

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

VALUE CITY FURNITURE
Employer

and

Case 08-RC-120674

UNITED FOOD AND COMMERCIAL
WORKERS UNION, LOCAL 75
Petitioner

ORDER

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

KENT Y. HIROZAWA, MEMBER

HARRY I. JOHNSON, III, MEMBER

NANCY SCHIFFER, MEMBER

Dated, Washington, D.C., April 3, 2014.

¹ In denying review, we agree with the Acting Regional Director that the petitioned-for unit is appropriate under *Specialty Healthcare and Rehabilitation Center of Mobile*, 357 NLRB No. 83 (2011), *enfd. sub nom. Kindred Nursing Centers East, LLC v. NLRB*, 727 F.3d 552 (6th Cir. 2013). Under *Specialty Healthcare*, the Board considers whether the petitioned-for employees "are readily identifiable as a group" and share a community of interest based on traditional community-of-interest criteria. *Id.*, slip op. at 12. For the reasons stated by the Acting Regional Director, we find that the Employer's home furnishing consultants are readily identifiable as a group and share a community of interest. We further agree with the Acting Regional Director's finding that the Employer has not established that, under *Specialty Healthcare*, the other employees at its Toledo store share an overwhelming community of interest with the home furnishing consultants.

Under the circumstances of this case, Member Johnson finds no need to express a view whether *Specialty Healthcare* was correctly decided and should be applied here. Even in Board precedent decided prior to that case, employees in the furniture store selling positions, such as the petitioned-for home furnishing consultants here, have been found to be an appropriate bargaining unit, excluding nonselling employees. See *Wickes Furniture*, 231 NLRB 154 (1977). Member Johnson finds that the Employer has failed to present sufficient evidence for distinguishing this case from *Wickes*.