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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

GKN AEROSPACE MONITOR, INC.,

Employer,

and

**INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE
WORKERS, AFL-CIO, DISTRICT 15,**

Petitioner.

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Case: 29-RC-062580

**EMPLOYER’S REQUEST FOR REVIEW
TO THE NATIONAL LABOR RELATIONS BOARD**

Pursuant to Section 102.67 of the Rules and Regulations of the National Labor Relations Board, GKN Aerospace Monitor, Inc. (“GKN” or “Employer”), by and through counsel, files this Request for Review of the Decision and Direction of Election (“DDE”) issued on October 25, 2011, by the Regional Director for Region 29.

I. BACKGROUND AND BASIS FOR REVIEW

On August 15, 2011, DL 15 of the International Association of Machinists & Aerospace Workers (“Union”) filed a Representation Petition with the Twenty-Ninth Region, seeking certification to represent “all full time and regular part time production and maintenance employees including all quality/inspection employees” working out of GKN’s Amityville, New York facility.

A representation hearing was held in Brooklyn, New York on August 31 and September 1 and 6, 2011, before Hearing Officer Eric Stolzberg. At the hearing, the Union amended the requested unit to specifically exclude all Leads. (Tr. 384). The Union also agreed to include the Shipping/Receiving Driver job classification in the requested unit. (Tr. 407-08).

There were two remaining issues in this case for resolution by the Regional Director. First, the inclusion in the appropriate bargaining unit of six (6) clerical employees in the six (6) job titles of Inspection Clerk, Junior Production Planner, Maintenance Inventory Control, 787 Support Specialist, Continuous Improvement Coordinator, and Junior Buyer. These job titles were included in the prior voting unit by stipulation of the same parties in 2008. All of the individuals in these job classifications voted without challenge in the 2008 election.¹ Second, the inclusion in the bargaining unit of seventeen (17) employees in the eleven (11) job titles of N/C Programmer, N/C Programmer Trainee, Program Manufacturing Engineer, Tool Design/Method, Process Engineer, Senior Engineer SP Program, Senior Engineer SP Assembly, Manufacturing Support Engineer, Buyer, Senior Buyer, and Part-time/Temp Engineer. The Union stated its position that all of these individuals should be excluded from the voting unit. GKN maintained the position that all twenty-three (23) of these employees in the seventeen (17) specified job titles must be included in any unit ultimately found appropriate in this case.

The only relevant probative testimony offered at the hearing was produced by GKN. The Union elected to proffer no testimony to rebut any of GKN's testimony or to substantiate any of its own contentions. Thereafter, and contrary to the overwhelming record evidence in support of including the classifications at issue in the petitioned-for unit, the Regional Director issued his Decision and Direction of Election on October 25, 2011, finding that a bargaining unit limited to the petitioned-for unit, plus the inspection clerk and maintenance inventory clerk, is appropriate.

GKN presented overwhelming, uncontroverted evidence supporting the inclusion of all seventeen (17) job classifications in the petitioned-for unit, which the Regional Director disregarded, as though he was determined to find the Union's proposed unit was appropriate

¹ The 787 Support Specialist position did not exist at the time of the 2008 election. However, the individual holding the job did vote in the election.

irrespective of the record evidence. In addition, the Regional Director failed to cite a single case to support his decision, relying instead on the Board's recent decision in *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB No. 83, slip op. (2011), the principles of which are yet to be refined through subsequent application. The Employer respectfully requests the Board grant this Request for Review because the Regional Director's decision on substantial factual issues is clearly erroneous based on the record, and such error prejudicially affects the Employer's rights.

II. STATEMENT OF THE ISSUES

- (1) Should the Junior Production Planner, 787 Support Specialist, Continuous Improvement Coordinator, and Junior Buyer be included in the bargaining unit in this matter where the record shows that they have an overwhelming community of interest with the job classifications sought by the Union, and where these job titles were included in the 2008 unit by stipulation of the parties, and all of the individuals in these job classifications voted without challenge in the 2008 election?
- (2) Should the N/C Programmer, N/C Programmer Trainee, Program Manufacturing Engineer, Tool Design/Method, Process Engineer, Senior Engineer SP Program, Senior Engineer SP Assembly, Manufacturing Support Engineer, Buyer, Senior Buyer, and Part-time/Temp Engineer be included in the bargaining unit where the record shows that they have an overwhelming community of interest with the job classifications sought by the Union?

