UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SONIC-BUENA PARK H, INC. D/B/A BUENA PARK HONDA

Employer

and Case 21-RC-178527

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, DISTRICT LODGE 190, LOCAL LODGE 1484, 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]

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[1] In denying review, we find that petitioned-for employees are an appropriate unit and the Employer has not sustained its burden of establishing that any of the disputed classifications, either individually or collectively, share an overwhelming community of interest with the petitioned-for employees such that their inclusion in the unit is required. *Specialty Healthcare & Rehab. Center of Mobile,* 357 NLRB 934, 938 (2011), enfd. 727 F.3d 552 (6th Cir. 2013).

Having so found, we find it unnecessary to rely on the Regional Director's finding that the petitioned-for unit constitutes a craft unit from which other Service Department and Parts Department employees must be excluded.

We reject the Employer's argument that lube technicians must be included in the unit with service technicians because lube technicians are dual-function employees. Lube technicians are not dual-function employees; they spend all of their time performing the duties of a lube technician. They are not qualified to perform, and do not perform, the more complex diagnostic and repair work performed by service technicians. Although service technicians do perform some work performed by lube technicians, it is incidental to their primary service technician functions. Service technicians are highly skilled, are required to continually maintain and update their training and skills, and are paid substantially higher wages than lube technicians. Service technicians constitute a clearly identifiable and functionally distinct group with common interests distinguishable from employees in the lube technician classification. See *Dick Kelchner Excavating Co.*, 236 NLRB 1414 (1978).

Member Miscimarra would not apply *Specialty Healthcare* or the "overwhelming community of interest" standard to determine whether the petitioned-for unit must include additional employees. See generally *Macy's, Inc.*, 361 NLRB No. 4, slip op. at 22-33 (2014) (Member Miscimarra, dissenting). Rather, he would apply the Board's traditional principles, including an assessment of "whether the interests of the group sought are *sufficiently distinct* from those of other [excluded] employees to warrant establishment of a separate unit." *Wheeling Island Gaming*, 355 NLRB 637, 637 fn. 2 (2010) (quoting *Newton-Wellesley Hospital*, 250

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., October 18, 2016.

NLRB 409, 411-412 (1980)). In addition, consistent with the Board's traditional principles, Member Miscimarra believes bargaining unit determinations should be circumscribed and guided by industry-specific standards where applicable. In this case, however, he agrees that the interests of the service technicians are sufficiently distinct from the excluded employees and otherwise appropriate for inclusion in a separate unit.