

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

KIRO TV

Employer

and

Cases 19-UC-000775

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 46

Petitioner

ORDER

Employer's Request for Review of the Acting Regional Director's Decision and Order Clarifying Unit is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

BRIAN E. HAYES, MEMBER

RICHARD F. GRIFFIN, JR., MEMBER

Dated, Washington, D.C., March 29, 2012.

¹ In denying review of the Acting Regional Director's decision, we find that *WLVI, Inc.*, 349 NLRB 683 (2007), cited by the Employer, is distinguishable. In that case, the Board determined that even though the employee in question, a video journalist, performed the unit work of editing and filming, he was "first and foremost" a reporter, a nonunit position, as his unit tasks were "incidental" to his basic work of reporting stories. *Id.* at 685-685, applying the framework set forth in *The Sun*, 329 NLRB 854, 859 (1999). Notably, the creation of the video journalist position in *WLVI* did not result in any layoffs or the elimination of any job classifications, and a new (outside) candidate was hired to fill the position. Here, by contrast, much of the work performed by those in the Employer's newly created Ignite Director position was work previously performed by employees in three eliminated unit job classifications – Audio Operators, Studio Camera Operators, and Technical Directors – as demonstrated by the layoff of 10 to 12 employees in those classifications. Many of the employees who were chosen to fill the Ignite Director position had previously worked for the Employer as unit Technical Directors. Thus, unlike the video journalist position in *WLVI*, the Employer's creation of the Ignite Director position was essentially a consolidation of duties previously performed by other job classifications, all but one of which had been in the unit. In these circumstances, the unit duties performed by Ignite Directors cannot be said to be "merely incidental to their primary work function or an otherwise insignificant part of their work." *The Sun*, *supra*.