

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CNH AMERICA LLC
Employer

and

Case 25-RC-116569

INTERNATIONAL BROTHERHOOD OF
BOILERMAKERS, IRON SHIP BUILDERS
BLACKSMITHS, FORGERS, AND HELPERS, AFL-CIO
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

¹ We find no merit in the Employer's contention that the Regional Director's decision runs counter to the Board's presumption that wall-to-wall production and maintenance units are appropriate. Such a presumption is not applicable in this case because the Petitioner does not seek to represent a wall-to-wall unit. See *Specialty Healthcare & Rehabilitation Center*, 357 NLRB No. 83, slip op. at 7 (2011) ("A party petitioning for a unit other than a presumptively appropriate unit ... bears no heightened burden to show that the petitioned-for unit is also an appropriate unit."), enfd sub. nom. *Kindred Nursing Centers East v. NLRB*, 727 F.3d 552 (6th Cir. 2013). Cf. *Capital Coors Co.*, 309 NLRB 322 fn. 1 (1992) (single-facility presumption inapplicable where union seeks multi-location unit).

The Employer also asserts that the Regional Director erroneously ignored or discounted evidence of temporary interchange; specifically, that welders in the petitioned-for unit frequently performed non-welding assignments. Even accepting the Employer's view of that evidence, however, the Employer still has not established its claim that a grouping of *all* production and maintenance employees at its facility is the only appropriate unit.

Member Miscimarra would find that the Employer has raised substantial issues about the appropriateness of a welders-only bargaining unit that warrant granting review, based on evidence that a welders-only unit would cross departmental lines, there is substantial interchange between welders and non-welders, and the Board has not found a craft unit of welders to be appropriate since 1955 except in the aerospace industry. *North American Aviation, Inc.*, 162 NLRB 1267, 1270 (1967). Member Miscimarra does not reach or rely on *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB No. 83 (2011), enfd. sub nom. *Kindred Nursing Centers East v. NLRB*, 727 F.3d 552 (6th Cir. 2013), the applicability of which is uncontested by the Employer.

PHILIP A. MISCIMARRA, MEMBER

NANCY SCHIFFER, MEMBER

Dated, Washington, D.C., January 16, 2014.