Wheatland Electric Cooperative, Inc. *and* International Brotherhood of Electrical Workers, Local 304. Case 14–RC–351691

July 29, 2026

DECISION ON REVIEW AND ORDER

BY CHAIRMAN MURPHY AND MEMBERS PROUTY AND MAYER

The petition in this case, filed on October 1, 2024, sought a self-determination election to add three classifications—the vehicle maintenance coordinator, warehouseman, and warehouse supervisor—to an existing bargaining unit of employees of Wheatland Electrical Cooperative, Inc. (the Employer).[1] The existing bargaining unit, which the Petitioner has represented for the past 65 years, includes a diverse assortment of classifications, including area supervisors, foremen, linemen, servicemen, groundmen, truck drivers, substation maintenance, and meter technicians. The Employer argued that a self-determination election was not appropriate for the warehouse classifications because those classifications do not share a community of interest with the employees in the existing unit; the Employer did not oppose the vehicle maintenance coordinator's inclusion in the unit.[2]

The Regional Director issued a Decision and Direction of Election on October 25, 2024, concluding that none of the applicable community-of-interest factors favor allowing the warehouse classifications to join the existing unit and that a self-determination election was thus inappropriate for those classifications. The Regional Director therefore directed an election limited to the unopposed vehicle maintenance coordinator, who voted to join the unit. In accordance with Section 102.67 of the National Labor Relations Board's Rules and Regulations, the Petitioner filed a timely request for review contending that the warehouse classifications do share a community of interest with the employees in the existing unit and should have been given the opportunity to vote on whether to join the unit. The Employer did not file an opposition.

The Petitioner's request for review is granted, as it raises substantial issues warranting review. Having carefully considered the entire record, including the request for review, we find that the warehouse classifications share a community of interest with employees in the existing unit and constitute an identifiable, distinct segment of the workforce that is an appropriate voting group. Accordingly, we reverse the Regional Director and conclude that the warehouse classifications should be given the opportunity to vote on whether they wish to be included in the existing unit.

I. FACTS

The Employer is a rural electrical cooperative providing electrical service throughout southwestern Kansas. The Employer organizes its service area into seven geographic districts and maintains warehouses in districts four, five, and six (Syracuse, Garden City, and Great Bend). Each of the three warehouses serves multiple districts. Line and service crews, in turn, are assigned to one particular district; when a crew is dispatched to a worksite in its district, the crewmembers use the nearest warehouse. Districts comprise a roughly 15-mile radius from a centrally located city. As a result, a crew can usually respond to an incident within its district in less than an hour.

Line and service crews create work orders detailing the supplies and equipment they will need for a given job, transmit the work orders to the warehouse that is best situated to fill the order, retrieve the materials from the relevant warehouse before going to the specific worksite, and return any equipment and unused materials to the relevant warehouse after each job. The district managers within each of the seven districts hold a morning call with the line and service crew foremen as well as any warehouse employees within their districts; other unit employees also participate. On these daily morning calls, the employees discuss the expected jobs for the day, including the work orders that will be transmitted to each warehouse, filled by the warehouse employees, and retrieved and used by the line and service crews.

The Employer offers the same set of benefits to all its employees, and the employees work the same hours (with minor exceptions in emergencies, including power outages or damage to power lines or facilities, in which case warehouse employees and line and service crews may be called in). The wage rates for employees in the existing unit vary significantly. Wages for the journeyman lineman and journeyman substation maintenance are at the top of the scale, at $50.41 and $53.43 per hour, respectively; at the lower end of the scale are groundman ($27.73 per hour) and first-year meter technician ($27.71 per hour). The warehouseman is paid $29.97 per hour; the record

[1] At the time the petition was filed, this group consisted of one vehicle maintenance coordinator, three warehousemen, and one warehouse supervisor.

