

Yuengling Brewing Company of Tampa, Inc. and International Union of Operating Engineers Local 925, AFL-CIO, Petitioner and International Brotherhood of Teamsters Local 79, AFL-CIO, CLC. Cases 12-RC-8469 and 12-RC-8470

April 9, 2001

DECISION ON REVIEW AND ORDER

BY CHAIRMAN TRUESDALE AND MEMBERS
LIEBMAN AND WALSH

On March 29, 2000, the Regional Director for Region 12 issued a Decision, Order, and Direction of Election (pertinent portions are attached as an appendix). The Regional Director found that the separate production unit sought by the Teamsters is not appropriate for bargaining, and that the separate maintenance unit sought by the Operating Engineers is also not appropriate. Instead, the Regional Director found, in agreement with the Employer, that a unit composed of all production and maintenance employees employed at the Employer's facility in Tampa, Florida, is the only appropriate unit for bargaining.¹

Thereafter, in accordance with Section 102.67 of the National Labor Relations Board Rules and Regulations, the Operating Engineers filed a timely request for review of the Regional Director's Decision.² The Operating Engineers contends that a separate maintenance unit is an appropriate unit for bargaining, noting factors such as separate supervision and departmental structure, higher skill level and wage scale, and lack of interchange. The Operating Engineers contends that the Regional Director erred in finding that there is no relevant bargaining history to consider, and claims that its representation of maintenance employees in a separate unit for over 30 years with the Employer's predecessors warrants finding a separate unit appropriate in this case. On April 26, 2000, the Board granted Operating Engineers' request for review.

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

Upon careful consideration of the entire record, we find, contrary to the Regional Director, that the petitioned-for maintenance unit is *an* appropriate unit for bargaining.

The Employer is engaged in the business of brewing, packaging, and shipping of malt beverage products. The Employer commenced its operations in August 1999, after purchasing the facility from the Stroh Brewery

Company (Stroh), which ceased operations in January 1999. The Employer's warehousing, brewing, and packaging activity is located within a main building. The powerhouse, a one-story building, is located in a separate building several feet apart from the main building. With the exception of the powerhouse engineers, who are exclusively assigned to the powerhouse, all employees are assigned to the main building.

The Employer employs 14 production employees and 11 maintenance employees. The Employer mainly operates with only one shift, 5 days a week. The powerhouse, however, is a 24-hour, 7-day operation. Three operational managers oversee the Employer's day-to-day operations. John Houseman, the brewmaster, is responsible for overseeing the brewing function and supervises four production employees. Martin Cooke, the packaging manager, supervises the other 10 production employees who are employed in the warehousing and packaging function. Bud Hardcastle is in charge of overall maintenance, and primarily supervises the two electricians, four machinists, and five powerhouse employees.

It is the Board's longstanding policy, as set forth in *American Cyanamid Co.*, 131 NLRB 909 (1961), to find petitioned-for separate maintenance department units appropriate when the facts of the case demonstrate the absence of a more comprehensive bargaining history and the maintenance employees have the requisite community of interest. In determining whether a sufficient community of interest exists, the Board examines such factors as mutuality of interests in wages, hours, and other working conditions; commonality of supervision; degree of skill and common functions; frequency of contact and interchange with other employees; and functional integration. *Ore-Ida Foods*, 313 NLRB 1016, 1019 (1994); *Franklin Mint Corp.*, 254 NLRB 714, 716 (1981).

In the instant case, we find that the petitioned-for maintenance unit at the Employer's brewery constitutes a distinct and cohesive grouping of employees appropriate for collective-bargaining purposes. Contrary to the Regional Director, we find that the evidence does not establish common supervision between production and maintenance employees. Operation Manager Bud Hardcastle, who is in charge of overall maintenance, including mechanical, electrical, and powerhouse, supervises all of the maintenance employees. Although the Regional Director found that the two other operational managers may supervise the work of maintenance employees when they perform work in the production departments, the record does not show what this supervision consists of, or that any direction provided by these supervisors is more than routine identification of machines that need repair. There

¹ The Teamsters was willing to proceed to an election in any unit found appropriate. Thus, the Regional Director directed an election in Case 12-RC-8470.

