

**UNITED STATES GOVERNMENT
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

Farmers Branch, Texas

**AMERICAN RED CROSS BLOOD SERVICES,
SOUTHWEST REGION, an unincorporated chartered
unit of the AMERICAN RED CROSS,
a federally chartered organization^{1/}**

Employer

and

Case No. 16-RC-10225

**GENERAL DRIVERS, WAREHOUSEMEN
AND HELPERS, LOCAL UNION 745,
affiliated with the
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS**

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, herein referred to as the Act, a hearing was held before a hearing officer of the National Labor Relations Board, herein referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:^{2/}

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. 3/
3. The labor organization involved claims to represent certain employees of the Employer. 4/
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act. 5/
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All collections personnel, including the Specialist Tech I, and Tech II and all Hospital Services personnel, including Tech I and Tech II employed by the employer at its Farmers Branch and Longview, Texas, facilities.

EXCLUDED: All other employees, office clerical employees, managers, dispatchers, supervisors and guards as defined by the Act.

DIRECTION OF ELECTION 6/

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to issue subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who are employed during the payroll period ending immediately preceding the date of the Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained the status as such during the eligibility period and their

replacements. Those in the military services of the United States Government may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by the General Drivers, Warehousemen and Helpers Local Union 745, affiliated with International Brotherhood of Teamsters.

LIST OF VOTERS

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the election should have access to a list containing the full names and addresses of all eligible voters which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969); and *North Macon Health Care Facility*, 315 NLRB 359 (1994). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, two (2) copies of an election eligibility list containing the full names and addresses of all the eligible voters shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the NLRB Region 16 Regional Office, 819 Taylor Street, Fort Worth, Texas 76019-6178, on or before June 16, 2000. No extension of time to file this list shall be granted except in

extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provision of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by June 23, 2000.

DATED June 9, 2000, at Fort Worth, Texas.

/s/ Martha Kinard
Martha Kinard, Acting Regional Director
NLRB Region 16

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1. At the hearing, the petition was amended to reflect the Employer's correct name.
 2. The Employer timely filed a brief, which was duly considered.
 3. The parties stipulated, and I find, that American Red Cross Blood Services, Southwest Region, an unincorporated chartered unit of the American Red Cross, a federally chartered organization, is engaged in the business of collecting and distributing blood products with a facility in Farmers Branch, Texas. During the last twelve months, a representative period, the Employer, in conducting its business operations, purchased and received at its Farmers Branch, Texas, facility, goods valued in excess of \$50,000 directly from points outside the State of Texas and derived gross revenues in excess of \$250,000.
 4. The parties stipulated, and I find, that the Petitioner is a labor organization within the meaning of Section 2(5) of the Act.
 5. The Petitioner seeks to represent a unit consisting of all Collections personnel, including the Specialist Tech I and Tech II and all Hospital Services personnel, including Tech I and Tech II employed by the Employer at its Farmers Branch and Longview, Texas, facilities. At the hearing, the parties stipulated that the Employer's Collections Specialist II Trainer and the Hospital Services employee

employed at the Longview, Texas facility are properly included in the unit. Neither party seeks the inclusion in the bargaining unit of the Employer's Donor Resources Representatives. The Petitioner will represent any unit deemed appropriate by the Acting Regional Director.

STATUS OF THE EMPLOYER AS A HEALTH CARE FACILITY

The Employer contends that the Employer is a health care facility within the meaning of Section 2(14) of the Act and that the Petitioner's proposed unit is inappropriate as it excludes its Quality Systems Specialists, Customer Service Representatives, Telerecruiter, Telerecruiter Specialist, Scheduler and Administrative Assistants from the unit.

There are 35 employees in the unit sought by the Petitioner. There are 48 employees in the unit the Employer asserts is appropriate.

The Employer's Farmers Branch facility is part of the American Red Cross Southwest Region and is an American Red Cross Blood Services organization. Blood Services is responsible for the collection, production and distribution of blood products. The Southwest Region encompasses locations in the States of Texas and Oklahoma and includes facilities in Waco, Wichita Falls, Bryan/College Station and Harlingen, Texas, in addition to its Farmers Branch facility.

American Red Cross' Blood Services Texas Division is headquartered at the Employer's Farmers Branch facility and the Texas Division's budget analyst and human resource coordinators have offices there. The Texas Division's collections, donor resources, hospital services, customer support, quality support services and education departments are also housed in the Farmers Branch facility. The facility consists of two floors with the customer service representatives housed on the second floor and the remaining departments located on the first floor. The Employer's laboratory and its Laboratory Manager are located in Waco, Texas.

