, while retail drivers do so two or three times per day, but importantly they both leave and return from the same facility. Additionally, shuttle drivers' routes are significantly longer than retail drivers' routes, but the essential job of driving Employer's products to customers is the same. They have the same wage rate, work roughly similar hours, and are governed by the same DOT regulations. Their benefits are largely the same, with only a few benefits denied to seasonal workers. They also all wear the same uniforms. The differences among them do not outweigh these commonalities. Neither party claims that they do.

Second, the Board regularly recognizes petitioned-for driver-only units even where more than one appropriate driver unit might have been possible. *Publix Super Markets*, 343 NLRB 1023 (2004) (holding that a union may seek election in any appropriate driver-only unit). In *Home Depot*, for example, the Board overruled the Regional Director and found a driver-only unit appropriate based on their distinct terms and conditions of employment, certification

requirements, and uniforms, even where some of their coworkers' other job terms were the same.²³ And in *Mc-Mor-Han Trucking*, the Board found that a driver-only unit was appropriate for a milk-hauling company where, as here, a union sought to represent them separately, there was no bargaining history, and no labor organization sought to represent them in a broader unit.²⁴ So the Petitioner's proposed driver-only unit is supported by Board precedent.

In sum, the record evidence clearly establishes that the petitioned-for driver-only unit shares an internal community of interest, is readily identifiable as a group based on job classifications, departments, functions, work locations, skills, or similar factors, and is sufficiently distinct. Thus, I find that the first step of the inquiry points toward directing an election in the petitioned-for unit.

B. None of the Excluded Classifications Share an Overwhelming Community of Interest with the Petitioned-For Drivers.

Having established that the petitioned-for driver employees are an appropriate unit, the burden now shifts to the Employer to show that its employees in the six excluded classifications share an "overwhelming" community of interest with the drivers in the petitioned-for unit, such that it would be irrational not to include them in the unit. As shown in the following analysis of the community-of-interest factors, the Employer has not met this burden.

1. Departmental Organization and Common Supervision

Some of the excluded classifications are organized in the same departments as the drivers (Distribution and Retail) and have the same supervisors. These are: Operations Support 1 (Warehouse Employee), Seasonal Operations Support, Shipping Receiving Coordinator, and Seasonal Shipping Receiving Coordinator. Thus, this factor weighs in favor of including them with the drivers.

2. Employee Skills and Training

The drivers have starkly different skills and training than the excluded employees. Most notably, the drivers must hold a Class A CDL with a hazardous-materials endorsement as a condition of hire. The only non-driver classification that requires any prior skills or certifications at all is the Area Inventory Analyst, which requires a bachelor's degree.²⁵ This factor weighs heavily against inclusion with the drivers.

3. Job Functions and Duties

The drivers have a markedly distinct job function from the excluded employees. The drivers haul products from the Employer's Helm facility to retail stores and customers far afield.

²³ *Home Depot USA, Inc.*, 331 NLRB 1289 (2000).

²⁴ *Mc-Mor-Han Trucking Co.*, 166 NLRB 700, 701 (1967).

²⁵ See Tr. 33–35, 37–38, 42–43, 127.

None of the excluded employees do anything similar. Rather, the excluded employees are involved in preparing products to leave the Employer's facility, handling clerical matters, mapping out delivery routes, or performing dispatch duties. Thus, this factor weighs against finding that the excluded employees must be included in the unit.

These different job functions lead to predictably different work. Drivers work consists largely consists of driving alone from place to place. The excluded employees spend all their time at the Helm facility, doing things like taking and processing customer orders, moving products around warehouses using forklifts or pallet jacks, loading products onto trailers, invoicing and filing, performing dispatch duties, and planning drivers' delivery routes. The petitioned-for employees' work is therefore of an entirely different character than the excluded employees. This factor weighs against their inclusion with the drivers.

4. Frequency of Contact

Drivers have regular but limited contact with the Shipping Receiving Coordinators who serve as the main dispatcher for their respective departments.²⁶ These regular contacts are limited to receiving route information at the beginning or the end of the day. Otherwise, these employees are in contact only as needed to keep each other informed of their status, such as the completion of a scheduled delivery (which is a matter of mere routine) or to troubleshoot issues that arise on the road (which is by nature unpredictable). Drivers also have regular but limited contact with Operations Support 1 warehouse employees, and then only when the warehouse employees are loading unloading their trucks. Retail drivers have more of these interactions than shuttle drivers, because they drive two or three routes a day rather than one. But these loading and unloading interactions tend to be short, no more than about five minutes each,²⁷ so even retail drivers spend little time interacting with warehouse employees.

Nothing in the record suggests that drivers have frequent contact with any other employees, whether work-related or personal. This includes contacts that might occur due to the physical layout of the Helm facility. For example, all employees use the same parking lot near Building 1, but nothing suggests that workers in any classification have any contact there.²⁸ As another example, Building 1 and Building 3 have time clocks that all hourly employees, including drivers, are encouraged to use.²⁹ Drivers might thus theoretically have regular contact with other employees while waiting to punch in. But all employees can also clock in and out via a smartphone app, and nothing else suggests that such contacts actually happen.³⁰ Similarly, Building 1 and Building 3 have break areas that drivers are free to use, and the Distribution

²⁶ Tr. 125, 134, 144–145, 229.