² The Teamsters did not file a request for review.

is no evidence that the two other operational managers have disciplined or effectively recommended discipline of the maintenance employees, or that they have exercised any other indicia of statutory supervisory authority with respect to the maintenance employees. Under these circumstances, we find that the evidence does not establish common supervision. See *Lawson Mardon U.S.A.*, 332 NLRB No. 122, slip op. at 5 (2000); *Ore-Ida Foods*, 313 NLRB 1016, 1018, 1019 (1994).

Further, the mechanics, electricians, and powerhouse engineers are more highly skilled than the production employees. Operational Manager John Houseman testified that when the Employer took over, the Employer hired fairly experienced, skilled maintenance employees from the predecessor employer. Houseman testified that the electricians are electricians by trade and provide their own work belts, and that the mechanics are required to provide their own tools. The job description requires that the powerhouse operating engineers be licensed. Maintenance machinist Ron Forstrom testified that he is certified in welding, and also has “paperwork” in “cutting and stuff of that nature.” The maintenance employees’ higher skill level is reflected in the higher pay scale for maintenance employees.³

Further, there is no permanent interchange between production and maintenance employees. Although the production and maintenance employees perform some overlapping unskilled functions, there is little evidence of temporary interchange. A maintenance employee may, on occasion, relieve a production employee during a break. However, when a production employee is absent, another production employee will replace that employee. Similarly, when a maintenance employee is absent, another maintenance employee will fill in for the absent employee.

In finding that only a combined production and maintenance unit is appropriate for bargaining, the Regional Director relied on the significant degree of interaction among the production and maintenance employees, as well as overlapping job functions. We note, however, that the five powerhouse employees, almost one-half of the petitioned-for maintenance unit, have little contact with production employees. Although the two electricians and four machinists spend most of their time on the production floor and have a significant degree of interaction with production employees, we find that this factor by itself is not sufficient to negate the appropriateness of

³ The Employer has three different pay classifications. All employees within each classification receive the same rate of pay. Production employees earn \$14.40 an hour; machinists and electricians earn \$15.40 an hour; and powerhouse employees earn \$15.90 an hour.

a separate maintenance unit. See *Ore-Ida Foods*, supra at 1018, 1019–1020; *Capri Sun*, 330 NLRB 1124 (2000).

Further, as noted above, the overlapping functions performed by production and maintenance employees involve unskilled work. For example, the production and maintenance employees cooperate to get the production line started and to complete production at the end of the day. Maintenance employees may lend a hand to take glass out of the drop pack, help on the palletizer, and pull bottles and cans out of the pasteurizer. Production employees perform minor electrical and mechanical work, and provide assistance to maintenance employees, such as jogging a machine or helping to get it lined up, when repairing production equipment or performing special projects.⁴ The maintenance employees, however, perform all major repairs. The Board has found that this type of overlap and “lending a hand” does not require the inclusion of production employees in a maintenance unit, since this work is unskilled and peripheral to the regular repair work performed by the maintenance employees. *Ore-Ida Foods*, supra at 1020; *Capri Sun*, supra.

In addition, contrary to the Regional Director, we find that the bargaining history favors a separate maintenance unit. The Operating Engineers represented maintenance employees in a separate unit and bargained with the Employer’s predecessors from 1958 until Stroh ceased doing business in Tampa on January 30, 1999.⁵ Although the Petitioners made no claim at the hearing that the Employer is Stroh’s successor, and this issue was not litigated, the record shows that the Employer continued the same business as its predecessor and bought all of the equipment. Significantly, the majority of employees hired by the Employer, as well as the plant manager, were former employees of Stroh. We therefore find that the bargaining history favors a finding that the petitioned-for maintenance unit is appropriate for bargaining.⁶

In sum, the maintenance employees are separately supervised and have a higher skill level than the production employees. They are paid a higher wage. There is no permanent interchange between the production and maintenance employees, and the temporary interchange is

⁴ Houseman guessed that production employees spend five percent of their time performing functions outside of their production job as needed.

⁵ The Operating Engineers did not represent the electricians. The electricians were represented by Local 108 of the International Brotherhood of Electrical Workers for over 20 years.