The Employer employs employees in the following classifications at its Farmers Branch location: two Customer Service Representatives, two Administrative Assistants, one Telerecruiter, one Telerecruiter Specialist, Hospital Services Technicians I and II, Quality Systems Specialists, Scheduler, Donor Resources Representatives (who are also known as "Territory Managers"), and Collection Technicians I and II and Collection Specialists II.

In the performance of its business operations described above, the Employer collects whole blood and donor pheresis at its Farmers Branch location and at off-site blood drives. Donor pheresis (which is also known as apheresis) is the collection of a specific blood product from a donor wherein the blood is taken

from the donor, processed through a machine that harvests a particular blood product, and then the blood is returned to the donor.

The Employer's Collections Operations Supervisor and two Collection Specialists II at its Farmers Branch facility performed 26 therapeutic phlebotomies during the period of May 1, 1999 through April 30, 2000 at its facility and in area hospitals. This procedure involves the drawing and discarding of whole blood for a particular donor's benefit. These three individuals are the only employees employed by the Farmers Branch facility who perform autologous donations (which are donations made by a donor for his or her upcoming surgery) and therapeutic phlebotomies. The number of employees who perform autologous donations and therapeutic phlebotomies is limited to three because special training is required and because the Employer does not perform many of these special collections. There is no record evidence of the number of employees who perform therapeutic phlebotomies at other Employer facilities.

The Employer also employs one physician at its Farmers Branch facility. This physician receives telephone inquiries from area hospital physicians seeking information regarding patient diagnosis and transfusion needs. He is responsible for regulatory compliance, talking to donors about problems experienced during donation and counseling donors who have had positive test results. He also assists staff with questions regarding procedures and with donor eligibility questions.

Employees at the Employer's Farmers Branch facility also provide reference consultation for area hospitals. When a hospital contacts the Farmers Branch Hospital Services Department, this department, in turn, contacts the Employer's contracting facility and coordinates the delivery of the sample to the contracting facility. After the contracting facility performs its work, Hospital Services ships the sample back to the hospital.

The Employer's Harlingen facility is the only Employer facility that performs a procedure known as therapeutic pheresis. Therapeutic pheresis is defined in the record as a procedure performed for a certain patient wherein "pheresis equipment is used to replace a substance in the patient's body." This procedure must be performed in Texas by a Registered Nurse and is performed in a hospital setting. There is no record evidence of the number of employees who perform this procedure or the number of therapeutic pheresis performed by the Harlingen facility.

In addition to the 26 therapeutic phlebotomies referenced above, employees at the Employer's Farmers Branch facility performed the following procedures in the period of May 1, 1999 to April 30, 2000: 24,385 allogeneic (general public use) donations; 1,808 donor pheresis (not therapeutic pheresis) donations; and 449 special donations [which encompasses both autologous donations (a donor gives blood for his use for an upcoming surgery) and directed donations (which are

donations for use by a particular patient)]. The entire Southwest Region (including the Farmers Branch facility) performed a total of 188,751 procedures during the same period in the following categories: 173,637 allogeneic donations; 12,507 donor (not therapeutic) pheresis donations; 2,088 special donations; and 519 therapeutic phlebotomies.

During the collection of blood, the Employer retains some samples in test tubes. Some of these tubes are sent to a Portland, Oregon facility for routine testing. Other tubes of blood are sent to a San Diego, California facility for a specific test required by the Food and Drug Administration. The remaining blood is sent to the Employer's Waco laboratory, where it is quarantined, pending the test results. After the test results are received, the Waco laboratory manufactures blood products. Any blood not meeting standards is segregated into specific quarantine. After the Waco laboratory employees ensure that all the blood needing specific quarantine is quarantined, the blood products meeting specifications are released to the Employer's Waco Hospital Services Department. The Waco Hospital Services Department then releases the blood products to six of the Employer's Hospital Services Departments, including the Farmers Branch Hospital Services Department where the Hospital Services employees store the blood products in a temperature-controlled environment and distribute the blood products to hospitals.

A threshold question to be determined concerning the appropriateness of the petitioned-for unit is whether the Employer is a health care institution within the meaning of the Act. If the Employer is a health care institution within the meaning of the Act, then the Board's Rules and Regulations concerning health care institutions will determine the appropriateness of the unit. If the Employer is not a health care institution, then the Board's "community of interest" test must be used to determine whether the petitioned-for unit is appropriate.

Section 2(14) of the Act defines a "health care institution" as "any hospital, convalescent hospital, health maintenance organization, health clinic, nursing home, extended care facility, or other institution devoted to the care of sick, infirm, or aged person."

