

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GREAT PACIFIC IRON WORKS
Employer

and

Case 02-RC-381600

RETAIL WHOLESALE DEPARTMENT STORE
UNION (RWDSU)
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

¹ We find that the Regional Director appropriately precluded the Employer from litigating the supervisory status of the Team Leaders at the pre-election hearing due to its failure to timely file and serve its Statement of Position pursuant to Sec. 102.66(d) of the Board's Rules and Regulations. We further find that the Regional Director appropriately directed an election in a presumptively appropriate store-wide unit at the Employer's retail establishment, excluding, among others, supervisors as defined in the Act.

Pursuant to the guidance in the Board's rulemaking establishing 102.66(d) of the Board's Rules and Regulations, the Regional Director should typically exercise their discretion to direct a hearing officer to accept evidence concerning supervisory status where the resolution of the disputed classification might significantly change the size or character of the unit. See Representation-Case Procedures, 79 Fed. Reg. 74308, 74390 (2014). Here, though, the Regional Director did not do so because, as noted, the Employer did not timely file and serve its Statement of Position. Even assuming that the Regional Director should have independently determined the Team Leaders' alleged supervisory status due to their constituting approximately 28 percent of the unit, the Employer's request for review explicitly disavows a request to set aside the election's results on that basis and instead seeks a post-election clarification of the Team Leaders' status as either supervisors or employees. But the appropriate mechanism for clarifying an existing unit is a unit clarification (UC) petition, which the Employer has yet to file. See *Kirkhill Rubber Co.*, 306 NLRB 559, 559 (1992); Casehandling Manual, Part II, Representation Proceedings, Sec. 11490.1; Sec. 11492.1. Thus, to the extent that the parties are unable to resolve the status of the Team Leaders through bargaining, the process to have the Board clarify their status must be initiated by the filing of a UC petition.

JAMES R. MURPHY, CHAIRMAN

DAVID M. PROUTY, MEMBER

SCOTT A. MAYER, MEMBER

Dated, Washington, D.C., September 22, 2026

Should the Employer choose to file such a UC petition, we note that it will not be precluded from presenting evidence and arguments concerning the Team Leaders' alleged supervisory status, despite its previously-noted failure to timely file and serve a Statement of Position in the instant RC proceeding.