

The Aerospace Corporation and International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, Petitioner. Case 31-RC-7654

June 30, 2000

DECISION ON REVIEW AND ORDER

BY MEMBERS FOX, LIEBMAN, AND HURTGEN

On September 1, 1998, the Regional Director for Region 31 issued a Decision and Direction of Election (relevant portions of which are attached as an appendix) finding appropriate the petitioned-for unit of maintenance employees in the facilities services section of the employer's facility department in El Segundo, California.

Thereafter, in accordance with Section 102.67 of the Board's Rules and Regulations, the Employer filed a timely request for review of the Regional Director's decision. The Employer contended, inter alia, that Board precedent mandates facility wide units in the research and development industry. By Order dated September 30, 1998, the Board granted the request for review.¹

The Board has delegated its authority in this proceeding to a three-member panel.

Having considered the entire record in this proceeding, including the Petitioner's brief on review, we affirm the Regional Director's unit determination.

The facts are set forth in detail in the appendix. Briefly, the Employer operates a research and development (R&D) facility in El Segundo, California, in support of national space programs. The Employer's two main customers are the United States Air Force and the National Reconnaissance Office. The Employer employs a total of 2500 employees at its El Segundo facility. The Petitioner seeks to represent a unit of 41 maintenance employees in the facilities services section (FSS) of the Employer's facility department. The Employer contends that the only appropriate unit is a facility wide unit consisting of 165 shop and service, technical support, and office support (plant clerical) employees. In support of its contention the Employer argues that the Board has created a per se rule that only facility wide units are appropriate in the R&D industry.² We find no merit in this contention.

In the research and development industry, the Board has considered the nature of the business—i.e., testing—to be a significant but not determinative factor in analyzing unit appropriateness. For example, in *Dynallectron Corp.*, 231 NLRB 1147 (1977), the most recent case in which the Board considered an issue of unit composition

in the R&D industry, the employer tested railroad and mass transit rail vehicles. The petitioner sought a plantwide unit of production and maintenance employees. The employer did not engage in any production in the traditional sense. Rather, as the Board observed, the "test activities which are among the major duties of all employees . . . constitute the production process itself." 231 NLRB at 1147 (footnote omitted). The only question before the Board was whether technical employees must be included in the plantwide production and maintenance unit. In assessing this question, the Board considered the nature of the Employer's business, but also relied on other factors as set forth in *Sheffield Corp.*, 134 NLRB 1101 (1961). The Board found that the technical employees not only worked alongside production and maintenance employees, but also performed closely interrelated tasks, and in some cases the same tasks, often under common supervision. Thus, "on the facts of (that) case,"³ the Board, applying a community-of-interest test and not a per se rule, included the technical employees in the production and maintenance unit.

The Board used a similar analysis in *Airesearch Mfg. Co. of Arizona*, 137 NLRB 632 (1962). There, the employer developed and manufactured units and systems for use in the aircraft and space industries. The Board held that technical employees were properly included in the production and maintenance unit sought by the union. The Board reasoned that where development is a key feature of the employer's business, the employees engaged in testing are not by reason of their duties and functions such a distinct and homogeneous group as would justify constituting a separate appropriate unit. Further, the Board, citing *Sheffield*, supra, found that testing was an integral part of the employer's production; that many of the laboratory employees had the same basic skills as those possessed by production and maintenance employees, and some performed fabrication, maintenance, and assembly work; that there was regular contact and job transfers between laboratory employees and the production and maintenance employees; and that there were similar terms and conditions of employment. For all these reasons the Board directed the inclusion of technical employees in the production and maintenance unit. Thus, the Board, while giving weight to the nature of the employer's business, again used a community-of-interest, rather than a per se test. Also supporting the use of the traditional community-of-interest test is *Monsanto Research Corp.*, 185 NLRB 137 (1970), in which the Board applied the community-of-interest test in finding appropriate the petitioned-for unit of machine shop employees employed at the employer's laboratory, which primarily performed R&D work.

Neither *Tracerlab*, 158 NLRB 667 (1966), nor *Boeing Co.*, 144 NLRB 1110 (1963), also relied on by the Em-

¹ In its Order Granting Review, the Board directed that the Regional Director's order be amended to permit the two clericals in the facilities services section to vote under challenge. Their eligibility is not before us in this proceeding.

² Although there are 2500 employees at the facility, there are various exclusions which the Employer does not contest. Thus, a facility wide unit covers 165 employees.

³ 231 NLRB at 1148.

ployer, involved the issue of whether *only* a wall-to-wall unit was appropriate in the R&D industry. In *Tracerlab*, the employer was engaged in the development and manufacture of instrumentation and in providing services related to nuclear radiation monitoring. The union sought to represent a unit of production, maintenance, and technical employees. The issue was whether certain other technical employees found in other departments should be included in the petitioned-for unit, inasmuch as it already included some of the employer's technical employees. The Board found, on the facts of that case, that they should be included. The Board did not hold that production and maintenance units must always include technical employees. *Boeing Co.*, supra, involved the issue of craft severance of electronic technicians at an employer that was engaged in both production and testing of missiles and rockets. The petition for severance was denied.

In sum, we do not agree with the Employer that the Board has formulated a special, per se rule that governs unit determinations in the R&D industry. In each of the relevant cases, the union sought a broad production and maintenance (and sometimes technical) unit, and the question before the Board was whether other employees, including some technicals, did similar work under similar terms and conditions of employment, and thus also should be included.

Here, the Petitioner seeks a narrow maintenance unit. It is Board policy to find separate maintenance department units appropriate when petitioned for in the absence of a more comprehensive bargaining history, where the factors of the case demonstrate that the maintenance employees have the requisite separate community of interest. *American Cyanamid Co.*, 131 NLRB 909 (1961). We find that the record supports the Regional Director's finding that, under a traditional community-of-interest analysis, the petitioned-for maintenance employees constitute a clearly identifiable, functionally distinct group and therefore constitute *an* appropriate unit. *Ore-Ida Foods*, 313 NLRB 1016 (1994), enf. 66 F.3d 328 (7th Cir. 1995).

ORDER

The Regional Director's Decision and Direction of Election is affirmed. This proceeding is remanded to the Regional Director for further appropriate action.

APPENDIX

DECISION AND DIRECTION OF ELECTION

....

5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: Full-time and regular part-time electricians, maintenance mechanics, auto mechanics, painters, plumbers, carpenters, dispatchers, drivers, driver/movers, heating, venti-

lation and air-conditioning technicians, maintenance coordinators, maintenance coordinators-landscape and maintenance craft specialists employed by the Employer in its Facilities Services Section at its location at 2350 East El Segundo Boulevard, El Segundo, California.

EXCLUDED: All other employees, including office clerical, professional employees, security console operators, classified destruction coordinators, guards and supervisors as defined in the Act.

The Employer is a California nonprofit corporation with a principal place of business located in El Segundo, California, where it is chartered by the Federal Government to operate a federally funded research and development center where it performs general systems engineering and integration services for military space-related programs and other programs essential to national security. The Employer annually purchases and receives in California goods and services valued in excess of \$50,000 directly from businesses located outside the State of California. Accordingly, the Employer meets both the statutory and the Board's discretionary standards for asserting jurisdiction over nonretail enterprises as well as over enterprises exerting a substantial impact on national defense. *Woods Hole Oceanographic Institution*, 143 NLRB 568 (1963); *Siemens Mailing Service*, 122 NLRB 81 (1959).