Employer blood banks that perform no other activities other than the collection, processing and distribution of blood and blood products, are not health care institutions as defined in the Act. *Dane County American Red Cross*, 224 NLRB 323 (1976). When an employer performs services beyond that of blood collection, processing and distribution and performs therapeutic pheresis and therapeutic phlebotomies, with "sufficient regularity and in a sufficient number", the employer is "devoted to the care of sick persons" and constitutes a health care institution within the meaning of Section 2(14) of the Act. *Syracuse Region Blood Center*, 302 NLRB 72, 73 (1991).

On brief, the Employer argues that, under *Syracuse Region Blood Center*, it is a health care facility under the Act because it performs therapeutic phlebotomies, donor pheresis and patient pheresis at its Southwest Region locations. The Employer urges that the Board must consider the total amount of therapeutic phlebotomies, donor pheresis and patient pheresis performed by all of the Employer's locations and determine that the Employer is a health care facility as defined in the Act. As support, it offers that the Southwest Region locations performed a total of 519 therapeutic phlebotomies, 2,000 special donations (for the donor's own use or the use of a particular patient), 12,507 donor pheresis procedures and 173,637 allogeneic donations and thereby has a substantial and regular impact on patient care.

The Employer's argument is not fully supported by the Board's *Syracuse Region Blood Center* decision as the Board expressly stated that the performance of donor pheresis and autologous collections are not indicative of health care institution status. *Syracuse Region Blood Center*, 302 NLRB at 73. Thus, the Employer's assertion that it performs 12,507 pheresis procedures at its Southwest Region locations is not determinative of health care institution status.

The Board also cautioned that the test for determining health care institution status was not a "percentage of the employer's business" test, but rather was an examination of whether therapeutic pheresis and therapeutic phlebotomies were performed with "sufficient regularity and in a sufficiently large number . . . that the Employer is properly viewed to be 'devoted to the care of sick . . . persons.'" *Syracuse Region Blood Center*, 302 NLRB at 73.

The record evidence establishes that only the Employer's Harlingen, Texas location provides therapeutic (or patient) pheresis procedures. As required by the State of Texas, this procedure must be performed by a Registered Nurse. The Employer performs this procedure in a hospital setting. There was no evidence presented concerning the number of therapeutic pheresis procedures performed at this location or the regularity of the performance of this procedure.

The Employer performed 519 therapeutic phlebotomies in its entire Southwest Region and performed only 26 therapeutic phlebotomies at its Farmers Branch location. The record shows that the Employer employs only three individuals at its Farmers Branch location who are qualified to perform such therapeutic phlebotomies because of the infrequency of the performance of these procedures.

In addition, the providing of reference services for hospitals and the employment of a physician who consults with area hospitals and physicians is not an indicator of health care status. *Greene County American Red Cross*, 221 NLRB 776 (1975). Thus, the fact that the Employer has a physician on staff does not grant it health care institution status.

In sum, the record evidence does not establish that the Employer performs therapeutic pheresis and therapeutic phlebotomies with “sufficient regularity” and in a “sufficiently large number” such that the Employer is a health care institution as defined in the Act.

For the foregoing reasons, I find that the Employer is not a “health care institution” as defined in Section 2(14) of the Act.

COMMUNITY OF INTEREST

With regard to community of interest factors, the record reflects that all Farmers Branch and Longview employees and supervisors receive the same benefits. There is one handbook describing the terms and conditions of employment for all these employees and all undergo the following training: basic human relations policy training, blood borne pathogen training, good manufacturing training and quality assurance training. The Employer provides other training that is job classification specific. The employees at the respective Farmers Branch and Longview facilities also share the same break rooms.

The record also reflects that Whole Blood Collection Technicians and Specialists and the Pheresis Collection Technicians and Specialists are supervised by Collection Operations Supervisors. One of the Collection Operations Supervisors supervises the Whole Blood Collection Technicians. The other Collection Operations Supervisor is based in Wichita Falls and supervises the four Pheresis Collection employees. The Hospital Services and Inventory Manager supervises the Hospital Services employees. The Donor Resource Department Supervisor supervises the Customer Service Representatives, Donor Resource Representatives, Telerecruiter and Telerecruiter Specialist and the Administrative Assistant who works in the Donor Resource Department. The Human Resource Coordinator supervises the other Administrative Assistant. The Scheduler is supervised by the interim Acting Manager for Collections who is based out of Harlingen, Texas.

With respect to hours of work, the record reflects that when the Employer conducts an off-site blood drive, Collections Technicians I and II or Specialists II travel to the location for the blood donation, set up the equipment and draw the blood. The Collections employees who service the off-site blood drives do not work fixed hours as they work whenever a blood drive is scheduled. They work approximately 38 to 48 hours weekly. The fixed site Collections employees work regular day shift hours and work 40 hours weekly.