III. BACKGROUND

GKN's Amityville facility manufactures large, complex machine components and assemblies for commercial and military aircraft. Simply put, the Employer takes large blocks of titanium and aluminum and transforms them into airplane parts. This process can take anywhere from 10 to 550 hours per part. After the blocks of material are "machined" down to their appropriate shape, smaller metal details are assembled onto the parts. The parts are then typically shipped to a processing house for priming, painting, and nondestructive testing. After final assembly and inspection, GKN ships the parts out to the customer. (Tr. 44-47).

Vice President and General Manager Robert Francis manages the Amityville facility. He has twelve direct reports, all of whom are either vice presidents or directors. They are responsible for engineering, programming, purchasing, business development, program management, quality control, and human resources. Reporting to them are typically managers, supervisors, and/or lead people, depending on the team. (Tr. 48-49).

The production facility consists of a number of different areas. The tool crib is responsible for managing and changing out the cutting tools on the plant's 80 or so machining centers. The tool crib both warehouses and distributes them. Adjacent to the tool crib is the cutting/grinding area, where GKN cuts and grinds its own tools. (Tr. 50-51). Additionally, Respondent employs assembly workers, inspectors, maintenance workers, quality control, machine operators, forklift operators, shipping and receiving clerks, material handlers, helpers, and cleaners. (Tr. 51-60).

Below is a more detailed description of the job classifications at issue in this Request for Review:

A. Classifications/Employees Included in 2008 Unit.

Junior Production Planner

The Junior Production Planner takes the assembly work orders GKN receives from contractors. He does the planning of those particular work orders from start to finish. He creates requisitions that are forwarded to the purchasing department for material procurement to support the work orders. He also works closely with the tool crib to ensure the person in charge releases the work orders as planned. He spends between one and two hours on the shop floor each day, primarily interfacing with tool crib employees. In fact, the Junior Production Planner used to work in the tool crib. When in the tool crib, he primarily gives instructions, but may also pull some components and help the tool crib employees out to expedite a work order. He is an hourly

employee and does not have authority to hire, fire, assign work, or transfer employees from one job to another. (Tr. 387-89).

787 Support Specialist

The 787 Support Specialist is a relatively new job that came about for the new Boeing 787s that are soon going to market. Because there is a large volume of material and parts flowing through the factory that relate to the 787, the 787 Support Specialist is responsible for coordinating the flow of the material, verifying the accuracy of the paperwork, ensuring work is performed according to schedule, expediting certain activities on the shop floor, and communicating daily with inspection machinists and virtually everyone else on the floor. The 787 Support Specialist is paid an hourly wage and reports to the Director of the 787 Program. The 787 Support Specialist does not have authority to hire or fire, assign work, transfer people from one task to another, promote, discipline, or reward other employees. (Tr. 61-62).

Continuous Improvement Coordinator

The Continuous Improvement Coordinator is an experienced employee, whose primary responsibility is to find ways to continually improve the production process, whether through technical help with the cutting process, or assisting in improving the flow of materials. For example, many of the parts are large, heavy, and awkward in shape. The Continuous Improvement Coordinator designs containers or racks to push these parts around the shop. He is also involved in machining and assembling parts. He constantly interacts with production employees and works in the middle of the shop floor. He is an hourly employee and reports to the Director of Continuous Improvement. The Continuous Improvement Coordinator does not have authority to hire or fire, assign work, transfer people from one task to another, promote, discipline, or reward other employees. (Tr. 62-63).

Junior Buyer

The Junior Buyer is responsible for evaluating quotations, placing purchase orders, and acting as a liaison between GKN and the supplier. He monitors for questions related to engineering, quality control, finance, shipping/receiving, and production control. (E. Exh. 9). The Junior Buyer's primary job duty is to handle processing. He tracks any parts that go outside for special processing. He coordinates with inspection and shipping. He spends approximately 80 percent of his time on the shop floor, coordinating with inspection or shipping, and performing value stream walks. The Junior Buyer is paid hourly. The job requirements include one to two years of college-level courses, fluency in English, good communication skills, and computer skills. Experience in aerospace/machine shop is encouraged. (E. Exh. 9; Tr. 342-45).