II. PROPOSED EMPLOYER UNITS

The Employer contends a facility wide unit comprised of all nonexempt, salaried employees employed under the employer groupings of office support, technical support, and shop and service constitute an appropriate unit. The Employer contends these employees comprise a functionally integrated group of employees which are all part of the process of providing the Employer's product, in this case, research, systems engineering, and testing. Within the designations of office support, technical support, and shop and service are employees from various departments and divisions within The Aerospace Corporation including general services and technology operations. The Employer contends that the following classifications of employees constitute an appropriate unit: laboratory technicians, research assistants-senior, research assistants, mechanical shops specialists, experimental machinists, input/output user service coordinators, library technicians I, II, and III, library coordinators, buyer/planner assistants, property disposal coordinators, metrology coordinators, metrology specialists, shipping/receiving coordinators, office assistants, clerks-senior, security clerks-senior, network cabling technicians, quality assurance inspectors, alarm system specialists, telecommunication specialists, engineering assistants, engineering assistants-senior, industrial illustrators-senior, photo laboratory technicians, photographers, production control coordinators-senior, database coordinators, database coordinators-senior, technical research assistants, audio-visual service technicians, audio-visual specialists, technical coordinators, computer operators, computer operators-senior, computer operators-in-charge, computer operator specialists, data communications technicians, data technicians-senior, data technicians, data technicians specialists, data technicians specialists-senior, computer interactive systems coordinators-senior, locksmiths, master locksmiths, stockkeepers, stockkeepers-senior, shipping-receiving clerks, and shipping-receiving clerks-senior, in addition to the classifications proposed by the Petitioner. The facility wide unit proposed by the Employer is:

posed by the Employer is approximately 165 employees. Alternatively, the Employer proposes a unit that is less than facility wide, but beyond the facility services section, and would include the classifications listed above who are in the warehouse, stores, shipping and receiving, machine shop, technical support services, engineering and technology, lock and key, measurement and quality assurances, electronic support services, audio/visual, photography, records retention, and property administration. It contends the petitioned-for unit is an inappropriate unit.

III. BACKGROUND

The Aerospace Corporation is engaged in the business of providing objective engineering and scientific services in support of national space programs. Its employees perform, inter alia, programming work in support of launches, readiness reviews, and field experiments. They conduct tests on space components and provide advice to Aerospace customers on the test results. Its two main customers are the United States Air Force and the National Reconnaissance Office. There are approximately 2500 employees at the El Segundo facility which is made up of a number of rented and leased buildings and adjacent Air Force buildings.

The Aerospace Corporation has both nonexempt and exempt employees (exempt from California Federal wage and overtime laws). The exempt employees are not at issue in this matter. Both the Petitioner and Employer want only nonexempt, salaried employees in the unit (with the Employer seeking a larger number included than the Petitioner). The nonexempt employees are salaried but are nonetheless eligible for overtime. Though the nonexempt employees are not paid hourly, a base hourly rate is calculated for each employee for overtime purposes. All nonexempt employees are subject to the same salary scale which includes a range of salaries and grades for each classification. All nonexempt employees have the same benefits and are subject to the same personnel policies and procedures (as to a great extent are the exempt employees). Labor relations for exempt and nonexempt employees is centralized in the human resources department. Nonexempt employees are all subject to the same progressive discipline system. Grievances are processed in the same fashion for all nonexempt employees. All employees have access to the same cafeteria and dining facilities, libraries, restrooms, and stores.

The Aerospace Corporation is made up of a number of operations. Speaking generally, under each operation is a division, under the divisions are directorates, under the directorates are departments, and under the departments are sections. Each operation, division, directorate, department, and section has someone at the upper echelon akin to a director or supervisor. The five main departments or divisions involved in the present matter are the facilities department, general services department, publications department, and technology operations and as noted, the Petitioner seeks a unit composed only of employees in the facility services section of the facilities department. The facilities department is part of the administrative operations division which reports to the chief financial officer, treasurer, and senior vice president of administration. Other departments under the administrative operations division are general services, and the publication department. Other divisions which report to the chief financial officer are the finance division, contract management division, security and safety, and corporate information resources division. Each of the divisions

has a department or directorate below it. Other sections under the facilities department are electronic support services, measurement and quality assurance, and facilities engineering and planning. The manager of facilities services reports to the head of the facilities department.

The facilities services section is organized differently than other departments or services at The Aerospace Corporation in that there are five "zones" within the section. Zones are usually comprised of several buildings at the El Segundo facility, including both The Aerospace Corporation and Air Force buildings. Within each of these zones, there are tradespersons assigned. For example (personnel numbers permitting), a mechanic, plumber, electrician, carpenter, and painter will be assigned to zone 1, a similar group to zone 2, and so on. There are situations, however, where a zone may be without one of these tradespersons or an employee of an outside contractor in the classification may be brought in. There are differences among the zones. For example, zone 1 has no labs; zone 5 has much of the vehicle maintenance. For each zone there is a zone supervisor. Under the zone supervisor is a maintenance coordinator. The coordinators report to the supervisors and the supervisors report to the facilities services section manager.

IV. POSITIONS IN PETITIONED FOR-UNIT

The Petitioner contends that a unit composed of facility service section employees (essentially a maintenance unit) constitutes an appropriate unit for bargaining. This section is one of four within the facilities department. The Petitioner contends that the positions described below should be included in the unit:

The **electricians** maintain all facets of electrical distribution, application, and repair. They ensure safe use, installation and operation of all electrical systems, machinery and emergency generators. They install, test, troubleshoot, and maintain lighting systems, electrical systems, and equipment. They modify and upgrade existing electrical circuits and perform some electrical work on heating, ventilation, and air-conditioning systems. The electricians also supply outlets including outlets hanging from the ceiling or wall (drops) to the laboratories. Drops are sometimes not changed for years. Electricians will change or move outlets upon request. They do not hook up the experiments to the electrical supply but they supply the power source to the laboratories. They may also repair wiring on machines and equipment. Their skills are acquired through specialized training or formal apprenticeship. Testimony at the hearing indicated that electricians have been advised to "keep their hands off" the scientific equipment. Electricians may also be called on to repair machine shop equipment, often with assistance of a facility services section mechanic. Electricians have little contact with the machine shop employees other than to ask what needs to be repaired.

The **maintenance mechanics** maintain and repair mechanical equipment. They perform preventive maintenance on equipment including machine shop equipment and air compressors. They respond to safety and/or hazardous situations needing repair. They assist other skilled trades people with electrical, mechanical, air-conditioning, plumbing, and carpentry repairs and/or installations. They perform preventive maintenance to building equipment and machinery. At the hearing a maintenance mechanic testified he has never aided the laboratory mechanics in performance of their job.

The **auto mechanics** maintain and repair The Aerospace Corporation vehicles, including trucks, vans, and cars. They perform state-mandated biannual smog checks. They perform complete engine jobs. They ensure vehicle safety, fuel and clean vehicles, and schedule vehicle servicing.

The **painters** maintain a professional looking work environment for the Employer. They perform routine and preventative maintenance on equipment to prevent rust and decay. They paint and refinish walls, woodwork, fixtures, and equipment within The Aerospace Corporation facilities. They also paint stripes in parking lots and color code parking spaces.