The pay grades for employees in the Collections Department range from Grade 3 or 4 to Grade 8. Collection Technicians I begin at the Grade 3 or 4 level, which is approximately \$9.00 an hour. A Grade 8 Collection Specialist II, depending on his or her level of cross training, can earn approximately \$12.00 an hour or more.

All Collection Technicians are trained in accordance with the Blood Services directives. The Collection Technicians I are trained to perform the blood “stick”, the arm scrub and how to handle and document reactions. After this training is complete, the technician works with a preceptor and must perform 50 successful phlebotomies before he or she is released as a Technician I.

Collection Technician IIs (who may also serve as Team Leaders) undergo the same training as Collection Technicians I. They are also trained in the areas of blood pressure, pulse and temperature. Additionally, they are trained regarding the questions on the blood donation record and how to determine whether the donor is eligible. These individuals are also placed with a preceptor for 50 phlebotomies.

Collection Specialists II manage blood drives, deal with the blood drive coordinator and staff issues, document disciplinary actions and perform customer service. During a blood drive, a Collections Specialist II oversees the collection process.

During donations, the Collections staff reviews a donor’s vital signs to ensure that the donor may donate. Before any blood is drawn, the medical historian (who is a Collection Technician II), the phlebotomist (who is a Collection Technician I) and the Team Leader (who is a Collection Specialist II) review the donor’s blood donation record.

Collection Technicians I and II issue quality control records, which are reviewed by the Collection Specialist II after the blood drive. The Collection Specialist II sends the quality control records and the donor blood donation records to the Employer’s Tulsa, Oklahoma facility at the end of the drive. If the Tulsa facility finds a deviation in any records, the records are sent to the Farmers Branch Quality Systems Specialists where a Quality Systems Specialist reviews the records for accuracy. If the records contain any deviations, the Quality Systems Specialist returns the records to the Collections Operations Supervisor who discusses the matter with the technician who made the error.

The Collections Operations Supervisor is the contact between Quality Systems staff and Collections on any deviation problem. The Collection Technicians and Specialists do not contact the Quality System Specialists directly.

As referenced above, the Farmers Branch Hospital Services Department stores blood received from the Waco laboratory in a temperature-controlled environment. The Hospital Services staff takes orders from hospitals for a specific blood product and fills the orders based upon its inventory at the Farmers Branch location. The Hospital Services Department also fills orders from inventory located in other Texas facilities. These employees have direct telephone contact with the hospitals. Hospital Services Technicians I and II deliver, by motor vehicle, blood to hospitals. The Hospital Services Technicians

may also send blood products by courier. The Hospital Services Technicians are also responsible for disposing of certain blood in its inventory when required. Hospital Services Technicians undergo specialized training regarding the proper methods for disposal.

The Hospital Services Technicians also quarantine blood at the Farmers Branch location in situations where a donor calls back with information that calls into question the quality of the blood. If the blood has already been released for distribution to a hospital, Hospital Services Technicians are responsible for gaining control of that product.

The record reflects that a Hospital Services Technician I is paid at Pay Grade 4 and a Hospital Services Technician II is paid at Pay Grade 5. Pay Grades 3 and 4 correlate to an hourly wage of about \$9.00 an hour. There is no record evidence of the hourly rate at Pay Grade 5. The Hospital Services Department is staffed 24 hours a day, seven days a week with regularly scheduled shifts.

The Employer also employs a Telerecruiter and a Telerecruiter Specialist. The Telerecruiter schedules, by telephone, donors for pheresis and adds such appointments to the calendar. After the Telerecruiter makes an appointment, she informs the Pheresis Collection staff of the appointment directly. The Telerecruiter works 8:30 a.m. to 5:30 p.m., Monday through Friday. The Telerecruiter will also recruit on-site whole blood donors for pheresis if a pheresis donor cancels his or her donation.

The Telerecruitment Specialist has two duties: to ensure that the calendar is up to date and to pull lists of names from the telemarketing database to be called the following week. The Telerecruiter and Telerecruitment Specialist work in the same area as the Donor Resources Department's Administrative Assistant. The Telerecruitment Specialist ensures a Customer Service Representative is scheduled to assist at a specific blood drive. The Telerecruiters are paid in accordance with the Employer's Pay Grades 2 or 3. There is no record evidence on the hourly wage that defines Pay Grades 2 or 3.