B. Other Classifications.

Buyer

Like the Junior Buyer, the Buyer is responsible for procuring hardware items. She also participates in value stream walks. She creates purchase orders and tracks purchases from beginning to end. Her job takes her out on the shop floor to interface with inspection personnel. She purchases supplies for the shop, such as sealants, paints, replacement parts for machines, and cutters. (Tr. 346-47).

Senior Buyer

The Senior Buyer position is similar to the Buyer position, but deals with parts with a higher dollar value. The Senior Buyer is responsible for evaluating and issuing quotations, placing purchase orders, and obtaining the status of suppliers' delivery. She acts as a liaison between GKN and the supplier. She is also part of the value stream process and interfaces with inspection and quality control. This is an hourly position. The job requirements include five years of experience in purchasing machined aircraft parts, hardware, and raw material; price

negotiation skills; blueprint reading; computer literate; and good communication skills. (Tr. 347-49; E. Exh. 9).

N/C Programmer (Including Senior N/C Programmer,
Senior Engineer SP Programmer, and N/C Programmer Trainee)

Under the direct supervision of the N/C Programming Supervisor, these positions prepare programs to be read by controllers on computer-numerically-controlled machines for the purpose of producing precision-machined metal parts in conformance with customer design specifications. (E. Exh. 9). Typical duties include preparing numerical control programs and related documentation necessary to produce a precision part on a numerical control machine, methodizing the cutting approach for optimum efficiency, selecting appropriate cutting tools, following the part progress through inspection and other processing cycles for discrepancies and optimizations, and serving as a liaison with customers regarding delivery, blueprint questions, lean ideas, and cost reduction. The N/C Programmer performs an essential function in relation to the Operators in the sense that very few of the Operators could perform their job without the N/C Programmers. The N/C Programmers go out on the shop floor to evaluate the machines and equipment, and assess how their program is going to run the equipment. They consult regularly with shop personnel, including machine operators and quality employees, to determine what factors to put in their programs. Although GKN typically seeks N/C Programmers with an associate's degree, employees have advanced to the position in the past without a degree, depending on their background. (Tr. 168-69, 358-61; E. Exh. 9).

Tool Design/Method Engineers (Including Part-time/Temp Engineer)

Tool Design/Method Engineers lay out all of the operations relating to machining parts. They lay out all of the operations and determine how many different angles GKN has to approach the part form. Tool Design/Method Engineers design the tools needed to hold the

parts. When they release a design, they do so to the tool room. They assist the tool room in interpreting the drawings, and also provide the drawings to the shop floor. They follow that through until the design is manufactured and completed. Their tasks take them out on the shop floor to interface with Operators to determine the machine beds and how the tool will fit with the machine. They also work closely with the tool room. This position does not require any degree. (Tr. 358-64, 370).

Senior Engineer/SP Assembly

This position is very similar to the Tool Design/Methods Engineer. In addition to performing those functions, he takes individual parts and builds a larger assembly. He provides a tool design known as an assembly jig, which is used for assembling parts that will hold tools in place on the N/C machines so the Operators can perform their job. The N/C Operators could not perform their jobs without the task performed by the Senior/Engineer SP Assembly and other Tool Design/Methods Engineer.

Process Engineer

Once GKN machines a part, the part goes to a processing house for priming, painting, and nondestructive testing. The Process Engineer writes process instructions for the vendor. This task takes the Process Engineer out on the shop floor to interface with inspection and receiving employees. He spends approximately half of his time on the shop floor. (Tr. 365-66).

Manufacturing Support Engineer

The Manufacturing Support Engineer performs similar duties to those of the Process Engineer. Additionally, he writes re-work routings for the manufacturing of defective parts. When a customer reports a defective part, the Manufacturing Support Engineer is responsible for implementing the customer's instructions in order to save the part. One of the Manufacturing Support Engineers, William Morales, is primarily responsible for customer-driven engineering

changes. He interprets customer requests for changes to process configuration. This task takes him onto the shop floor, mainly to work with quality. (Tr. 366-68).