The **plumbers** install, repair and maintain plumbing systems for heating, cooling, water, and drainage systems. They install and modify process piping for buildings and equipment. They install, connect, and disconnect plumbing. They ensure that the building plumbing systems operate properly and in sanitary condition. In addition, they perform preventive maintenance on air, water, steam, gas, and drainage systems. Much like the electricians supply the electrical power to the laboratories, the plumber will “stub” out pipes for the laboratory. Their work generally ends at the point in the laboratory where the laboratory technician or research assistant attaches the equipment necessary for the experiments. Their skills are acquired through specialized training or a formal apprenticeship. Plumbers do not work on lasers, vacuum chambers, or vacuum pumps. They will supply gas and water lines to the laboratories on request. Plumbers do not work on the laboratory equipment.

The **carpenters** provide a variety of carpentry services involving repair, modification, installation and maintenance of structural woodwork, fixtures, and equipment in an assigned maintenance zone. They perform installations in carpentry fields such as fencing, doors, floor coverings, ceilings, and windows. They make crates to transport bulky equipment. They require specialized training or a formal apprenticeship.

The **dispatchers** receive and input into computers data for repair and modification requests and dispatch personnel as required. They issue company vehicles and maintain related records. They receive and process work orders for maintenance service, move requests, deliveries, and installations. They act as central communicator for various maintenance personnel. The dispatchers receive work requests from any or all Aerospace Corporation employees. Those requests are relayed to the supervisors in the facility services section zones who then assign the task or give the tasks to the maintenance coordinator to assign. One dispatcher works more with fleet vehicles; the other works more with the maintenance employees.

The **driver** drives the Employer’s interfacility and airport shuttle vehicles. He transports employees and visitors throughout The Aerospace Corporation complex and transports personnel to and from Los Angeles Airport. He acts as backup to the intercompany outside contractor shuttle driver. He also fuels the fleet vehicles.

The **driver/movers** provide support services for The Aerospace Corporation and its customers. They drive trucks and other vehicles necessary in moving personnel, equipment, and furniture throughout the facilities. They also pick up and deliver various items and equipment to on-site/off-site locations and chauffeur civilian and military VIPs as directed. The driver/movers in facility services section are generally responsible for intraoffice moves. They also deliver excess furniture to the warehouse for disposal. They use, among other things, pallets, forklifts, and trucks to accomplish their tasks. Formerly

the warehouse driver/movers were part of facility services section but they were severed from facility services about 2 years ago and are now part of materials and mail services which is part of general services. As a rule, the warehouse driver/movers and facility services section driver/movers work separately. The primary responsibility of the warehouse driver/movers is to deliver items received at the warehouse to the proper recipient. There are occasions (e.g., when there are large moves) where the facility services and warehouse driver/movers lend a hand to one another. The facility services manager testified that the occasions could vary from 5 times a week up to 10 times a year.

The **maintenance coordinators** coordinate facilities requirements with maintenance personnel, external vendors, and tradespersons to ensure that buildings meet The Aerospace Corporation standards. They coordinate and monitor assignments of facility services section employees and outside contractor janitorial personnel. They oversee the facilities and pass out work assignments. They also will engage in manual labor if necessary. There is a maintenance coordinator for each zone. They do not have the authority to discipline employees.

The **heating, ventilation, and air-conditioning technicians** (HVAC) install, repair, service and maintain air-conditioning, heating, and refrigeration equipment systems. They coordinate air-conditioning, heating and refrigeration repairs, and installations with outside contractors. They determine, by regular inspections, the need for repairs and maintenance work for heating, ventilation, refrigeration, and air-conditioning. They perform scheduled preventive maintenance, emergency service, repair, installation, and overhaul of all refrigeration equipment. In addition to working on the equipment that supplies “comfort cooling” to all of The Aerospace Corporation facilities, the HVAC technicians also are called upon to adjust and work on water chillers, closed loop cooling towers, and low temperature refrigeration units that are used in the laboratories. Some of these pieces of equipment are inside the laboratory, some are outside. According to the HVAC technician, there may be equipment installed in the laboratory that she is unaware of until it breaks down and needs repair. HVAC technicians do not work on the experimental process, they supply properly functioning equipment to enable the experiments to proceed. At the hearing, an HVAC technician testified she had been advised by management not to connect her air-conditioning drops to any scientific laboratory equipment. They often work with mechanics, plumbers, and carpenters. The air-conditioning control computer system is not supported by The Aerospace Corporation computer department. The HVAC technician said she had not worked with laboratory mechanics at all in 1998. In addition, an HVAC technician has provided relief for the dispatchers for lengthy periods of time.

The **maintenance coordinators-landscape** maintain The Aerospace Corporation grounds and leased property. They coordinate activities related to grounds landscaping conducted by outside contractors. They are in charge of the contract gardeners and oversee all external ground work.

The **maintenance craft specialists** perform highly skilled duties in one or more crafts, such as machining, plumbing, air-conditioning, carpentry, electrical maintenance, and installation. They are versatile, higher-level craftspersons. The two present maintenance craft specialists were formerly a lead electrician and a carpenter.

V. POSITIONS IN EMPLOYER'S PROPOSED UNITS

The Employer contends that the unit proposed by the Petitioner is not an appropriate unit and that the appropriate unit should include the classifications proposed by the Petitioner and the following classifications (or alternatively, some lesser number of classifications as specified above in sec. II, proposed employer unit). The following gives a generalized overview of the classifications the Employer contends should be included.

A. Laboratory Employees

The laboratory employees set up and conduct experiments. These categories of employees fall under the technology operations division of the engineering and technology group. They report to the manager of technology operations. There was no record testimony regarding any laboratory employees, nor any other employees, ever transferring into facility services.

The **laboratory technicians** support members of the technical staff (MTS) and associated technical staff (ATS) by providing technical laboratory support for various space flight, launch vehicle, and ground based projects. They maintain and operate computers and test equipment for space qualification of various instruments. In addition, among other things, they validate that equipment and instrumentation are in proper working order to acquire expected data. They design, build, set up and conduct, under direct supervision, tests on mechanical components providing documentation of tests and results.

The **research assistants-senior** provide technical support to MTS in a laboratory environment. Among other things, they assist in laboratory research, chemical analyses, testing, or waste disposal. They prepare schedules to meet timelines established with MTS and customers. They design and construct experimental hardware and test fixtures. They maintain and order laboratory equipment and supplies. They utilize computers to record, compile, and analyze data for presentation to MTS.

The **research assistants** assist MTS in development and application of laboratory and field measurements using broad practical knowledge in support of space missile systems center activities. Among other things, they support advanced research/development programs in materials, physics, chemistry, and technology.

B. Laboratory Mechanics

There are two **laboratory mechanics**. They are part of technology operations which is part of the engineering and technology group and they report to the manager of technology operations. One of the main job duties of the laboratory mechanics is to assemble and disassemble equipment for experiments. They generally work in the laboratory, alongside the laboratory technicians or research assistants. They connect the experimental equipment from the drops installed by facility services section employees or from the "stubbed out" pipes or outlets. They hook up lasers and vacuum chambers. The Employer determined that it wanted mechanics dedicated to providing service to the laboratories because facility services section mechanics were often too busy. The laboratory mechanics position was created to accommodate the laboratory personnel.

C. Machine Shop Employees

The mechanical shop specialists and experimental machinists work in the machine shop and are part of technical operations which is part of the engineering and technology group. They

report to the manager of technology operations. According to hearing testimony they interact with the laboratory personnel constantly, sometimes hourly. The machine shop employees work in close cooperation with the MTS or laboratory technicians to fabricate equipment and materials used by the research assistants, laboratory technicians, and MTS in their tests and experiments. Based upon a design or blueprint submitted, the machine shop employees fashion the necessary laboratory apparatus. The machine shop employees have their own machine shop, separate from the facility services section shop. Facility Services employees do on occasion use the machinists' machine shop, particularly the machinists' shear. Additionally, the facility services section mechanics maintain the equipment in the facility services and machinist's machines shop.

