



Patrick N. Forrest

Vice President and Deputy General Counsel

February 12, 2015

National Labor Relations Board  
c/o the Executive Secretary Gary Shinnars  
1099 14<sup>th</sup> Street, N W  
Washington, DC 20570

RE: Case No. 32-RC-135779

Dear Board Members:

I write on behalf of the National Association of Manufacturers ("NAM"). The NAM is the largest manufacturing association in the United States, representing small and large manufacturers in every industrial sector and in all 50 states. Manufacturing employs over 12 million men and women, contributes roughly \$2.1 trillion to the U.S. economy annually, has the largest economic impact of any major sector, and accounts for two-thirds of private-sector research and development. Its mission is to enhance the competitiveness of manufacturers and improve American living standards by shaping a legislative and regulatory environment conducive to U.S. economic growth.

We have become aware of a recent Decision and Direction of Election by a Regional Director that wrongly failed to find a wall-to-wall production and maintenance unit in a fully integrated production facility based upon the flawed and erroneous standards the Board established in *Specialty Healthcare*, 357 NLRB No. 83 (2011) and *Macy's* regarding "Micro Units". On January 29, 2015, Constellation Brands U.S. Operations, Inc. d/b/a Woodbridge Winery ("Constellation") filed a Request for Review of a Region 32 Director's Decision and Direction of Election. In his Decision, the Regional Director created a unit of cellar employees that is a sub-group of Constellation's Cellar Department.

Constellation is a New York corporation engaged in the business of producing wine. Constellation operates a fully integrated production facility located in Acampo, California. Cannery Warehousemen, Food Processors, Drivers and Helpers, Local Union No. 601, International Brotherhood of Teamsters ("Petitioner") filed a Petition for Representation with the Board under the National Labor Relations Act, seeking to represent a unit of "all full-time and regular part-time General Operators, Master Operators, Senior Operators and Working Foremen employed in the Employer's Cellar Operation in Acampo, California" (expressly excluding all managers, supervisors, office clerical employees, guards and temporary workers as defined in the Act).

In his Decision, the Regional Director ignored important factors which influence unit determinations including the departmental lines drawn by Constellation. The Regional Director further ignored important precedent and fractured the Cellar Department by creating a unit of just a sub-group of the employer's Cellar Department. The Cellar Department is composed of

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Barrel, Cellar, Cellar Services and Recycler employees that basically carry out the exact same duties.

There are many issues in this Decision which are critical to our Association. Specifically, NAM members have a vital interest in the Board's application of *Specialty Healthcare* in the manufacturing setting. The standard for bargaining-unit determinations applied by the Regional Director in this case, which is an inaccurate application of the already unlawful standard established by the Board in *Specialty Healthcare*, is problematic in all industries covered by the National Labor Relations Act ("Act" or "NLRA"), 29 U.S.C. §§ 151-169 including manufacturing.

Therefore, we respectfully request that you grant Constellation's Request for Review and invite NAM and other interested parties to brief these issues as they relate to manufacturing/production facilities.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick N. Forrest', with a large, sweeping loop at the end.

Patrick N. Forrest  
Vice President and  
Deputy General Counsel