

NLRB Official Nixes Teamsters Vote At Ohio Warehouse

By [Emily Brill](#) · 2023-07-27 13:19:28 -0400 ·

A [National Labor Relations Board](#) official tossed a Teamsters local's petition to represent forklift operators and warehouse auditors at a logistics company warehouse in Ohio, finding that an appropriate bargaining unit would also include customer service representatives and an inventory control specialist.

NLRB Regional Director Iva Y. Choe, who runs the board's Cleveland office, dismissed Teamsters Local 20's petition to represent the Spartan Warehouse and Distribution Co. operators and auditors in an [18-page decision and order](#) issued Wednesday.

She specified she was doing so because Teamsters Local 20 had said it wasn't looking to represent a bargaining unit at Spartan's Northwood, Ohio, warehouse other than the one the union had requested.

In holding that an appropriate bargaining unit would also include the customer service reps and the inventory control specialist, Choe sided with Spartan, which had said those workers have too much in common with the operators and auditors to be excluded from a potential union representation election.

"There are only minimal differences between the petitioned-for employees and excluded employees for the purposes of collective bargaining," Choe said in her decision and order. "The excluded classifications must be included in the

unit because they share an overwhelming community of interest with the petitioned-for unit."

The customer service reps and inventory control specialist have a similar level of education, skills and training to the forklift operators and warehouse auditors, and their work is functionally integrated, with all the warehouse's employees having frequent contact with each other on the job, Choe said.

"The undisputed and disputed employees perform duties that are part of a highly integrated process of storing, shipping and receiving the customer's product, which weighs in favor of finding that the petitioned-for employees and excluded positions share an overwhelming community of interest," Choe said.

Beyond finding that "the factors that the warehouse employees have in common outweigh their minimal differences," rendering them eligible to vote in the representation election Teamsters Local 20 sought, Choe found that one forklift worker whom the union had deemed a supervisor was actually a union-eligible employee.

"The union has not met its burden of establishing the forklift operator-dock lead is a supervisor under the [National Labor Relations] act," Choe said, finding that the case record lacked evidence that the lead flexed a significant degree of authority over other forklift workers.

The union said the lead had once told another employee that their refusal to perform a task would result in discipline, but "there was no evidence presented that the forklift operator-dock lead independently issues discipline to employees," Choe said.

Teamsters Local 20 filed its petition for a representation election at the Northwood warehouse Jan. 19, seeking to represent a unit of 14 workers: all full-time and regular part-time forklift operators and warehouse auditors. Eighteen employees total work at the warehouse, according to Wednesday's decision and order.

The company is represented by Rebecca Shope and Scot Hinshaw of [Shumaker Loop & Kendrick LLP](#).

The union is represented by John Doll of [Doll Jansen & Ford](#).

The case is Spartan Warehouse and Distribution Co. Inc. and Teamsters Local 20, case number 08-RC-310615, before the National Labor Relations Board Region 8.

--Editing by Roy LeBlanc.