⁶ The Operating Engineers argues in its request for review that the Employer “is effectively a successor employer and obligated to acknowledge the maintenance employees as a separate unit.” We find it unnecessary to pass on the issue of whether the Employer is a successor to Stroh, as this issue is not presented in this representation proceeding.

minimal. The powerhouse employees, almost one-half of the petitioned-for unit, have minimal contact with production employees. Further, the maintenance duties performed by production employees are minor and routine, and require lesser skills. In addition, the bargaining history favors finding that the petitioned-for maintenance unit is a separate appropriate unit. Based on the foregoing, we find that the petitioned-for maintenance unit is an appropriate unit for bargaining.

Accordingly, the Regional Director's Decision, Order, and Direction of Election is reversed with respect to the finding that a separate maintenance unit is not an appropriate unit for bargaining.

ORDER

The Regional Director's Decision, Order, and Direction of Election is reversed with respect to her finding that a separate unit of maintenance employees is not an appropriate unit for bargaining. The case is remanded to the Regional Director for further appropriate action.

APPENDIX

DECISION, ORDER, AND DIRECTION OF ELECTION

Positions of the Parties

At the hearing, the Petitioner in Case 12-RC-8469 (Petitioner Teamsters), amended the petition to seek a bargaining unit consisting of all production workers—job code 103, employed by the Employer at its Tampa, Florida facility. The Petitioner in Case 12-RC-8470 (Petitioner Operating Engineers), amended the petition to seek a bargaining unit consisting of all maintenance workers/electricians—job code 101, maintenance workers/machinists—job code 102, and maintenance workers/powerhouse engineers—job code 104, employed by the Employer at its Tampa, Florida facility. The Employer urges a wall-to-wall unit consisting of all of the aforementioned classifications. While Petitioner Teamsters seeks to represent only the production workers, it is willing to proceed to an election if the unit it seeks to represent is deemed inappropriate and an alternate unit is found to be appropriate. Petitioner Operating Engineers, on the other hand, is not willing to proceed to an election if the unit it seeks to represent is deemed inappropriate and an alternate unit is found to be appropriate.

The Employer employs 14 production workers, 2 maintenance worker/electricians (electricians), 4 maintenance worker/machinists (machinists), and 5 maintenance worker/powerhouse engineers (powerhouse engineers).¹

Management Function

The Employer's day-to-day operation is essentially run by three operational managers who share many of the same re-

¹ The term "maintenance employees" will be used hereinafter to refer to the electricians, machinists, and powerhouse employees collectively.

sponsibilities.² All three operational managers report directly to Jim Helmke, the vice president of operations of D.G. Yuengling & Sons, Inc.,³ located in Pottsville, Pennsylvania. Each of these managers is primarily responsible for supervising certain employees. John Houseman (Houseman), the brewmaster, is responsible for overseeing the brewing function, including brewing maintenance and quality control, and primarily supervises four production workers. The other 10 production employees are employed in the warehousing and packaging function and are primarily supervised by Martin Cooke (Cooke), the packaging manager. Cooke is responsible for supervising the packaging operations, including packaging maintenance and packaging quality control. In charge of overall maintenance, both mechanical and electrical, and the powerhouse, is Bud Hardcastle (Hardcastle) who primarily supervises the electricians, machinists and powerhouse employees. The parties stipulated that Houseman, Cooke, and Hardcastle are 2(11) supervisors.

Employer's Operations, Production Process, and Degree of Functional Integration

The Employer commenced its operations in August 1999, after purchasing the facility from the Stroh Brewery Company (Stroh),⁴ which ceased its operations in January 1999. The Employer's warehousing, brewing, and packaging activity is located within a main building. The powerhouse, a one-story building, is located in a separate building several feet apart from the main building. With the exception of the powerhouse engineers, who are exclusively assigned to the powerhouse, all employees are assigned to the main building.

The Employer's production work is divided into two separate functions, brewing and packaging. Both of these functions are located on the first floor of the main building. The Employer's brewing function is conducted on five different floors located within the main building. After the brewing process ends, the product is sent to a packaging release cellar tank and then to packaging where it is put in various containers such as bottles, cans, or kegs. The product then goes into a pasteurizer vat, then into a packer, and finally into a palletizer. From there the product is either placed on the floor or direct-line loaded on trucks for shipping.

The Employer introduced new equipment after purchasing the facility from Stroh to accomplish its packaging function which included a 12-pack-can machine, a 12-pack-bottle ma-

² The parties stipulated that the position of "plant manager," although currently unfilled, is that of a 2(11) supervisor. In addition, the parties also stipulated that Carolyn Goodwin, in "administration," and Linda Roubos, the comptroller, are to be excluded from any unit found appropriate.