IV. ANALYSIS

The bargaining unit decided by the Regional Director is inappropriate because it excludes fifteen (15) job classifications that share an overwhelming community of interest with the classifications included in the unit.

The National Labor Relations Board has consistently held that the fundamental consideration in making a unit determination is: “to group together those employees who have a substantial mutual interest in wages, hours and other conditions of employment.” *15th Annual Report of the National Labor Relations Board* at 39 (1950). See *U.S. Steel Corp.*, 192 NLRB 58 (1971); *Federal Electric Corp.*, 157 NLRB 1130 (1966); *Kalamazoo Paper Box Corp.*, 136 NLRB 134 (1962). In *Continental Baking Co.*, 99 NLRB 77 (1952), the NLRB stated that: “First and foremost is the principle that mutuality of interest in wages, hours and working conditions is the prime determinate of whether a given group of employees constitutes an appropriate unit.” *Id.* at 782. Further, in determining whether a substantial community of interest exists in unit determinations, the Board has indicated it will consider the following factors: (1) History of Collective Bargaining; (2) Job Interchange; (3) Similarity of Company Policies, Benefits, and Salary Ranges; (4) Common Supervision; (5) Job Duties and Contact with Other Employees; (6) Common Work Schedules; (7) Functional Integration of Departments and Job Classifications; and (8) Whether the Proposed United Will Fragment the Work Force. *Id.*; *Kaiser Aluminum and Chemical Corp.*, 177 NLRB 682 (1969). The integration of operations and functions is also a frequently used factor in determining the appropriate unit. *Kaiser Aluminum and Chemical Corp.*, 177 NLRB 682 (1969).

Based on the above factors, the job classifications at issue share a substantial and overwhelming community of interest with the petitioned-for unit and, as a result, the Regional Director erred in excluding these categories from the bargaining unit found appropriate in this case.

A. History of Collective Bargaining.

The Regional Director completely ignored the significant fact that in 2008, these same parties stipulated to a proposed voting unit of operation and maintenance employees that included six (6) of the job classifications at issue: Inspection Clerk, Junior Production Planner, Maintenance Inventory Control, 787 Support Specialist, Continuous Improvement Coordinator, and Junior Buyer. The Union lost that election.

Contrary to the Regional Director's conclusion, the record clearly demonstrates that the interest of these six (6) job classifications, as well as the additional eleven (11) other classifications, sought by the Employer are submerged in the overall community of interest in wages, hours, and working conditions of the other employees and must therefore be included in any unit found appropriate. Because the individuals in the disputed jobs have a high degree of functional integration and interdependence with all other employees that the parties have stipulated should be included in the appropriate unit, these classifications must also be included in the voting unit. *Potter Aeronautics*, 155 NLRB 1007 (1965).

The Union is simply attempting to craft a unit that is co-extensive with its organizing efforts and, as a result, this requested unit is improper under Section 9(c)(5) of the National Labor Relations Act. *N.L.R.B. v. Metropolitan Life Insurance Co.*, 380 U.S. 438, 442 fn. 4 (1965). As a result, the fifteen (15) remaining job classifications excluded by the Regional Director must be included in any voting unit ultimately found appropriate in this case.

B. The Job Duties of the Classifications in Dispute are Functionally Integrated With, and Directly Relate to, the Production Process and They Have Routine Daily Contact and Interchange with the Production and Maintenance Employees.

The Regional Director failed to cite to any evidence presented at the hearing that refutes GKN's evidence that the job duties of the classifications in dispute are functionally integrated with, and directly relate to, the production process, or that they have routine daily contact and interchange with production and maintenance employees.

The clerical workers in the four (4) classifications at issue that were previously included in the voting unit perform duties that are essential to and integrated with the jobs of the production and maintenance employees. For example, the Junior Production Planner plans work orders from start to finish, and works closely with the tool crib to ensure the work orders are released in the proper order. The 787 Support Specialist coordinates the flow of materials, verifies the accuracy of paperwork, and ensures work is performed according to schedule. He communicates daily with inspection machinists and virtually everyone else on the floor. The Continuous Improvement Coordinator looks for ways to continually improve the production process, whether through technical help with the cutting process, or by increasing the flow of materials. He designs containers and racks that other production and maintenance employees use to perform their work. The Junior Buyer handles processing issues and buys parts for the shop floor. The Junior Buyer coordinates with inspection and shipping, and spends approximately 80 percent of his time on the shop floor with production employees. The Regional Director completely overlooked this key evidence in broadly declaring "there is no interchange among the employees" and that the employees in these classifications "only have occasional interaction with the unit employees." DDE, p. 14.