Generally speaking, the **mechanical shops specialists** machine and fabricate laboratory apparatus and flight hardware in accordance with blueprints, rough sketches, drawings, and oral instructions. They ensure dimensional accuracy and completion of job in a timely manner.

The **experimental machinists** provide complex and close tolerance fabrication of machine parts, models, assemblies, and laboratory apparatus used in research programs. They work directly from blueprints, sketches and/or verbal instructions to identify necessary materials and decide appropriate machining techniques to complete finished parts.

Three employees have transferred from the machine shop to other technology operations sections. One had been a plumber in facility services who transferred to being a machinist in technology operations. He has again transferred to another position in technology operations but the facility services manager did not know what his new position was. His hobby was being a machinist and he had machinist skills he had acquired outside the Aerospace Corporation. Another employee was a facility services mechanic who became a machinist and within the past year has become a laboratory mechanic. The other was always a machine shop machinist before transferring; he had not worked in the facilities services section.

D. Alarm System Specialists

The **alarm system specialists** are part of the electronic support services section of the facilities department. They design, install, service, and maintain electronic/electrical security, and life-safety equipment throughout the Employer's facilities. They test, troubleshoot, and repair equipment. The Aerospace Corporation has numerous alarms on everything from doors to laboratory experiments. The alarm specialists communicate on a different walkie-talkie frequency than the facility services section employees. There are limited occasions when a facility services section electrician may need to work in cooperation with the alarm specialist.

E. Telecommunications Specialists

The **telecommunications specialists** are part of the electronic support services section of the facilities department. They oversee and perform installation of telephone and data systems for the Employer. They ensure compliance with industry standards and building codes. They coordinate work efforts of outside vendors and in-house services to meet time frames of installation of data cabling and telephone systems. They maintain installation records, main point of entry (MPOE), documentation, inventory of telephone equipment, and network infrastructure documentation.

F. Metrology Employees

The metrology employees and quality assurance inspector are part of the measurement and quality assurance section of the facilities department. The **metrology specialists** test various specialized electronic equipment, systems, and instrumentation. They calibrate, modify, adjust, align, repair, and certify the accuracy of a wide variety of highly accurate precision measuring and test equipment. They also troubleshoot, repair, and maintain this equipment.

The **metrology coordinators** coordinate processing of all calibration/maintenance work in and out of the metrology laboratory. They maintain the accuracy and completeness of the metrology database.

G. Quality Assurance Inspectors

The **quality assurance inspectors** monitor the Employer's calibration and maintenance systems to assure that the quality and reliability of those systems are maintained at levels consistent with contractual requirements and customer expectations.

H. Stockkeepers

Stockkeepers are part of the material and mail services section which is part of general services. The Employer has three stores; one general and two electronic. The general store carries items generally needed for maintaining the facility such as screws, nuts, bolts, paint, and nails. The electronic stores stock electronic equipment and related tools such as soldering equipment, gloves, videotape, batteries, and assorted tools. Any Aerospace employee may utilize the stores, which are stocked by the stockkeeper. The **stockkeepers** and **stockkeepers-senior** provide service to internal/external customers, including laboratory and maintenance service staff, by maintaining supplies, equipment, and furniture necessary in performance of projects. They coordinate efforts to obtain materials to satisfy backorders and expedite delivery process when possible. They perform routine duties involving receipt, issuance, storage, and movement of items contained in stores or warehouses.

I. Shipping and Receiving Employees

The **shipping and receiving employees** are also part of material and mail services section which is part of general services. (Under general services are four organizations: mail services which is contracted out; Stores and warehousing; material control; and shipping and receiving.) The **shipping and receiving clerks-senior** and **shipping and receiving clerks** receive and process incoming goods, supplies, and equipment from various suppliers. Among other things, they process incoming shipments delivered by freight carriers, verify counts, and check for damages. They also package items such as computers, monitors, lasers, and office equipment for shipping. After receipt of the material and supplies, the material is sent to the stockkeeper for placement in the stores. Employees can either have the stockkeeper retrieve the item or, in some cases, retrieve it themselves. The stockkeepers, shipping and receiving clerks, and shipping and receiving coordinators conduct all their work in the warehouse, where the warehouse driver/movers are located.

The **shipping and receiving coordinators** assist in all activities associated with shipping and receiving. They process shipping orders, government bills, receiving documents, and hazardous incoming and outgoing packages. They work in an

office area and provide direction to the shipping and receiving clerks. They also resolve discrepancies on equipment/supplies.

J. Clerks-Senior

The **clerks-senior** work out of the material and mail services section of general services. One clerk-senior keeps track of gas cylinders delivered to the Employer. He uses a complex database to track the cylinders.

K. Locksmiths

The **locksmiths** are part of the security and safety directorate. They have a machine shop where they can repair locks and make keys. They communicate on a different walkie-talkie frequency than facility services section employees. The locksmiths work all over The Aerospace Corporation facilities and any employee can request their services. The **locksmiths-master** provide control and accountability for various key and locking systems to meet Government and The Aerospace Corporation's security standards. They plan, coordinate and implement work projects, schedules and shop functions assigned to lock and key. They repair, install, and maintain locking hardware including panic hardware, office equipment locks, and vaults.

The **locksmiths** install, repair, and maintain locks and locking devices and, cut keys by code for desks, storage file cabinets, doors, and padlocks. They rekey cylinders as needed, issue and install locksets, combination locks, padlocks, desk locks, and file cabinet locks. They set combinations for locking devices for vaults, closed/restricted areas, strong rooms, safes, and files.

L. Audio/Visual Employees

The **audio/visual employees** are part of the general services department. The **audio/visual specialists** oversee activities and operation of the video department. They plan and coordinate video productions. They provide technical direction and training to associate personnel. They produce, direct, write and edit video and multimedia programs, and plan and coordinate overall operation of video department.

The **audio/visual services technicians** provide technical support in audiovisual, multimedia, video teleconferencing (VTC), and computer-based presentation services for in-house and off-site Employer, Air Force, and contract vendor requesters. They act as projectionist, technician, scheduler and advisor for The Aerospace Corporation conference centers. There is also an audio visual clerk that the Employer contends should be included in the unit as a plant clerical.

M. Buyer/Planner Assistants

The Employer contends this is a plant clerical position. The **buyer/planner assistant** works in the warehouse and is part of general services. The person filling this position assists in maintaining appropriate levels of materials and supplies. They interface with technical/administrative staff to determine acquisition needs for assigned areas of responsibility. They analyze requests and procure defined products and services. They forecast and maintain inventory levels and initiate replenishment releases. The buyer/planner and buyer/planner-senior, with whom the assistant works, are exempt positions.

N. Office Assistants

The **office assistant**, part of the Measurement and quality assurance section of the facilities department, creates and main-

tains an internal web page with metrology information. She also maintains a data base to account for handling invoices. The record evidence was unclear whether she ever has any contact with facility services section employees. There is also an office assistant in records retention (which is in a storage area for company records) who catalogs, boxes, and archives records. An office assistant also works in the warehouse. The record does not disclose the duties of the warehouse office assistant.