³ Although D.G. Yuengling & Sons, Inc., hereinafter referred to as the Pottsville facility, and the Employer are separate corporate entities, they share identical corporate directors and officers. The parties stipulated that Jim Helmke is employed by D.G. Yuengling & Sons, Inc. and is not employed by the Employer.

⁴ Petitioner Teamsters was the collective-bargaining representative of Stroh's production employees and Petitioner Operating Engineers was the collective-bargaining representative of Stroh's maintenance employees, except for electricians who were represented by Local 108 of the International Brotherhood of Electrical Workers.

chine, and a bulk glass depal. It has also added improvements such as a new keg line, a new water treatment system, and a new water cooling system.

The Employer operates for the most part with only one shift, 5 days a week. The powerhouse, however, is a 24 hour, 7-day operation. Maintenance employees will report to work anywhere between 4 and 7 a.m. while production employees report to work between 4 and 5 a.m. The facility shuts down whenever the day's production is completed, generally around 5 p.m.

During the brewing process, Houseman testified that apart from the production employees who are engaged in brewing, an electrician must be present. The production line, started at the beginning of the day, requires both production and maintenance employees to get the line running. In addition, on a daily basis, maintenance employees assist the production employees at the end of the day on the production line and in packaging to ensure the completion of the production work. Houseman testified that at least one mechanic and one electrician remain at the facility until the production line shuts down. These maintenance employees engage in tasks which involve removing bottles from the pasteurizer or helping with the packer. A machinist testified that he will spend up to an hour at the end of the day in helping to close down the production line.

Houseman testified that it is common for maintenance employees to help on the production line to assist in "whatever needs to get done." This work involves taking glass out of the drop pack, helping on the palletizer, and pulling bottles or cans out of the pasteurizer. There have been other specific times when maintenance employees have been called on to assist production employees. For example, Houseman testified to a recent situation where the bulk glass depal was not running and several maintenance and production employees worked together to repair the machine. He stated that in that situation an electrician was running the machine, a task normally handled by a production employee. In June 1999 production workers were called on to assist in maintenance work by tearing out two palletizers and burning and demolishing certain equipment.

When a piece of equipment on the production line goes down, the production employee will stay with the maintenance employee to assist him in repairing the machine. A machinist testified that he works together with production employees to work out problems. For example, he stated that many times he needs the production employee to jog the machine or get it lined up.

Employees from one classification will seek out the assistance of an employee from another classification when necessary without being required to go through any immediate supervisor. For example, a production employee testified that when he needs electrical or mechanical assistance he will go directly to an electrician or machinist to advise him of the problem. A machinist testified that four out of five times he will be asked directly by a production employee for assistance on a mechanical problem.

Supervision

Although the operational managers are primarily responsible for supervising certain employees, they are directly responsible for supervising the work of other employees when those other

employees are performing work in their departments. For example, Houseman, primarily responsible for overseeing the work of the production employees in brewing, will supervise the work of electricians when they are performing electrical work in the brewery. Also, for example, a mechanic performing mechanical work in packaging will report to Cooke even though he is primarily supervised by Hardcastle.

Houseman testified that all maintenance employees, including the powerhouse employees, work for all three supervisors. He stated that even though work assignments are usually made through the primary supervisor, all three supervisors may at their own discretion use the services of any maintenance employee. Houseman stated that when he needs a maintenance employee he will notify Supervisor Hardcastle who will in turn send him a maintenance employee depending on the particular problem. On a daily basis, Houseman supervises the work of a powerhouse employee because that employee is used to start and stop making plainer water, heat water for brewing, setup schedules for brewing, and make deliveries of carbon dioxide.

Production and Maintenance Work

The Employer's job description for production employees reads as follows: Operate high-speed packaging equipment, forklifts, brewing process equipment/controls, and perform any other duties as required. The Employer's job description for electricians reads as follows: Good knowledge of PLCs, wire/troubleshoot 480 VAC3 phase motor control centers, install/troubleshoot analog instrument loops, perform other duties as required. The Employer's job description for machinists reads as follows: Perform maintenance/repair work to high-speed packaging/brewing process equipment, perform milling, lathe and welding work, operate production equipment, perform other duties as required. The Employer's job description for powerhouse engineers reads as follows: Licensed powerhouse operating engineer, NH₃ & glycol refrigeration experience, steam generation, water treatment, compressed air systems, CO₂ collection, mechanical/electrical work as needed. Houseman testified that when employees were interviewed for a particular job classification, they were specifically informed that they were expected to do "whatever was necessary to get the job done." He said that the applicants were told they would perform other duties, other than those described for their specific job classification, on a routine basis.

