UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AUTO-CHLOR SYSTEM OF WASHINGTON, INC.
Employer

and

Case 19-RC-357182

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 46
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.[1]

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[1] The Board has exercised its discretion to review the record in this case. See Board's Rules and Regulations, Sec. 102.67(e).

In denying review, we note that the Regional Director seemingly did not apply *American Steel Construction, Inc.*, 372 NLRB No. 23 (2022), to analyze whether the excluded production classifications at issue share an "overwhelming community of interest" with the employees in the unit. See id., slip op. at 3–4. Applying that standard here, we find that the Regional Director correctly determined that the production classifications need not be included in the unit for the unit to be appropriate.

To begin, although the Employer's *ad hoc* departmental structure may not be the "clear organizational divide" the Regional Director describes, the production classifications are nevertheless organizationally distinct from the members of the directed unit. Notwithstanding occasional and voluntary assistance from other employees in the directed unit, the production classifications' duties (mixing and handling chemicals) are unique to them. Although the record reflects some regular contact between the production classifications and the employees in the directed unit, we find that the production classifications appear to be in much more regular contact with one another than with any members of the directed unit. We disagree with the Regional Director's finding that there is no employee interchange; however, as most of the interchange in the record is permanent, it is entitled to only limited weight. Similarly, although all of the employees receive on-the-job training, as the Employer does not require any specific licenses or experience for new hires, and several employees in the directed unit receive the same materials-handling training as the production classifications, the similarities in training and skills are ultimately modest. There is evidence of a high degree of functional integration and significant overlap in all employees' wages and other terms and conditions of employment.

Analyzing all of the above factors together, we find there are more than "only minimal differences" between the production classifications and the members of the directed unit and that those differences provide a "rational basis" for the Regional Director to exclude the production classifications from the directed unit. Some of the community-of-interest factors weigh in favor

JAMES R. MURPHY	CHAIRMAN
DAVID M. PROUTY,	MEMBER
SCOTT A. MAYER	MEMBER

Dated, Washington, D.C., July 20, 2026.

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of their inclusion, but many do not, which is insufficient to meet the "overwhelming" threshold of *American Steel*. See 372 NLRB No. 23, slip op. at 4. In reaching this conclusion, we do not rely on the Regional Director's statement that interchange is a "critical" factor. In this regard, we note that *Executive Resources Associates*, 301 NLRB 400, 402 (1991), cited by the Regional Director, analyzed whether a party had rebutted the presumptive appropriateness of a petitioned-for single facility unit, an issue that is not present here, and the Board in that case did not hold that interchange is "critical" as a general matter. No particular community of interest factor is entitled to greater or lesser inherent weight under the standard articulated in *American Steel*.

Chairman Murphy and Member Mayer note that they did not participate in *American Steel Construction* and express no opinion whether that case was correctly decided. They agree to apply it here for institutional reasons.

Member Mayer would grant the Employer's Request for Review because it has raised substantial questions warranting review as to the exclusion of production employees on community of interest grounds. In particular, review is warranted to determine whether the factors of shared terms and conditions of employment, functional integration, interchange, departmental organization, skills and training, contact, and supervision factors weigh, in varying degrees, in favor of finding that the excluded production employees share an overwhelming community of interest with the employees in the directed unit under the *American Steel* standard which, as noted, he applies here solely for institutional reasons. If these factors do weigh against the proposed unit, then there is a substantial question whether there is a rational basis for separating the production employees on community of interest grounds, and whether the Regional Director erred in directing an election with the petitioned-for sales and service representatives, plus the office administrator and outside sale representative, but excluding the remaining production employees.