O. Photography Employees

The photography employees are part of the publication services department of general services. The **photographers-senior** design and produce photographs for displays, publications, and briefings using a variety of sources, subjects, and specialized equipment. They coordinate photographic services including processing, printing, quality control, and finishing of images both in-plant and outside via contracted services.

The **photo lab technicians-senior** complete requests for photographic processing, printing, and copying. They send to outside services requests that cannot be completed in-house. They perform digital photo retouching and manipulation.

P. Illustrators Industrial-Senior

The **illustrators industrial-senior** provide computer-generated graphics for publications and briefings. This includes graphs, block diagrams, illustrations, milestones, and tables. They design, modify, and produce technical art for reports and presentations from rough draft through final production. They are in a secure complex at The Aerospace Corporation and generally support technology operations, mainly the engineers.

Q. Engineering Assistants

Engineering assistants are in data reduction, part of the computer services division which is part of the engineering group. The **engineering assistants-senior** and the **engineering assistants** both perform complex telemetry processing tasks in support of launch vehicle and satellite programs. Among other things, they set up, calibrate, and monitor highly specialized electronic equipment. They maintain corporate telemetry historical database and monitor the quality of the database products.

R. Technical Research Assistants

The **technical research assistants** are part of the engineering group and provide assistance to MTS in researching and compiling technical intelligence related to international space and missile programs. They utilize various mainframe databases to obtain highly technical information.

S. Computer service Employees

The **computer service employees** are generally part of the network systems and services subdivision and the central computing subdivision which are part of computer information resources division (CIRD). The **computer interactive systems coordinators-senior** provide customer support via telephone, electronic mail, and house calls to computer users. They determine appropriate solutions to problems or malfunctions encountered in use of software/hardware systems in scientific and business environment. They help administrative and/or technical personnel in network and computer needs.

The **data technicians-senior** provide data managing services to The Aerospace Corporation user community in capturing information, transforming data, and producing useful computer readable files. They enter diverse information and transform data into useful, computer ready files using personal computers, software, and programs.

The **data technician specialists-senior** provide data managing services to The Aerospace Corporation user community in capturing information, transforming data, and producing useful computer readable files. They assist users with complex data management requests. They schedule routine workflow. They assist supervision in direction of day-to-day efforts in ensuring operation of the data management function.

The **data technician specialists** provide data managing services to The Aerospace Corporation user community in capturing information, transforming data, and producing useful computer readable files. They perform difficult and complex tasks in creating formats and designing layouts using databases, tables, spreadsheets, work processing surveys, and text files.

The **data technicians** provide data managing services to The Aerospace Corporation user community in capturing information, transforming data, and producing useful computer readable files. They enter diverse information and transform data into useful, computer ready files using personal computers, software, and programs.

The **data communication technicians** maintain, install, and troubleshoot problems for local and wide area networks. They coordinate and install various networking and data communications equipment. They solve operational problems within networks using diagnostic test equipment and appropriate tools.

The **computer operator specialists** provide technical support to various computer systems. They operate and monitor multiple computer systems, networks, and peripherals. They provide technical support that integrates networks to mainframe and client/server platforms. They provide assistance to system programmers and client/server administrators to ensure continuous processing.

The **computer operators** provide, under general supervision, technical support for computer services. They operate and monitor mainframe systems and related peripherals. They provide assistance to system users and client/server administrators. They troubleshoot hardware and software failures, take corrective actions and/or recommend possible solutions.

The **computer operators-in-charge** operate a secure computing facility. They provide support for users in operating and maintaining classified computer systems. They monitor mainframe computer and peripheral equipment and make sure file servers are maintained in an operational status. They troubleshoot and resolve problems that occur in systems.

The **computer operators-senior** provide technical support for various computer systems and peripherals. They operate and monitor mainframe systems and related peripherals. They provide assistance to system programmers and client/server administrators. They troubleshoot hardware and software failures, take corrective actions and/or recommend possible solutions.

The **production control coordinators-senior** prepare and complete production computer runs for the Employer's administrative and financial reporting. They provide computer output reports to administrative departments. They ensure quality for information systems.

The **technical coordinators-CIRD** provide administrative and technical support to CIRD. They coordinate preparation of documentation for all business and technical projects within the division. They support large scale applications.

The **input/output user service coordinators** operate and maintain the corporate tape library system. They log and file tapes and ensure availability of scratch tapes for operators.

The **data base coordinators** perform project-oriented tasks using software to generate charts, documents, and databases for special reviews and data analyses. They provide support relating to databases. They maintain and upgrade databases, computer equipment, application software, and hardware. They design databases to link various databases and graphical objects.

The **data base coordinators-senior** administer computer systems. They maintain databases and software. They interface multiple computer systems to process data. They respond to technical and nontechnical user needs. They ensure security procedures are followed. They monitor workstations and perform routine maintenance.

T. Library Employees

The Employer contends the library technicians I, II, III, and library coordinators are plant clerical positions and should be included in the unit. The coordinator acts as the leadperson. The **library coordinators**, among other things, schedule workflow to ensure job assignments are performed efficiently and accurately. They perform administrative tasks to assist in normal operation of library functions. They act as liaison to other departments both inside and outside of library. They assist users with complicated library requests. They are in overall charge to see that the library runs smoothly.

The **library technicians I** perform routine library duties involving ordering, receiving, processing, distributing, and circulating materials. They use databases, under direction of more experienced staff, to obtain information and perform data searches. They interact with employees, contractors, military and government personnel to obtain requested information and maintain quality of on-line library databases and records.

The **library technicians II and III** perform complex library duties involving ordering, receiving, processing, distributing, and circulating materials. They use databases independently to obtain information and perform data searches. They interact with employees, management, contractors, military and government personnel to obtain requested information. All Aerospace Corporation employees have access to the library and can avail themselves of its services.

U. Property Disposal Coordinators

The Employer contends the property disposal coordinators and security clerk-senior are plant clerical positions and should be included in the unit. The **property disposal coordinators** are part of the Security and Safety Directorate. They receive government and The Aerospace Corporation surplus property, catalog and store it until ready for disposal. They also assist in an annual inventory of equipment at the Employer. The driver/movers from facility services section deliver equipment to the property disposal area.

V. Security Clerks-Senior

The **security clerks-senior** provide assistance to the property disposal coordinator. This position is also part of security and safety directorate.

W. Network Cable Technician

The **network cable technicians** are part of the Employer's electronic support services section of the facilities department. The network cable technician job entails general troubleshooting on computer hardware or software. The person in this position is "versatile."

X. Warehouse Driver/Movers

The **warehouse driver/movers** are part of the materials and mail service section. They are supervised by the head of that section who also supervises a clerk-senior and the shipping and receiving clerks. The warehouse driver/movers deliver equipment such as compressors, pumps, and filters received in the warehouse to the proper recipients at the Employer. They are principally charged with receipt and delivery of items of all sizes to and from the warehouse. Their "normal" job is to deliver packages that come to the warehouse. They are a separate division from the facility services section, are separately supervised and are located in the warehouse. Two years earlier the warehouse driver/movers were part of facilities services but the Employer decided to sever them and make them part of materials and mail service. Both the facilities services driver/movers and warehouse driver/movers use similar equipment such as dollies, pallets, and forklifts. Also both use large identical 20-ton Ford trucks. Both move large objects. The skills required for both jobs are similar. The facilities services section essentially moves furniture or equipment from office to office. As a rule the two sets of driver/movers operate independently although they do work together on larger projects or to move large equipment. The manager of the material and mail services section said the warehouse driver/movers only "occasionally" work with the facility services driver/movers. The facility services section manager said her driver/movers could work with the warehouse driver/movers from up to 5 times a week to 10 times a year. Also warehouse driver/movers may be called upon up to four times a year to help chauffeur trustees at The Aerospace Corporation.