The Regional Director ignored the Board's precedent that clearly establishes that employees who perform clerical duties, such as those listed above, in association with the

production process and with production or maintenance employees are considered plant clericals and are included in the same unit as production employees. *Goodman Mfg. Co.*, 58 NLRB 531, 533 (1944); *Brown & Root, Inc.*, 314 NLRB 19, 23 (1994). In this analysis, certain facts predominate the Board decisions that find employees to be plant, rather than office, clericals, one of which is how closely allied to the production process the duties of the clericals are. *Desert Palace, Inc.*, 337 NLRB 1096, 1098 (2002). Indeed, the “indispensable and conclusive element is that the asserted plant clericals perform functions closely allied to the production process or to the daily operations of the production facilities at which they work.” *Gordonsville Industries*, 252 NLRB 563, 591 (1980), quoting *Fisher Controls Co.*, 192 NLRB 514 (1971). In this case, the duties of the six (6) clerical positions are functionally integrated into the production process and must be included in any voting unit found appropriate.

Like the clerical positions at issue, the other eleven job classifications are also functionally integrated with production and maintenance employees in the proposed voting unit. Contrary to the Regional Director’s findings, both the Buyer and the Senior Buyer interface with inspection personnel. They are also both part of the value stream process, wherein they work hand-in-hand with other production employees to assess the quality of GKN’s manufacturing processes. The N/C Programmer (and related Senior N/C Programmer and N/C Programmer Trainee) prepare the programs for the computer-numerically-controlled machines that are operated by production employees. The production employees who operate N/C machines could not perform their jobs without the assistance of N/C Programmers. The N/C Programmers are constantly on the shop floor working with production employees to evaluate the effectiveness of their programs. The Tool Design/ Method Engineers (including the Part-time/Temp Engineer) are similarly integrated with production and maintenance employees, as they design the very

tools that hold the part the operators work on. They regularly interface with operators to determine their designs and methods. The Senior Engineer/SP Assembly performs duties similar to the Tool Design/Method Engineers but, in addition, provides assembly jigs which are used for assembling parts that hold tools in place on the N/C machines. The Process Engineer takes the parts produced by production employees and writes process instructions for shipping to processing houses. He spends half of his time on the shop floor interfacing with inspection and receiving personnel. The Manufacturing Support Engineer performs similar duties to the Process Engineer, but also writes re-work routings in the event a part is defective.

Prior to 1961, the Board's policy was not to join technical employees with non-technical employees when the placement of technical job classifications was in issue. However, in 1961, the Board issued its decisions in *Sheffield Corp.*, 134 NLRB 1101 (1961), and this per se rule was eliminated. In *Sheffield* the Board concluded:

[W]e shall no longer utilize an automatic placement formula, but shall, instead make a pragmatic judgment in each case based upon an analysis of the following factors, among others: desires of the parties, history of bargaining, similarity of skills and job functions, common supervision, contact and/or interchange with other employees, similarity of working conditions, type of industry, organization of plant, whether the technical employees work in separately situation and separately controlled areas, and whether any union seeks to represent technical employees separately.

134 NLRB at 1266.

The Board continues to adhere to the principles set forth in *Sheffield, supra*. In *Horn & Hardart Co.*, 147 NLRB 654 (1964), the Board explained that it was not necessary to determine whether or not the employees in question were technicals since, even if they were technical employees, they still had a sufficient community of interest to be included with the production and maintenance unit. *See also Wayne Pump Div. of Symington Wayne Corp.*, 170 NLRB 1749 (1968). As a result, technical-type employees who perform production-related functions have

been uniformly included in production and maintenance units. *Pineville Kraft Corp.*, 173 NLRB 863 (1968); *Maine Sugar Indus., Inc.*, 169 NLRB 186 (1968); *Wayne Pump Div. of Symington Wayne Corp., supra.*

