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October 1, 2010

Executive Secretary  
National Labor Relations Board  
1099 14<sup>th</sup> Street N.W.  
Washington, D.C. 20570

Re: House of Raeford Farms, Inc., Employer, and United Food and Commercial  
Workers, Local 204, Petitioner, Case 11-RC-06740

Dear Executive Secretary:

Pursuant to Reliant Energy, 339 NLRB 66 (2003), and in support of the Employer's Request for Review, Employer brings to the Board's attention the following:

In the last paragraph on page 28 and the top of page 29 of Employer's Request for Review, Employer makes the point that the D&D appears to allow a craft type unit for part of Employer's Shipping Department employees and to suggest that departmental units would be appropriate for more than 20 of Employer's remaining unrepresented departments, all of which raises a substantial question of law or policy because of departure from officially reported Board precedent.

Employer's position is that the petition must be dismissed because the Union has sought an election in an improper departmental or craft-like unit. The Board has long been reluctant to recognize separate craft or departmental units and has imposed substantial restrictions on such units. The essential requirement for the establishment of a departmental unit was the existence of a separate department ". . . devoted to a specialized function of the plant operations and centering around a very great nucleus of highly skilled craftsmen . . ." *General Electric Co.*, 89 NLRB 726, 745 (1950).

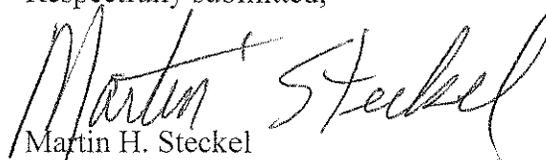
More recently, the Board has stated that an appropriate craft (departmental) unit is defined as:

. . . one consisting of a distinct and homogeneous group of skilled journeymen craftsmen, who, together with helpers or apprentices, are primarily engaged in the performance of tasks which are not performed by other employees and which require the use of substantial craft skills and specialized tools and equipment.

*Burns & Roe Services Corp.*, 313 NLRB 1307, 1308 (1994) (emphasis added).

Employer's shipping departments are not the type of departmental unit recognized by the Board as appropriate, i.e., a craft-like unit, but instead a unit comprised of employees of relatively the same type skills as Employer's other unrepresented departments. There was no evidence at the hearing that the petitioned-for Shipping Department employees have craft skills or a craft nucleus. Scanners, jacks and lifts used by these employees are not the tools of skilled craftsmen, but are the tools of ordinary laborers.

Respectfully submitted,

A handwritten signature in black ink that reads "Martin H. Steckel". The signature is written in a cursive, flowing style with a large initial "M".

Martin H. Steckel  
Counsel for Employer

MHS/bko

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
WASHINGTON, D.C.

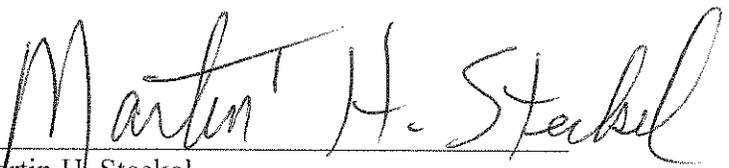
HOUSE OF RAEFORD FARMS, INC., )  
)  
Employer )  
) Case 11-RC-06740  
and )  
)  
UNITED FOOD AND COMMERCIAL )  
WORKERS, LOCAL 204 )  
)  
Petitioner )

CERTIFICATE OF SERVICE

I certify that I have sent a copy of the preceding letter via email to

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on this 1<sup>st</sup> day of October, 2010.

  
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Martin H. Steckel