Y. Clericals

The Employer contends that, in addition to the clerical positions previously discussed, two additional clerical positions in the facilities services section should be included in the unit as plant clericals. Both positions are under the facility services section zone 5 supervisor and thus do share the same supervision as some facility services section employees. The employee in one of these positions works at a desk outside the auto shop. She hands computer-generated work orders to the mechanics, handles petty cash for them, pays bills, and performs clerical duties in support of the facility service section supervisors.

The other clerical works in the general office for the facility services section adjacent to the office of the facilities services manager and facilities department director. She prepares releases to pay bills and monthly billings. She also does filing, correspondence, and more traditional clerical duties. The person regularly holding this position is on maternity leave and a maintenance coordinator is filling in for her, as she has on many occasions because the clerical is part time. Both the clerical and the maintenance coordinator are familiar with processing the paperwork so that the contract janitorial employees are paid.

VI. ANALYSIS

In deciding the appropriate unit, the Board first considers the Union's petition and whether the unit sought is appropriate. *P. J. Dick Contracting*, 290 NLRB 150 (1988). The Board, however, does not compel a petitioner to seek any particular appropriate unit. The Board's declared policy is to consider only whether the unit requested is an appropriate one, even though it may not be the most appropriate unit for collective bargaining. *Black & Decker Mfg. Co.*, 147 NLRB 825, 828 (1964). There is nothing in the statute which requires that the unit for bargaining be the "only" appropriate unit, or the "ultimate" unit, or the "most" appropriate unit, the Act only requires that the unit be "appropriate." *Morand Bros. Beverage Co.*, 91 NLRB 409, 418 (1950), *enfd.* on other grounds 190 F.2d 576 (7th Cir. 1951); see *Staten Island University Hospital v. NLRB*, 24 F.3d 450, 455 (2d Cir. 1994); see also *American Hospital Assn. v. NLRB*, 499 U.S. 606, 610 (1991), interpreting the language of Section 9(a) as suggesting that "employees may seek to organize 'a unit' that is 'appropriate' not necessarily the single most appropriate unit." A union is, therefore, not required to request representation in the most comprehensive or largest unit of employees of an employer unless "an appropriate unit compatible with that requested unit does not exist." *P. Ballantine & Sons*, 141 NLRB 1103, 1107 (1963); accord: *Ballentine Packing Co.*, 132 NLRB 923, 925 (1961).

Additionally, the Board has set forth a policy in *American Cynamid Co.*, 131 NLRB 909 (1961), finding that a separate maintenance department unit may be appropriate in the absence of a more comprehensive bargaining history. Thus, if a maintenance unit is composed of a distinct and homogenous group of employees with interests separate from those of the other employees, they may constitute an appropriate unit. *Ore-Ida Foods*, 313 NLRB 1016 (1994).

Based on the record and exhibits as a whole, and the relevant case law, I conclude that the facilities services section employees in the unit proposed by the Petitioner share a sufficiently distinct and separate community of interest to warrant their determination as an appropriate bargaining unit and to justify exclusion from that unit the other classifications sought by the Employer. *Harron Communications*, 308 NLRB 62 (1992); *Armco*, 271 NLRB 350 (1984); *Atlanta Hilton & Towers*, 273 NLRB 87 (1984). In reaching that conclusion, I have factored in the traditional community-of-interest criteria used in determining whether a unit is appropriate. I thus have considered, *inter alia*, the degree of functional integration, common supervision, employee skills, interchangeability, contact among employees, fringe benefits, similarities in wages, hours, benefits, and other terms and conditions of employment, and bargaining history. *Kalamazoo Paper Box Co.*, 136 NLRB 134 (1962); *Franklin Mint Corp.*, 254 NLRB 714 (1981).

A. Functional Integration

The facilities services section unit proposed by the petitioner includes an arguably functionally integrated group of employees whose overall responsibility is to maintain the actual physical "facilities" at The Aerospace Corporation, including tasks related to the preventative maintenance and upkeep of buildings, grounds, vehicles, and offices. The petitioned-for group of employees can be categorized as those employees who are charged with the responsibility to "keep up" what could be called the physical "infrastructure" at The Aerospace Corporation. By their trade skills and physical efforts the facilities

services section employees provide the necessary framework within which The Aerospace Corporation is able to perform its work. The facilities service section employees are mostly tradespersons, craftspeople. The services they provide are not involved in the actual engineering, scientific analysis, testing, and experimentation that goes on at The Aerospace Corporation. Other than supplying water, power, or refrigeration to the laboratories (as they do to all The Aerospace Corporation facilities), facilities services employees play no part in performing the Employer's main functions. Thus the electricians, plumbers, painters, carpenters, maintenance mechanics, HVAC technicians, landscape maintenance coordinator, and maintenance coordinators keep the facility's machinery operating and its buildings and grounds in top visual and mechanical order. They provide the upkeep for the buildings and offices so that the bulk of the other Aerospace Corporation employees can carry out their numerous, generally more scientifically oriented, tasks.

The electricians provide power to the labs, as they do to all The Aerospace Corporation facilities. The plumbers supply the water line hookups. Both the electrician and plumber run their wiring or pipes to the walls of the labs and then "stub out" the pipes, leaving them for the laboratory mechanics, laboratory technicians, or research assistants to connect to the experimental apparatus, tubing, or electrical components. Carpenters build crates or workbenches, repair furniture and doors. Painters repair and paint surfaces and reline the parking lot. The maintenance mechanics repair machinery, including maintaining the machine shop machinery. They do not do complex fabrication on experimental apparatus as do the machinists. HVAC technicians work on the "comfort cooling" of the entire facility plus work on water chillers, low temperature refrigeration units, and small refrigeration units. Like the work done by the electricians and plumbers, the HVAC technician provides a general hookup to which those persons who conduct the experiment actually hookup the experimental equipment.

The auto mechanics, drivers and dispatchers, keep the Employer's fleet of vehicles including trucks, vans, and cars, properly maintained and operational. The facilities services driver/movers utilize the vehicles maintained by the auto mechanics and physically move office equipment and furniture from office to office. Within the various trades people in facilities services, the dispatchers are part of the fully integrated process of keeping the facilities running. Work requests are channeled through the dispatchers who prepare work orders for assignment to the trades. The dispatchers also requisition vehicles and wash them. A driver drives The Aerospace Corporation intercompany van and airport shuttle van. Working in conjunction with both the dispatchers and the facilities services section employees is the maintenance coordinator who generally oversees the tradespeople, passes on work orders to the employees and offers his or her physical assistance when a task requires it. Acting as a "jack of all trades" within the facility services section is the maintenance craft specialist. Facility services section employees are not part of the process of or involved in engineering, scientific analysis, testing, and experimentation as are numerous other categories of employees sought by the Employer for inclusion in the unit. The facility services section is a functionally integrated, separate, and distinct section of The Aerospace Corporation.

In contrast, the vast majority of the classifications in the units proposed by the Employer share no discernible commu-

nity of interest with facilities services (other than centralized labor relations and shared personnel policies). As will be discussed *infra*, most of the classifications' only contact with anyone in the facility services section is if they make a request for service or repair. Even in those circumstances, the requester and the facility services section employee may never come into contact.

B. Common Supervision

The facilities service section employees are separately supervised from all other Aerospace Corporation employees at both the first supervisor level and at the manager level.