²⁷ Tr. 222–223.

²⁸ Tr. 237.

²⁹ Tr. 112–113.

³⁰ Tr. 112–113.

Center Manager testified that drivers use them to take breaks and to eat lunch.³¹ Drivers might therefore theoretically interact with other employees in the break areas. However, this manager also admitted that the shuttle drivers always take their breaks and eat their lunches out in the field, away from the Helm facility.³² The retail driver who testified said that even when he is back at the Helm facility at lunchtime, he usually eats his lunch while sitting in his truck.³³ So there is no record evidence suggesting how often delivery drivers use the Helm facility break rooms—or if they frequently interact with any employees in the excluded classifications when they do. Thus, this factor weighs against including additional job classification in the bargaining unit, even the warehouse workers and dispatchers.

5. Interchange

There is little interchange between driver and non-driver employees. Non-driver employees generally cannot fill in for drivers because they lack a Class A CDL. On occasion, if a late order or an urgent order comes in and no drivers are available, a warehouse employee will transport inventory to a customer.³⁴ However, the Employer's managers admitted that it is an "unusual" occurrence that often happens only once every few weeks and is not a regular part of a warehouse employee's job.³⁵ When it does happen, the warehouse employee must use a non-commercial pickup truck and can transport only a limited amount of hazardous material.³⁶ One of the Shipping Receiving Coordinators in the Retail Department holds a Class A license and hazmat endorsement, and thus could theoretically substitute for a regular Class A driver if needed.³⁷ Yet, this has never happened.³⁸ The Employer has a program that allows non-driver employees to get CDLs, but no Helm facility employees have ever participated in this program.³⁹

Moreover, drivers rarely fill in for non-drivers. Drivers sometimes help load or unload their own trucks, but this happens only when warehouse employees are unavailable, which is "rare."⁴⁰ During peak season, drivers sometimes work in the warehouse on Saturdays, pulling customer orders alongside the warehouse employees.⁴¹ But this is an unusual occurrence, and the

³¹ Tr. 141.

³² Tr. 175.

³³ Tr. 214.

³⁴ Tr. 146–147, 223–224.

³⁵ Tr. 109, 179.

³⁶ Tr. 177–179.

³⁷ Tr. 147–148.

³⁸ Tr. 173–174, 190, 227.

³⁹ Tr. 98–100, 169–170.

⁴⁰ Tr. 215–216.

⁴¹ Tr. 202.

Employer gave no indication of the last time this happened.⁴² The record gives no examples of an employee going from being a driver to being a warehouse employee or office employee—other than a driver who tried working as a Shipping Receiving Coordinator, but who found it too stressful and went back to being a driver after less than a year.⁴³ The record does show that a driver recently filled in as a dispatcher for about three or four weeks.⁴⁴ But this specific driver is the only one who would fill in for a dispatcher, so it is not a regular part of the driver classification in general.⁴⁵ Thus, this factor also weighs against including additional classifications into the petitioned for unit of drivers.

6. Functional Integration

There is functional integration of the petitioned-for employees and the excluded employees. Most workplaces are functionally integrated in a broad sense. For community-of-interest purposes, however, functional integration exists only where employees must work together and depend on one another to accomplish their tasks.⁴⁶ The degree of employee interchange and meaningful contact between employees bears on the significance of the functional integration.⁴⁷ Here, drivers have some functional integration with the Operations Support 1 warehouse employees, because the warehouse employees load the drivers' trucks according to the drivers' specifications. The drivers also depend directly on the two Shipping Receiving Coordinators who serve as their department's main dispatcher. However, given the limited degree of meaningful contact and near total lack of interchange between drivers and these two classifications, this functional integration is not especially significant. Thus, this factor weighs is neutral or weighs slightly in favor of inclusion.

7. Terms and Conditions of Employment

The record evidence shows that, although drivers and non-drivers share broadly similar terms and conditions of employment in a few respects—such as facility-wide Employer work rules and benefits—there are also stark differences.

In terms of wages, all employees other than the Area Inventory Analyst are paid hourly and earn between \$20 and \$26 an hour. Experienced drivers can start at a significantly higher rate than new employees in the excluded classifications. Even where drivers and excluded employees earn similar wages, the similarity of wage rates alone is not determinative.⁴⁸ In terms

⁴² Tr. 202.

⁴³ Tr. 99–100, 199–200.

⁴⁴ Tr. 200–201.

⁴⁵ Tr. 203.

⁴⁶ *MV Transportation*, 373 NLRB No. 8, slip op. at 5 n. 24 (2023).

⁴⁷ *J&L Plate*, 310 NLRB 429 (1993).