[2] The Regional Director found that the Employer did not timely serve its Statement of Position on the Petitioner and, pursuant to Sec. 102.66(d) of the Board's Rules and Regulations, precluded the Employer from raising any evidence or argument on the community-of-interest issue at the preelection hearing. The Employer has not sought review of that determination.

does not state the warehouse supervisor's precise compensation, but the evidence establishes that the warehouse supervisor is paid more than the warehouseman.[3]

The Employer's operations require a high level of interdependence between all employees. As indicated above, several classifications in the existing unit and the warehouse classifications attend the regular morning meetings discussing daily work orders. Line and service crews create work orders for specific equipment and materials that the warehouse classifications fulfill.[4] At the beginning of each workday, the line and service crews sign out their requested equipment and materials from the appropriate warehouse, and, at the end of the workday, the crews return to that warehouse to sign in their equipment and any unused materials.

Line and service crews also have a significant presence in the warehouses themselves. When line and service crews are not out in the field working on specific jobs, they are in the nearest warehouse. One witness testified that line crew members will occasionally perform preparation or maintenance tasks inside the warehouse. The employee breakrooms are also located in the warehouses, and all employees use the warehouse breakrooms.

There is no evidence that warehouse classifications who are based in different warehouses have any regular contact with each other. This is, however, also true of employees within the existing unit. For example, when not in their respective warehouses, the individual line and service crews are dispersed throughout the seven different districts and are not generally in contact with one another. In any event, the record does not indicate that the unit employees have a greater degree of contact among themselves than they do with the warehouse classifications.

II. ANALYSIS

An *Armour-Globe* self-determination election is the proper method by which a union may add unrepresented employees to an existing unit.[5] The Board will direct such an election where the petitioned-for employees share a community of interest with the unit employees and where the petitioned-for employees "constitute an identifiable, distinct segment so as to constitute an appropriate voting group." *Warner-Lambert Co.*, 298 NLRB 993, 995 (1990). The Board considers the following factors in determining whether employees share a community of interest:

> 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 [e]mployer's other employees; have frequent contact with other employees; interchange with other employees; have distinct terms and conditions of employment; and are separately supervised.

United Operations, Inc., 338 NLRB 123, 123 (2002).

Here, no party disputes the Regional Director's finding that the petitioned-for warehouse classifications constitute an identifiable, distinct segment that is an appropriate voting group; the only dispute is whether those employees share a community of interest with the unit employees. In concluding that the warehouse classifications do not share the requisite community of interest, the Regional Director found that none of the factors favor the warehouse classifications' inclusion in the existing unit. The Petitioner's request for review contends that the warehouse classifications share common terms and conditions of employment with the employees in the existing unit and display a high degree of functional integration as well as meaningful, regular contact with those employees.[6]

Contrary to the Regional Director, we conclude that the petitioned-for warehouse classifications share a community of interest with the unit employees and therefore may be appropriately included in the existing unit and should be given the opportunity to vote on whether they wish to join it.

To begin, the Regional Director's community-of-interest analysis contained two notable errors that influenced her conclusions on each of the factors at issue here. First, the Regional Director failed to apply the proper standard, instead relying on inapposite cases that applied a more stringent standard. As indicated above, the question to be answered in self-determination elections, such as the election at issue here, is whether the petitioned-for employees *may* be included in the existing unit because

[3] More specifically, nonunion job descriptions in the record use a numerical scale to identify the different wage rates, and the warehouseman's wage rate is listed as 5, while the warehouse supervisor's is listed as 8.

[4] The warehouse supervisor performs many of the warehouseman's duties, in addition to others. At least one of the warehouses is staffed solely by a warehouse supervisor.

[5] See *Armour & Co.*, 40 NLRB 1333 (1942); *Globe Machine & Stamping Co.*, 3 NLRB 294 (1937).