C. Employee Skills

The majority of the employees in the units proposed by the Employer do not possess skills akin to those of employees in the facility services section. There are however, certain groups of employees, particularly the driver/movers in warehouse, the laboratory mechanics, the machinists, the alarm system specialists, the telecommunications specialist, and the network cabling technicians who arguably have similar skills to employees in the petitioned-for unit.

As noted, the warehouse driver/movers move things as do the facilities services driver/movers. However, to a great extent what facilities services moves (offices versus dispensing goods from the warehouse) and where they are located (facility services versus warehouse) argues against finding a community of interest. The warehouse employees and facilities services employees are parts of different sections of the Employer and under different supervision. The groups were severed from each other by the Employer. While this classification is the arguably closest one sought by the Employer to be included in the petitioned for unit, I conclude that their community of interest is not sufficient to include them. The contact and sporadic assistance between the warehouse driver/movers and facility services section driver/ movers arguably reflects more a "spirit of cooperation or civility" than any overlap of job functions. *Ore-Ida Foods*, *supra*; *Omni International Hotel*, 283 NLRB 475 (1987). To some extent the warehouse driver/movers interests would seem to be more aligned with those of the shipping/receiving department and not facilities services section. Additionally, I do not include the warehouse driver/movers with facility services section as it would act to fragment a well-defined and cohesive unit and, according to the record, the warehouse driver/movers' interests are more aligned with the other warehouse employees.

The record evidence indicates that the laboratory mechanics do the actual hookup of the equipment used in the experiments from the point in the wall where the facilities services section tradesperson had stubbed out the equipment. They are much more integrated into the laboratory and experimental process than the facility services section mechanics. The laboratory mechanics work essentially shoulder to shoulder with the laboratory technicians and research assistants and work almost exclusively in the laboratories. Such cannot be said about the maintenance mechanics. Most of the maintenance mechanics' work is performed outside the laboratory and they are not involved in the process of the experiment. Testimony from an HVAC technician and maintenance mechanic indicated that the facilities services section employees have been advised not to touch any experiments in the laboratories. The maintenance mechanics work anywhere at the facility where work needs to be performed. In addition, the laboratory mechanics are part of

technology operations (*a/k/a* laboratory operations). They are in a separate section from the maintenance mechanics, and are in a different division. They are separately supervised. Thus while the laboratory mechanics and maintenance mechanics often use similar tools, the nature of the work they are performing differs substantially. As noted, the facilities services section essentially provides generalized maintenance of the entire facility. The laboratory technicians provide a much more specialized service to the persons conducting the experiments. I conclude that the laboratory mechanics do not share a sufficient community of interest to be included in the petitioned-for unit.

The Employer also contends that the machinists share a sufficient community of interest to be included in the petitioned-for unit. As an initial matter, machinists are in a different division than the facility services section. They are separately supervised. The hearing testimony established that the machinists support the laboratory by fashioning and fabricating the often sophisticated apparatus used for experiments. Thus they work from a drawing or blueprint that an MTS or laboratory technician draws up for a piece of equipment or apparatus that they would like fashioned for their experiment. The machinist works directly with the laboratory technician or MTS in making the specialized item. There are a facilities services section machine shop and another machine shop, the one used by the machinists. The facilities services machine shop has almost the same machines as the nonfacilities services shop, although the nonfacilities services machine shop has a larger shear. Record testimony indicates that the maintenance mechanics may occasionally do machine shop work but of a much less sophisticated type than that done by the machinists. Thus, while the machinists work from a drawing or blueprint to make a prototype or some sort of component, the maintenance mechanic may find it necessary to fashion a castor or bracket. The level of skills required differs substantially. The machinists are far more involved with the laboratory technicians, MTS or research assistants, than are the facilities services section employees. On occasion the facilities services section may ask the machinists to make them a piece of equipment or fix something. I conclude that the machinists do not share a sufficient community of interest such that they should be included in the unit.

The alarm systems specialist is mainly responsible for keeping the Employer's alarm systems, including gas, fire, and laboratory, operating. There was some limited testimony that the alarm systems specialist may need to work with an electrician "weekly." The alarm systems specialist receives the bulk of his work orders from the security console operators (an excluded category of employees). The security console operators sit at a console and observe screens to detect if the Employer's security is being breached. The security console operators are part of the security control center which is part of the safety directorate. In order to work on the security alarms, the alarm systems specialist needs a special clearance. He spends the vast majority of his time working alone. Thus, while the alarm systems specialist does work on wiring and may on occasion work with an electrician, the nature of his work is substantially different than the facilities service section electricians. He works exclusively on alarm systems. His job requires a special clearance. There was no record evidence that the electricians or other facility services employees need similar clearances. He is separately supervised and is in a separate section of the Employer from Facility Services. He receives the majority of his work assignments from the security console operators and not facility

services section dispatchers. Based on the above, and the difference in the nature of the jobs and the limited interchange between facility service section employees and the alarm systems specialist, I conclude the position should not be included in the petitioned-for unit.

The telecommunications specialist is generally charged with responsibility for maintaining the Employer's telephone system. To accomplish that goal he coordinates the work of a large staff of outside contractors. He may be called upon to personally repair or change telephone wiring. Often the telephone switch rooms and switch boxes are next to or in the vicinity of the electrical equipment cabinets and thus the telecommunications specialist may find it necessary to coordinate a job with a zone supervisor to ensure that what he is doing does not interfere with the work of someone else. The telecommunications specialist position requires specialized knowledge and training in telecommunications technology. The telecommunications specialist is often sent to specialized courses to supplement his knowledge and experience. I conclude that the telecommunications specialist, while he does work with wiring, as do the electricians, nevertheless should not be included in the unit found appropriate. The position requires specialized knowledge and training in telecommunications. He is separately supervised and in a separate section of the company. He generally works with outside contractors and only occasionally with Facility Services employees. I find that this position does not possess a substantial enough community of interest to be included in the petitioned-for unit.

The network cabling technician is mainly involved in working on computers. He was described on the record as a "troubleshooter." He diagnoses, and if possible repairs, problems with employee personal computers. In the course of his job he may be called upon to, among other things, replace a circuit board or repair a computer/printer cable connection. He has access to the entire facility. He is listed as a "research assistant" in the Aerospace Corporation computer database but it was determined he was more properly defined as the network cabling technician. He, like the alarm systems specialist and the telecommunications specialist, are under the supervision of the electronic support services section manager. I conclude that the network cabling technician shares virtually no community of interest with the facility services section employees and thus I find he should not be included in the unit found appropriate.

D. Interchangeability of Employees

There is virtually no interchangeability among the employees in the petitioned-for unit and the units proposed by the Employer. The classifications proposed for unit inclusion by the Employer have never transferred, permanently or temporarily, into the facility services section. There is record evidence of two permanent transfers of former facility services section employees to laboratory operations positions over an unspecified period of time. One of the employees went from plumber to machinist and then to laboratory operations. Another became a laboratory mechanic. Such a nominal number of transfers does not indicate a substantial community of interest. In addition, it is well established that permanent transfers weigh less heavily than temporary interchange in assessing the community of interest shared by maintenance and production employees. *Franklin Mint Corp.*, supra. Here there has been no temporary interchange of employees other than an HVAC technician and maintenance coordinator who replace a dispatcher now and

then, and a maintenance coordinator who fills in for an office clerical on occasion (discussed infra).