⁴⁸ *DTG Operations, Inc.*, 357 NLRB 2122, 2128 (2011).

of work hours, drivers' hours are subject to government regulation, whereas none of the excluded employees' hours are. The same is true of other driver-specific government regulations, like mandatory random drug testing and regular medical certification—work policies that do not apply to any excluded classifications. Importantly, drivers spend the great majority of their working time on the road, away from the Helm facility.⁴⁹ By contrast, none of the excluded job classifications spends any working time away from the Helm facility. Similarly, none of the excluded classifications use the drivers' main tools of the trade: heavy commercial trucks. Likewise, drivers do not regularly use the tools and supplies of the excluded classifications. The Operations Support 1 (Warehouse Worker) and Operations Support 2 (Warehouse Lead) classifications regularly use forklifts and pallet jacks to pull and stage inventory and to load and unload drivers' trucks. Drivers sometimes use these tools, but only if they are loading or unloading their own trucks, which is rare and not a regular part of a driver's job. And in terms of uniforms, drivers are required to wear a reflective safety vest or other reflective clothing; none of the excluded classifications are required to do so. Each of these distinctions weighs against including the excluded classifications in the bargaining unit.

C. The Record Evidence Does Not Establish there is an Overwhelming Community of Interest of other Job Classifications with the Petitioned-For Unit of Drivers

Based on the traditional community of factors, as analyzed above, the record evidence fails to establish that the excluded job classifications “overlap almost completely” with the petitioned for drivers unit. While there is some common management and functional integration, all other factors weigh against inclusion, and some weigh heavily against inclusion. Therefore, the Employer has not met its burden to show there is such an overwhelming community of interest as to render the petitioned for unit of drivers inappropriate.

D. Conclusion on Scope of the Bargaining Unit.

Upon examining the entire record evidence in this case, I find that the Employer's driver employees (Operations Support 3 and Seasonal DOT Support) (1) share an internal community of interest; (2) is readily identifiable as a group based on job classifications, departments, functions, work locations, skills, or similar factors; and (3) is sufficiently distinct from all other job classification the Employer contends should be included. As the Board recognizes, “it is well settled that there is more than one way in which employees of a given employer may be appropriately grouped for purposes of collective bargaining.”⁵⁰

In sum, although the Employer's proposed wall-to-wall bargaining unit could be *another* appropriate unit, the Petitioner's proposed driver-only unit is *an* appropriate unit. It is sufficiently distinct from the other classifications to set the drivers apart, making it hardly “irrational” for

⁴⁹ Tr. 89, 95–97, 166, 222, 236–237.

⁵⁰ *Home Depot USA, Inc.*, 331 NLRB 1289, 1290 (2000), citing *Overnite Transp. Co.*, 322 NLRB 723 (1996).

the drivers to bargain separately over the terms and conditions of their work.⁵¹ For these reasons, I find that the petitioned-for unit of drivers does not share an overwhelming community of interest with any of the excluded classifications.

Therefore, I am directing an election as specified below.

IV. CONCLUSIONS AND FINDINGS

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 in this case.
3. The Petitioner is a labor organization which 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 voting group appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time drivers, including Operations Support 3 Helm SGS AB and Seasonal DOT Operations Support Helm SGS AB, working out of the Employer's 16429 W Kamm Ave., Helm, CA 93627 facility.

Excluded: All other employees, office clerical employees, managerial employees, professional employees, guards, and supervisors as defined by the Act.

V. 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 the Petitioner, Teamsters Local 431.

⁵¹ *American Steel*, 372 NLRB No. 23, slip op. at *6.

If a majority of valid ballots are cast for Teamsters Local 431, they will be taken to have indicated the employees' desire to be represented by Teamsters Local 431. If a majority of valid ballots are not cast for representation, they will be taken to have indicated the employees' desire to remain unrepresented.

A. Election Details

The election will be held on **Wednesday, August 5, 2026**, at the Helm facility's Building 1 conference room, located at 16429 W Kamm Ave., Helm, CA 93627 during the hours of 5:00AM to 8:00AM.

The ballots and Notice of Election shall be printed in English and Spanish.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **Sunday, July 19, 2026**, 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.

C. 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, July 28, 2026**. The list must be accompanied by a certificate of service showing service on all parties. **The Region will no longer serve the voter list.**

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

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

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

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

D. Posting of Notices of Election

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

VI. 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: July 24, 2026



Christy J. Kwon
Regional Director
National Labor Relations Board
Region 32
1301 Clay St Ste 1510N
Oakland, CA 94612-5224

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

J.R. SIMPLOT COMPANY, LLC

Employer

and

Case 32-RC-387441

TEAMSTERS LOCAL 431

Petitioner

AFFIDAVIT OF SERVICE OF: Decision and Direction of Election, dated July 24, 2026.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 24, 2026, I served the above-entitled document(s) by electronic mail, as noted below, upon the following persons, addressed to them at the following addresses:

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July 24, 2026

Date

Justin Kelly-Jones, Designated Agent of NLRB

Name

/s/ Justin Kelly-Jones

Signature