

American Parts System, Inc. and Teamsters Automotive Employees, Local Union No. 78, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Petitioner. Case 20-RC-15151

February 18, 1981

### DECISION ON REVIEW AND DIRECTION

On September 30, 1980, the Acting Regional Director for Region 20 issued a Decision and Direction of Election in the above-entitled proceeding, in which he found appropriate the Petitioner's requested unit of all truckdrivers, shipping and receiving employees, and warehouse employees at the Employer's Fairfield, California, distribution center.<sup>1</sup> Thereafter, in accordance with the National Labor Relations Board Rules and Regulations, Series 8, as amended, the Employer filed a timely request for review of the Acting Regional Director's decision on the ground that he had departed from officially reported precedent in finding that the Employer's operations-center employees lacked sufficient community of interest with warehouse employees to be included in the unit found appropriate.<sup>2</sup> By telegraphic order dated October 29, 1980, the National Labor Relations Board granted the Employer's request for review.<sup>3</sup>

The Board has considered the entire record in this case with respect to the issue under review and makes the following findings:

The Employer is engaged in the storage and wholesale distribution of automobile parts and accessories. At its Fairfield, California, distribution center, it employs approximately 13 truckdrivers,

shipping and receiving clerks, and warehouse employees, and the 4 operations center employees whose unit placement is here in dispute. All these employees work in the Employer's operations department under the same general supervision, although the four operations center employees have a different immediate supervisor.

The distribution center is a rectangular facility containing a single-story warehouse that is divided into a packing area and six storage zones, with a receiving bay at the front of the building. Within the warehouse is an enclosed two-story structure, on the first floor of which are located the front entrance, the operations center, a catalog storage area, two managerial offices, and the employee restrooms. Upstairs are managerial offices a conference room, and a combination lounge and lunchroom for the use of employees. In order to reach the warehouse from the front entrance, or the restrooms from the warehouse, employees must pass through the operations center. All hourly paid personnel punch a timeclock located in the operations center, which is separated from the warehouse by a large plateglass window.

The Employer's daily distribution process begins in the operation center, where three computer operations solicit orders from the Employer's customers and enter the orders on a computer, which generates a form known as a "picking ticket." The picking ticket is then sent to the warehouse area by pneumatic tube, where it is used by warehouse employees in locating, packing, checking, and loading the ordered parts for delivery to the customer. The ticket is then returned to the operations center and the completed order posted on the computer. The operations center employees also routinely respond to customer inquiries concerning the availability of specific parts; they determine whether a part is in stock by checking the computer, by calling a warehouse employee by intercom for the information, or by entering the warehouse to make a personal investigation. Other duties of the operations center employees include packing and distributing catalog in the warehouse area, working in the warehouse when new jobbers' orders must be filled or inventory taken, and performing such warehouse duties as shelf-stocking on occasional weekends.

In addition to the three computer operators, a combination accounts payable clerk-computer operator is also employed in the operations center. The clerk-operator prepares vouchers for processing by the Employer's regional office and occasionally drives one of the delivery vans to the post office in connection with the Employer's business. Otherwise the clerk-operator performs the same duties as the computer operators, filling in for them during

<sup>1</sup> The unit found appropriate consists of "All full-time and regular part-time truck drivers, shipping and receiving employees, and warehouse employees employed by the Employer at its Fairfield, California distributing center, excluding all other employees, operations center employes, sales employees, professional employees, office clerical employees, guards and supervisors as defined in the Act."

<sup>2</sup> The Employer did not request review of the Acting Regional Director's exclusion of sales employees from the unit found appropriate.

<sup>3</sup> On October 30, 1980, an election was conducted at the Employer's facility and the ballots were impounded pending further action by the Board.

On November 18, 1980, the Petitioner filed a motion in which it requested that the Board, without further consideration of the issues involved, either grant the Employer's request that the operations center employees be included in the unit found appropriate or permit the Petitioner to stipulate to the Employer's requested unit and, therefore, die with the Employer's Request for Review as moot. On November 24, 1980, the Employer filed an opposition to the motion of Petitioner and requested that the Board proceed with full review. The Employer observed that it operates numerous facilities of the same organizational and physical structure in several States and that the inclusion of its operations center employees in units of warehouse employees, truckdrivers, and shipping and receiving employees has been an issue producing inconsistent results at the Board's regional level. We agree with the Employer that the policies of the Act are best effectuated by continuing review in this case, although our Decision here applies only to the Employer's Fairfield, California, facility. We therefore hereby deny the Petitioner's motion.

break or leave time and when the workload requires.

The record reveals that the operations center employees enter the warehouse area daily in the course of their duties. The operations center employees are in constant visual and frequent verbal contact with the warehouse employees, with whom they exchange information concerning the processing of orders and the availability of parts. Operations center and warehouse employees handle the same form essential to their respective job functions; i.e., the picking ticket. A warehouse employee works in the operations center as needed following his warehouse shift and on those occasions perform the same duties as the computer operators. Three of the four operations center employees transferred from the warehouse to their present jobs. The operations center employees often take their afternoon breaks with the warehouse employees, and the two groups punch the same timeclock, share a common wage scale, and have the same pension program and sick and vacation leave benefits.

Based upon the foregoing facts and the record as a whole,<sup>4</sup> we find that the operations center employees perform duties directly related to and integrated with the functional operation of the Employer's facility.<sup>5</sup> The operations center employees

<sup>4</sup> Member Jenkins, who would otherwise rely on *Nuturn Corporation*, 235 NLRB 1139 (1978), to uphold the Acting Regional Director's exclusion of the operations center employees from the unit found appropriate, concurs in their inclusion here solely because the Petitioner, as noted in *Tr. 3, supra*, has withdrawn its objection to the Employer's requested unit.

<sup>5</sup> See, e.g., *Sears, Roebuck and Co.*, 222 NLRB 476, 477 (1976).

have regular contact with the warehouse employees in ensuring efficient and accurate processing of orders, availability of merchandise and catalogues, and storage of parts; they work in an area directly adjacent and visible to the warehouse and share wage scales, working conditions, and fringe benefits with the employees in the unit requested by the Petitioner. Under these circumstances, we find that the disputed operations center employees share a community of interest with other distribution center employees and shall include them in the unit. We conclude, therefore, that the appropriate unit is as follows:

All full-time and regular part-time truck-driven, shipping and receiving employees, warehouse employees, and operations center employees employed by the Employer at its Fairfield, California distribution center; excluding all other employees, sales employees, professional employees, office clerical employees, guards and supervisors as defined in the Act.

#### DIRECTION

It is hereby directed that, as part of the investigation to ascertain a representative for the purposes of collective bargaining among certain employees employed by American Parts System, Inc., Fairfield, California, in the appropriate unit, the Acting Regional Director for Region 20 shall, at a date to be determined by him, open and count the impounded ballots and, thereafter, prepare and cause to be served on the parties a tally of ballots, upon the basis of which he shall take such further action as he deems appropriate.