E. Contact Among Employees

The contact between the facility services section employees and most of the employees in the Employer's proposed units is either nonexistent or merely involves a request for a repair. It is the same sort of contact the facility services employees would have with management at The Aerospace Corporation. Otherwise, as discussed above, there is "minimal" contact between most employees at The Aerospace Corporation and facility services employees. *Montgomery Ward & Co.*, 230 NLRB 366 (1977); *Mobay Chemical Corp.*, 225 NLRB 1159 (1976).

F. Wages, Hours, Fringe Benefits, and Working Conditions

As noted, labor relations is centralized at The Aerospace Corporation and the nonexempt employees share the same integrated wage scale and fringe benefits. The nonexempt employees are subject to the same rules and regulations and progressive discipline system. Facility services section employees have a 30-minute lunchbreak as opposed to the 45 minutes provided to most other employees (there are some nonexempt employees outside Facility Services, for example the machinists and some computer operators, who also have 30 minutes). Generally, facility services section employees also end their shifts 15 minutes before the majority of other nonexempt employees.

G. Bargaining History

There is no bargaining history regarding the petitioned-for unit or the units the Employer seeks. There is a union at The Aerospace Corporation, Aerospace Professional Staff Association, which represents a number of the professional employees.

In support of its position, the Employer relies principally on *Dynalectron Corp.*, 231 NLRB 1147 (1977). *Dynalectron* is not controlling in the present situation in my view. As noted by the Board, *Dynalectron* was a "unique" situation. Additionally, I do not read it to mandate a facility wide unit in all testing facilities. As an initial matter, while the facts in *Dynalectron* were not extensively developed on the record, the instant matter does distinguish itself from *Dynalectron*. Thus, there was a much higher degree of functional integration in *Dynalectron* than is present at The Aerospace Corporation. In *Dynalectron*, the facilities people worked in a much closer, more direct fashion with the technical employees. For example, in *Dynalectron*, the photographer was an integral part of the testing process in determining why trains puncture. Additionally, the Board concluded in *Dynalectron* that the technical and the other employees shared, among other things, similarity of skills and jobs, and in many instances, common supervision. The same cannot be said in the present case. The facilities services section has separate supervision, both at the zone level and manager level from any other sections or departments at The Aerospace Corporation. Additionally, and more importantly, there are as noted, substantial numbers of employees in the units proposed by the Employer who share virtually no job skills or interaction of any kind with the employees in the petitioned-for unit. For example, the metrology employees, audio/visual employees, engineering assistants, and numerous other categories of employees, have no discernible community of interest with the facilities services employees (other than the above-discussed shared labor relations and personnel policies). They may conceivably never cross each others paths unless there is

some sort of equipment failure or remodel or they need furniture moved or to use a corporate vehicle. This contact would constitute the same level of contact facility services employees might well have with the vice president of the company should his air-conditioning stop working. Indeed, much of the contact the Employer is trying to establish as some sort of interrelationship of operations is no more than maintenance repairing some faulty piece of equipment and the sort of personal interchange that accompanies those sort of dealings. So too, the facilities services section employees fail to share any discernible community of interest with the employees performing computer services or data entry. Again, aside from the fact the employees may use computers, there is no community of interest. The only contact either group of employees may ever have is if one of the computer employees repair a facility services computer or facility services does some sort of building or machine repair for computer services. Such tangential contact does not suffice as establishing a community of interest. As to the warehouse employees, all Aerospace Corporation employees utilize the stores. Indeed, the units as proposed by the Employer pluck here and there from various divisions, departments, and sections of the Employer based on seemingly arbitrary criteria. I thus conclude that the employees in the unit requested by Petitioner possess a sufficiently separate common of interest to entitle them to separate representation, notwithstanding their centralized labor relations and resultant common conditions of employment.

As previously noted, the Employer seeks to have a certain number of employees included in its proposed units as plant clericals. In examining whether an employee should be included in a maintenance unit such as this one versus an office clerical unit, the Board considers community of interest. *F. & M. Schaefer Brewing Co.*, 198 NLRB 323 (1972). The employees that the Employer seeks to include as plant clericals including, among others, the library technicians I, II and III, library coordinator, buyer/planner assistant, office assistants, clerks-senior, property disposal coordinator and security clerk-senior, as has been generally discussed, lack a community of interest with the facilities services section employees. They fail to share nearly all the criteria looked at to determine community of interest including similar skills, common supervision, functional integration, interchangeability and contact. I thus conclude that the employees noted above lack a sufficient community of interest to be included in the unit found appropriate.

With particularity as to the two clerical employees in the facility services section, the Employer contends their clerical duties are in the nature of production work performed in conjunction with other employees and that they share a substantial community of interest with the other petitioned-for employees.

The Petitioner contends the two employees are not plant clericals. Petitioner contends the clerical located near the auto shop (Burns) merely prints out work orders initiated by someone else. The orders are then given to a supervisor for distribution or put in the auto mechanics' boxes or on occasion handed to the mechanics. Thus this clerical has little interaction with

the employees and does not need to seek information from them as a rule. According to the Petitioner, the fact she distributes petty cash is insufficient to make her a plant clerical. *Fun Connection & Juice Time*, 302 NLRB 740, 758 (1991). As to the clerical located by the manager's office, Kaneshiro, the Petitioner contends she has virtually no contact with facility services employees other than the occasions when she performs part of the job of another. According to the Petitioner, the bulk of her time is spent on office clerical work.

Based on the evidence at the hearing I cannot conclude that either Burns or Kaneshiro share a substantial enough community of interest with the facility services section employees to be included in the petitioned-for unit. The minimal interface that Burns may have with the auto mechanics as she performs her other clerical duties does not provide the requisite community of interest. So too in Kaneshiro's case, though there is some "filling in" to process janitorial paperwork (concerning an outside contractor) done by Wade for Kaneshiro and vice versa, that is insufficient to establish a substantial enough community of interest to include Kaneshiro in the petitioned-for unit. Both Burns and Kaneshiro's interests appear to be more closely aligned with the office clericals, an excluded category of employees. *Dunham's Athleisure Corp.*, 311 NLRB 175 (1993); *J. Ray McDermott & Co.*, 240 NLRB 864 (1979); cf. *Hamilton Halter Co.*, 270 NLRB 331 (1984). Thus, I conclude that Burns and Kaneshiro are not included in the unit found appropriate.

At the hearing the parties initially stipulated that the appropriate unit here would include, at a minimum, the classifications sought by the Petitioner including "mechanics." As the hearing progressed, and it became clearer that "mechanics" could include both facility services section (maintenance) mechanics and laboratory mechanics, the Petitioner sought to and was permitted by the hearing officer to alter the stipulation and amend the petition to exclude laboratory mechanics. The Employer objected at the hearing and has objected in its post-hearing brief. I conclude that it was permissible for the Petitioner to amend its petition, even if there had been a stipulation. The Employer was not foreclosed from presenting its position and evidence on the laboratory mechanics so I do not see that it has been prejudiced.

At the hearing a job posting for a maintenance craft assistant position was submitted into evidence. From the job description on the posting it would appear that the maintenance craft assistant should be part of the petitioned-for unit. However, in the absence of anything but the posting, and because the position has never been filled, I conclude that there is insufficient evidence to make a determination on whether that position should be included or excluded in the petitioned-for unit. Accordingly, should this position be filled, the person holding this position shall vote subject to challenge.

VII. CONCLUSION

I conclude that the unit proposed by the Petitioner is an appropriate unit for collective bargaining.

There are about 41 employees in the unit found appropriate.