A production employee assigned to brewing testified that he performs maintenance and electrical work often. He testified that his former employer, Stroh, prohibited such activity. For example, he stated that he helps the powerhouse engineers by controlling the temperature in the cellars. He will turn on the refrigeration units for them and will also change pumps. Electrically, he changes fuses and resets breakers. He stated that he maintains a set of basic hand tools, such as wrenches, sockets, screwdrivers, pipe and Allen wrenches, to perform minor repairs.

Houseman testified that maintenance employees are cross-training production employees to perform preventive maintenance. He stated, for example, that the production employees, both in brewing and packaging, lube and oil their own equipment.

The production employees in brewing are responsible for the entire brewing process, which includes brewing, fermenting, and filtering the beer. Houseman testified that these employees perform the brewing function most of the time with about five percent of their worktime dedicated to general maintenance and other production functions such as helping to get the production line running in the morning.

The electricians have a small electrical shop located next to the packaging area from where they monitor the brewing and processing equipment. The room has its own entrance. The electricians also use the room as a workshop to make small repairs. For larger repairs they use the machine shop which is located next to the electrical shop. The electricians spend only about five percent of their worktime in the electrical shop. They spend the rest of their worktime in the production area.

The machinists have a mechanical shop which they use to perform major repairs. This work area is shared by the production workers on occasion. When the machinists are not working in the shop they are working in the production area repairing machinery. Houseman testified that about 80 percent of the machinists' worktime is spent in the production area, unless they are working on a special project. When working in the production area, the machinists work right next to the production employees.

The powerhouse engineers generally work in the powerhouse. However, when the powerhouse is down on the weekends, the powerhouse engineers are given other maintenance duties to perform.

There has been no permanent interchange of employees between the maintenance and production classifications. Although powerhouse engineers do other mechanical work on the weekends, no other employees other than the powerhouse employees are qualified to perform powerhouse work. A production employee cannot fill in for a mechanic or for an electrician. As far as filling in for production employees, there is a designated relief production employee who does the relieving on the production line and in brewing when necessary.

Other Working Conditions

The Employer has no written policy and procedure manual. All employees, salaried and hourly, receive the same fringe benefits which include a 401(k) plan and an insurance plan. The same holidays are recognized in all areas of the Employer's operations. All employees are entitled to vacation based on an allotment formula which is the same for all employees. Other benefits include bereavement, long-term disability, and health insurance. Paychecks for all employees are distributed weekly on Wednesdays. The Employer also has a safety program which rewards employees with free lunch at the facility and a free case of beer for each employee for every month in which there is no lost time due to accidents.

All employees enter the building through the same front entrance. Both production and maintenance employees share the same lunchroom. They place their meals in a refrigerator located in the lunchroom. Houseman testified that both production and maintenance employees share the lunchroom at the same time, especially before the workday begins, during breaks and during lunchtime. The production and maintenance em-

ployees share the same locker room located in the main building. Although the powerhouse has a locker room of its own, those locker rooms are used mainly by the powerhouse employees for the storage of their tools. None of the employees wear uniforms, nor do they wear any identification. All employees carry a basic badge which is used to get into the building.

The Employer has three different pay classifications. All employees within each classification receive the same rate of pay. Production employees earn \$14.40 an hour, machinists and electricians earn \$15.40 an hour, and powerhouse employees earn \$15.90 an hour. There is no timeclock at the Employer's facility. Employees report their time based on an honor system by recording their time on a timesheet located in the lunchroom. The timesheet is the same for all production and maintenance employees. Checks are issued locally for all hourly employees. Employees receive their paychecks from their immediate supervisor; production employees receive their checks from Houseman or Cooke, and the maintenance employees from Hardcastle.