[6] The Petitioner's request for review does not specifically dispute the Regional Director's findings as to the skills and training, job duties, departmental organization, or supervision factors, so those factors are not at issue here. The Petitioner also raises employee interchange, but, in doing so, only contends that the Regional Director mischaracterized it as a "critical" factor. We agree that the Regional Director's citation to *Executive Resources Associates*, 301 NLRB 400, 401 (1991), is misplaced. See *Walt Disney Parks & Resorts, U.S., Inc.*, 373 NLRB No. 99, slip op. at 10 fn. 27 (2024). But based on our review of the record, the Regional Director correctly found that there is very little evidence of interchange, and there is accordingly no basis to reverse her conclusion that interchange does not favor finding a community of interest.

they share a community of interest with the unit employees. See, e.g. *Public Service Company of Colorado*, 365 NLRB 1017 (2017). The Regional Director, however, cited and relied upon cases in which the Board analyzed whether certain classifications *must* be included in a petitioned-for unit, for the reasons that their exclusion would be arbitrary due to their strong community of interest with the petitioned-for employees. See, e.g., *Casino Aztar*, 349 NLRB 603, 607 (2007). By relying on these inapposite cases, the Regional Director "gave too much weight to relatively minor differences between" the warehouse classifications and the existing-unit employees. *Walt Disney*, 373 NLRB No. 99, slip op. at 9.

Second, the Regional Director's analysis tended to focus on only one of the positions in the existing unit—the journeyman linemen—to the exclusion of other unit positions, including the truck drivers and meter technicians. In self-determination cases, the Board has made clear that, although it is not a traditional community-of-interest factor, "the diversity of the existing unit may be relevant to consider generally." *Walt Disney*, 373 NLRB No. 99, slip op. at 9; see also *Public Service Co.*, 365 NLRB at 1017 fn. 4. Here, the record contains material evidence regarding the other unit classifications, which the Regional Director also should have analyzed given the diversity of the existing unit.

Turning to the individual community-of-interest factors, we find that wages and other terms and conditions of employment, functional integration, and contact establish that the warehouse classifications in the existing unit share a community of interest with the unit employees, notwithstanding the remaining factors, which the Regional Director determined weigh against finding a community of interest.

The Regional Director acknowledged that the Employer offers the same set of benefits to all its employees, all of whom also work the same core hours. However, she found that terms and conditions of employment ultimately weigh against finding a community of interest because the collective-bargaining agreement showed that "no unit job classification earn[s] the same pay" as the warehouse classifications. In so finding, the Regional Director emphasized the difference in the warehouseman's wage ($29.97 per hour) with the journeyman lineman's wage ($50.41 per hour). But as detailed above, the warehouseman's and warehouse supervisor's wage rates are comparable to those of many unit classifications, including the groundman ($27.73), truckdriver ($32.77), and several additional classifications. As many of the unit classifications' pay is very similar, and certainly comparable, to that of the warehouse classifications, this factor favors including the warehouse classifications in the unit.

With respect to functional integration, the Regional Director found that the warehouse classifications and existing unit members "lack . . . functional integration," citing the Board's opinion in *Transerv Systems*, 311 NLRB 766 (1993). The Regional Director seemingly suggests that functional integration is demonstrated by evidence of overlapping job duties and regular contact. This is incorrect; functional integration is present where employees "must work together and depend on one another to accomplish their tasks." See *MV Transportation, Inc.*, 373 NLRB No. 8, slip op. at 7 fn. 24 (2023) (citing *WideOpenWest Illinois, LLC*, 371 NLRB No. 107, slip op. at 7 fn. 16 (2023)).[7] Applying the correct definition, the level of interdependence between the warehouse classifications and the line and service crews is textbook functional integration. As the Regional Director herself commented, "[l]inemen cannot order and receive material" and the "[w]arehousemen cannot hang or run power lines." Thus, although they are engaged in different job duties, the record shows that the respective positions must "depend on one another to accomplish their tasks." As the Board has previously stated, a work-order system in which the "petitioned-for employees' work is typically preceded by [] work orders generated by unit employees[] and [then] followed . . . by [] work performed by unit employees" reflects that there is "substantial functional integration." *Public Service Co.*, 365 NLRB at 1017 fn. 4. We therefore find that there is a high level of functional integration here that weighs strongly in favor of finding a shared community of interest.

