

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

LKQ LAKENOR AUTO &
TRUCK SALVAGE, INC.
Employer

and

Case 31-RC-214528

UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE WORKERS
INTERNATIONAL UNION
Petitioner

ORDER

The Petitioner's Request for Review of the Regional Director's Supplemental Decision to Overrule and Count Challenged Ballots is denied as it raises no substantial issues warranting review.¹ The Petitioner's request to stay the counting of the ballots is denied as moot.

JOHN F. RING,

CHAIRMAN

WILLIAM J. EMANUEL,

MEMBER

Dated, Washington, D.C., March 29, 2019.

MEMBER McFERRAN, dissenting.

¹ While we agree with the Regional Director's conclusion that the Employer's Delivery Drivers must be included in the petitioned-for unit, we note, contrary to her findings, that there is no evidence of interchange present in this case that would mandate including the Delivery Drivers in the unit. While the Delivery Drivers and petitioned-for employees have some overlap of duties as part of their core functions, interchange involves temporary or permanent transfer into a different classification, as opposed to simple overlap of functions between two separate classifications. We also do not rely on the Regional Director's suggestion that departmental organization is "particularly" important in assessing the propriety of a petitioned-for unit, to the extent this statement suggests departmental organization is more important than other community-of-interest factors.

I would grant review, based on the substantial issues raised by the Petitioner. I note that the Petitioner did not challenge the Regional Director's allocation of the burden of proof here.

LAUREN McFERRAN,

MEMBER