Analysis

As noted above, Petitioner Teamsters seeks to represent a bargaining unit consisting only of all production employees employed at the Employer's facility located in Tampa, Florida. Petitioner Operating Engineers seeks to represent a bargaining unit consisting only of all maintenance employees, which includes maintenance worker/electricians, maintenance worker/machinists, and maintenance worker/powerhouse engineers. The Employer argues that the only unit appropriate for bargaining is a wall-to-wall unit comprised of all of the aforementioned classifications.

It is well established that the Act does not require the Board to approve the most appropriate or comprehensive unit, but simply an appropriate unit. *Executive Resources Associates*, 301 NLRB 400, 401 (1991); *Morand Bros. Beverage Co.*, 91 NLRB 409 (1950), *enfd.* 190 F.2d 576 (7th Cir. 1951); *Gateway Equipment Co.*, 303 NLRB 340 (1991). To constitute a separate appropriate unit, the Board requires that the petitioned-for employees comprise a readily identifiable group whose "similarity of function and skills create a community of interest such as would warrant separate representation." *American Cyanamid Co.*, 131 NLRB 909, 910 (1961); *Harrish's Illinois Corp.*, 319 NLRB 749 (1995). In assessing the appropriateness of the units sought, the undersigned is guided by several criteria for determining whether the community-of-interest standard is met, including similarity in employee skills, job duties, and working conditions, supervision, functional integration, employee interchange, and collective-bargaining history. *Oklahoma Installation Co.*, 305 NLRB 812 (1991); *Carson Cable TV*, 795 F.2d 879, 884-885 (9th Cir. 1986). On the facts presented, I find that a single unit comprised of all production and maintenance employees employed at the Employer's facility located in Tampa, Florida, is appropriate and that the smaller units sought by the Petitioners are not. Substantial community-of-interest factors support this conclusion.

The record reveals that the Employer's operation is highly integrated. Furthermore, there is a significant degree of interac-

tion among the employees in the petitioned-for units and there is an overlap of functions among the maintenance and production employees. For example, the cooperation of both production and maintenance employees is required for the purpose of getting the production line started and to complete production at the end of the day. Also, maintenance employees work side by side with, and require the assistance of, production employees when repairing production equipment on the line. Production employees directly seek out the assistance of maintenance employees when confronted with a mechanical problem they are unable to resolve. Production employees perform certain types of minor electrical and mechanical work and are also being trained on performing preventive maintenance on the production equipment. They have also been used to assist maintenance employees with special projects. With the exception of the powerhouse employees who spend their working day in the powerhouse physically separated from the other employees, the electricians and machinists work in close proximity with production employees who are all located in the main building.

The fact that the same working conditions apply to all employees, provides further support for finding a single unit. All employees are subject to identical established wage parameters and policies regarding fringe benefits and holidays. There is also commonality in supervision. Although maintenance employees are primarily supervised by their designated operational manager, when they perform maintenance work in production (either brewing or packaging), they will be directly supervised by the operational managers in charge of those production areas.

There is no history of collective bargaining between the parties. Petitioners maintained separate collective-bargaining agreements with Stroh, the prior owner of the Employer's facility. However, Petitioners make no claim that the Employer is

Stroh's successor employer. Although Petitioner Teamster's sister Local 830 maintains a collective-bargaining agreement with the Pottsville facility covering all of its employees, the evidence is clear that the Employer is a separate corporate entity and there is insufficient evidence relating to the type of operation run at the Pottsville facility to draw any conclusions therefrom. In view of the above, I find there is no relevant bargaining history to consider.

In conclusion, the evidence is insufficient to establish that separate units, one comprised of all production employees and the other of maintenance employees, are appropriate. I shall, therefore, dismiss the petition in Case 12-RC-8469, as Petitioner Operating Engineers is unwilling to go to an election in a unit other than in the petitioned-for unit. I shall, however, direct an election in Case 12-RC-8470, as Petitioner Teamsters is willing to go to an election in a unit found appropriate by the undersigned. Accordingly, in view of the foregoing and the record as a whole, I find that the following employees of the Employer constitute an appropriate unit for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time production workers—job code 103, maintenance workers/electricians—job code 101, maintenance workers/machinists—job code 102, and maintenance workers/powerhouse engineers—job code 104, employed by the Employer at its Tampa, Florida facility, excluding all other employees, guards, and supervisors as defined in the Act.

ORDER

It is ordered that the petition filed in Case 12-RC-8469 be, and it is, dismissed.