In finding the evidence of contact to be "minimal," the Regional Director discussed two specific examples (the morning meetings and daily sign-out and sign-in process) but then concluded that the "[l]inemen spend most of their workday away from the warehouse and on the job site" and that "[a]fter picking up their job supplies, they have no further interaction" with the warehouse classifications. The record, however, contains several more instances of regular, work-related contact. The warehouse classifications have recurring contact with the linemen and other unit employees throughout the day because the line and service crews spend an appreciable amount of time in the warehouses. Relatedly, the breakrooms for all the employees working in each district are in the warehouses, and

[7] Contrary to the Regional Director, the Board in *Transerv Systems* did not hold that "[e]vidence that employees work together on the same matters, have frequent contact with one another, and perform similar functions is relevant in determining whether functional integration exists." The Board in that case merely listed the employees' overlapping job duties, contact, and functional integration as three factors that favored finding a community of interest.

all the employees steadily frequent the breakrooms alongside the warehouse employees. Finally, the Regional Director should have accorded more significance to the daily morning calls, as those calls involve the warehouse employees as well as numerous members of the existing unit beyond just the journeyman linemen, including foremen from the line and service crews and the vehicle maintenance coordinator. These facts establish that there is sufficient contact to warrant finding a community of interest. *Casino Aztar*, 349 NLRB at 605–606, on which the Regional Director relied, is not to the contrary; indeed, it is inapposite because there the Board was analyzing whether additional classifications *must* be included in a petitioned-for unit. We instead conclude that this case is analogous to *Public Service Co.*, which also concerned an *Armour-Globe* election in a rural electrical utility, and wherein the Board found that regular daily meetings and in-person consultations resulted in "frequent and substantive" contact that supported finding a community of interest. See 365 NLRB at 1017 fn. 4.[8]

In sum, applying the standard applicable to *Armour-Globe* elections and taking into account the record evidence that relates to the numerous positions contained in the existing unit, we conclude that the petitioned-for warehouse classifications share a community of interest with the unit employees. Both employee groups have the same terms and conditions of employment, receive comparable wages, are deeply functionally integrated, and maintain a sustained level of frequent and recurring work-related contact. Although no party disputes the Regional Director's conclusion that the remaining factors weigh against finding a community of interest (and we agree with the Regional Director's conclusion that interchange does not support finding a community of interest), the similarities between the warehouse classifications and the existing unit are sufficient to establish that a community of interest exists between the two groups.

Having found that the warehouse classifications share a community of interest with the existing unit, and the Regional Director having found that the warehouse classifications are an identifiable, distinct voting group, we remand this case to the Regional Director to conduct an election to determine whether the petitioned-for warehouse classifications wish to be included in the existing unit.[9]

ORDER

The Regional Director's Decision and Direction of Election is reversed. The case is remanded to the Regional Director for Region 14 for further appropriate action consistent with this Decision on Review and Order.

Dated, Washington, D.C. July 29, 2026

James R. Murphy, Chairman

David M. Prouty, Member

Scott A. Mayer, Member

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[8] We further note that, in several cases, the Board has explained that contact may be viewed in context, and a lack of regular, work-related contact between petitioned-for employees and existing-unit employees ought to be accorded less weight where "there is also infrequent contact between the [existing bargaining-unit members] in one [division] with those in another." See *Metropolitan Life Insurance Co.*, 181 NLRB 814, 819 (1970); see also *Walt Disney*, 373 NLRB No. 99, slip op at 10. Here, the Employer's workforce is distributed across a vast distance covering all of southwestern Kansas, and many of the unit employees work in the field at locations within their geographic districts. As a result, the line and service crews based in one district may rarely see or interact with those based in another, and a relatively low level of contact seems typical for many employees in the existing unit. But because the three warehouses serve all seven districts, the warehouse classifications share more regular contact with employees in the bargaining unit than other bargaining unit members. That is material here, and it further supports finding that the employee contact factor weighs in favor of finding a shared community of interest.

[9] Nothing in our decision affects the self-determination election the region already conducted for the vehicle maintenance coordinator or the December 3, 2024 certification reflecting the vehicle maintenance coordinator's vote to be included in the existing unit.