Based on the established authority, the Regional Director erred in excluding the additional eleven (11) job classifications in the unit because an overwhelming community of interest with other production and maintenance workers was been demonstrated through the evidence GKN presented at the hearing. *PECO Energy Co.*, 322 NLRB 1074 (1997) (designers who drafted schematics used by unit employees included in P&M unit); *see also McLean Hospital*, 234 NLRB No. 54 (1978) (two draftsmen who worked in the administrative office included in plant and operations unit due to daily communication with other employees); *Tarrant Mfg. Co.*, 196 NLRB 794 (1972) (draftsmen whose desk was not far from production area and who had some contact with production workers included in production and maintenance unit).

In a representation proceeding involving *Pemco Corporation*, 5-RC-5930, Regional Director Pennello stated:

In view of their duties and training, the shop draftsmen are technical employees. *Dempster Brothers, Inc.*, 154 NLRB 688. Since, however, their regular duties bring them into constant and frequent contact with production employees, since their work is an integral part of the Employer's production process, since they are hourly paid and participate in fringe benefits on the same basis as production employees, and since it is possible for production employees to progress to shop draftsmen, they share a community of interest with production employees despite their separate supervision, the fact that their duties and the duties of production employees are dissimilar, and the lack of regular interchange with production employees. They are, therefore, included in the unit.

The Sheffield Corporation, 134 NLRB 1101.

The Board has included engineering personnel in a production and maintenance unit when no union seeks to represent them separately. *Cutler-Hammer, Inc.*, 214 NLRB 203 (1974);

Monarch Machine Tool Co., 158 NLRB 104 (1966). In *Cutler-Hammer, Inc.*, 214 NLRB 203 (1974), a blueprint control clerk was included in the production and maintenance unit because at times he worked in the production area with unit employees. In *Monarch Machine Tool Co.*, 158 NLRB 104 (1966), individuals in the industrial engineering department were in charge of routing and programming production throughout the production area. The Board stated:

In the course of their work, some of these employees spend a substantial percentage of their time in the production area, and all spend at least some of their time in the production area. When not in the plant area, employees in these two departments, with the exception of the programmers, are located in an office area. While that area is adjacent to the remainder of the Employer's offices, each department is located in a definable physical area or office, and there is no overlapping of office functions. . . . *Id.* at 106.

In this case, no union seeks to represent the engineers separately. Therefore, since the engineers clearly share a community of interest in wages, hours, and working conditions with other production-related employees, and his duties are directly related to the production process, he should be included in the unit. In reaching the opposite conclusion, the Regional Director completely ignored this important controlling precedent.

C. The Common Benefits and Salary Ranges Between the Production, Maintenance and Disputed Job Categories Shows They Should All Be in One Bargaining Unit.

The Regional Director completely ignored the fact that GKN offers the exact same medical plans, dental plans, vision insurance plan, healthcare flexible spending accounts, 401(k) plan, insurance, and other benefits to the production and maintenance employees in the proposed voting unit and the disputed job classifications. (Tr. 144-44).

The Regional Director likewise improperly discounted the fact that the record shows that the wage ranges for the disputed categories fall within the same ranges as the hourly production and maintenance employees, as they range between \$46,000 and \$98,000 per year. (Tr. 147). The fact that one group is paid hourly and the other is paid salaried is hardly dispositive of the

community-of-interest analysis. Moreover, the clerical positions previously included in the voting unit are all hourly positions. Accordingly, the employees in those positions are paid in the exact same manner as the production and maintenance employees in the proposed voting unit. The employees in the other eleven (11) categories are paid a salary that likewise falls within the hourly range. (Tr. 147-51). Moreover, salaried employees in the shop are even paid overtime after 45 hours of work in a given week. (Tr. 170). Once again, the Regional Director made no mention of this fact in his analysis of the issue.

The Union and the Regional Director both make much of the fact some of the employees in the disputed classification are salaried, whereas all of the employees in the stipulated voting unit are hourly. The Regional Director's reasoning in this regard is misplaced, however, as Board law specifically states that the manner and method of pay is not a determining factor on unit placement. *Palmer Mfg. Corp.*, 105 NLRB 812 (1953). Even salaried employees will not be separated from hourly employees merely because of differences and methods of computing remuneration. *E. F. Drew & Co.*, 133 NLRB 155 (1961); *American Can Co.*, 56 NLRB 657 (1944); *Armour & Co.*, 119 NLRB 122 (1957). The present practice of the Board is to include positions paid on a different basis in the same bargaining unit where the requisite community of interest is present. *See, e.g., Container Research Corp.*, 199 NLRB 586 (1971).

The Regional Director also improperly relied on the fact that some of the disputed categories have "offices" in which they perform work to support his exclusion of such classifications from the voting unit. The Regional Director is mistaken, however, as the Board has traditionally included clericals in production and maintenance units, even where they work in the "office," when their duties are closely related to the production process. In *Cooper Mattress Mfg. Co.*, 225 NLRB 200 (1976), the Board held that an inventory clerk, who worked in the

“office area” of the plant, was a plant clerical rather than an office clerical because her duties were production related. In that case, the clerk’s duties consisted of routing orders to the production department, maintaining an inventory of jobbed goods, and reordering goods when necessary. *See also, American Parts System*, 254 NLRB No. 106, 106 LRRM 1193 (1981) (operation clerks included in unit because their duties were directly related to the integrated production operation); *Texprint*, 253 NLRB No. 138, 106 LRM 1079 (1981) (process control clerks included in production and maintenance unit, despite lack of contact with other employees, because their job duties were directly related to unit work); *Raytec Co.*, 228 NLRB 646 (1977) (buyer who processed production orders and documents relating to export and import items was included as plant clerical, despite lack of contact with unit employees, because her duties were production related); *Sears, Roebuck and Co.*, 222 NLRB 476 (1976) (delivery office, receiving, and merchandise control clericals who worked primarily in offices were included because their duties were production related). In *Sperry Piedmont Co.*, 162 NLRB 857 (1967), salaried employees who worked in the production control categories, including planners, expeditors, coverage analysts, clerks, traffic analysts, and traffic clerks were included in a production and maintenance unit despite the conflicting bargaining pattern at other company divisions since their work brought them in close contact with production employees. Likewise, in *Risdon Mfg. Co.*, 195 NLRB No. 109 (1972), timekeepers, shipping clerks, and production control clerks were included in a production and maintenance unit since they were deemed to have plant clerical duties, in that they performed jobs directly related to production. *See also, Container Research Corp.*, 188 NLRB 586 (1971) (production schedulers included in unit); *Combustion Engineering*, 221 NLRB 1290 (1975) (production scheduler is plant clerical); *Superior Casting*, 230 NLRB 1179 (1977) (employee who spends 75% of her time in plant is

plant clerical); *Williams Furnace Co.*, 158 NLRB 861 (1966) (employee who spent 80% of his time in plant is plant clerical).

Based on the record of evidence and the above authorities, it is clear that the disputed job classifications have an overwhelming and substantial community of interest with the employees in the production and maintenance voting unit sought by the Union. The Regional Director therefore erred in failing to include the disputed classifications in the appropriate unit.

D. Functional Integration.

As demonstrated above, the duties performed by the job categories in dispute are all directly related to the production process. They are not merely “incidental,” as the Regional Director suggests. These tasks are not only integral to the production and maintenance employees’ jobs — they are required for the production and maintenance employees to even be able to perform their production tasks. In short, the record shows a complete functional integration of all the classification — both in issue and those stipulated into the unit.

V. CONCLUSION

For the above reasons and authorities, the individuals in the fifteen (15) job classifications the Regional Director erroneously excluded from the unit must be included in any unit ultimately found appropriate in this case because they share a substantial and overwhelming community of interest with the production and maintenance employees, including all quality/inspection employees, in the petitioned-for voting unit. Accordingly, the Board should reverse the Regional Director’s decision and direct an election for the appropriate unit consisting of the above-described unit of employees, which includes the fifteen (15) job classifications the Regional Director improperly excluded.

DATED this the 8th day of November, 2011.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that I have on the 8th day of November 2011, served a copy of the Request for Review of Employer GKN Aerospace Monitor, Inc. in the above-captioned matter by NLRB e-filing system to:

Les Heltzer, Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570-0001

I further certify that I have served a copy of the Request for Review upon the following persons by overnight mail:

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