The Employer currently employs two Customer Service Representatives who work 8:00 a.m. to 5:00 p.m. and additional hours on weekends when a blood drive is scheduled. They are paid at Pay Grades 4 and 5. The Customer Service Representatives act as a liaison to the donor resource representatives and the blood drive coordinator. They provide public relations material, contact the donor group, arrange for sign-ups before the drive, instruct donors on how to complete blood donation reports, perform recruitment and education at blood drives and are present at off-site blood drives. One of the Customer Service Representatives is qualified to prepare blood bags during blood drives. While at the drives, the Customer Service Representatives may assist by bringing a can of juice or a wet towel to a donor who is experiencing a reaction. They do not assist the Collection staff with the actual collection process. Customer Service

Representatives spend between two and one-half days and one and one-half days a week attending blood drives. Neither Customer Service Representative has held any other position with the Employer.

The Front Desk Administrative Assistant takes messages for employees. This Assistant also greets donors, has them sign in, explains the blood donation record to the donor, instructs the donor to complete the blood donation record and informs the appropriate department (Pheresis or Collections) that the donor is waiting. This Assistant also answers donor questions or refers those questions to other employees. This Assistant works from 8:00 a.m. to 5:00 p.m. Monday through Friday.

The Donor Resources Department Administrative Assistant performs data entry and performs customer service surveys to ensure that customer service is performed well. This Assistant works from 7:30 a.m. to 4:30 p.m. Monday through Friday and on weekends as needed. This Assistant may work after hours to serve as a backup Customer Service Representative as she has worked as a Customer Service Representative for the Employer's Waco facility in the past. Both Administrative Assistants are in Pay Grade 5 or 6.

The Scheduler works in the Quality Services office and creates the weekly schedule for the staff at all the Employer's locations, except for Harlingen and Bryan, Texas. The Scheduler revises the schedule as needed and ensures that the Collection mobile units are dispatched with a sufficient number of Collection Technicians I and II on board. If a Collections employee wants a particular day off, the Scheduler documents the employee's request and then contacts the Collections Operations Supervisor for approval. The Scheduler places each week's schedule in each Collection staff employee's mailbox. If the schedule is later revised, the Scheduler will contact the staff and let them know there is a revised schedule in their boxes.

As referenced above, the Employer's Quality Support Specialists conduct reviews of whole blood collection, quality control reports, and documentation relating to equipment problems for the Farmers Branch location and other employer locations. They document and track deviations from regulated procedures as required by the Food and Drug Administration and earn Grade 8 pay.

The record reflects limited instances of interchange among the Employer's Farmers Branch employees. The record shows that four employees of the 48 in the unit the Employer deems appropriate have transferred from one position to another. Of these four employees, one has transferred from Pheresis Telerecruiting to the Collections Department. Another employee transferred from a Hospital Services Technician II position to Quality Services Staff Specialist in April 1998. A third employee transferred from the Special Collections (autologous and directed donations) Department to the Collections Department, while another employee transferred from the Collections Department to Quality

Support in March 1998 and then back to the Collections Department. The transfers to and from Quality Services occurred at a time when the Quality Services employees performed duties different from those currently performed by Quality Systems Specialists.

As noted above, the remaining question is whether the petitioned-for unit is an appropriate unit. It is well settled that the unit sought by Petitioner must be an appropriate unit, regardless of whether other units are also appropriate. *Century Moving and Storage*, 251 NLRB 671, 679 (1980), citing *Pilot Freight Carriers, Inc.*, 223 NLRB 286 (1976). The Petitioner is not required to petition for the most comprehensive unit, unless an appropriate unit compatible with the requested unit does not exist. *Overnite Transportation Co.*, 322 NLRB 723 (1996).

As the Board explained in *P. J. Dick Contracting, Inc.*, 290 NLRB 150, 151 (1988):

Board inquiry pursues not the most appropriate or comprehensive unit but simply an appropriate unit. Once this unit is determined, the requirements of the Act are satisfied. The inquiry first considers the petitioning union's proposals. If the union's proposed unit is inappropriate, the employer's proposals are then scrutinized.

When determining whether a petitioned-for unit is appropriate, the Board considers whether the employees in the unit have a sufficient "community of interest". *Swift & Co.*, 129 NLRB 1391 (1961); *United States Steel Corp.*, 192 NLRB 58 (1971). Factors to be considered in making such a determination include: (1) degree of functional integration; (2) common supervision; (3) nature of employee skill and function; (4) interchangeability and contact among employees; (5) work situs; (6) general working conditions; and (7) fringe benefits. In determining whether a petitioned-for unit is appropriate, the Board has also found the petitioner's request to be a relevant consideration. *Marx Oxygen Company of Alabama*, 147 NLRB 228 (1964).

Petitioner seeks to represent the Collections personnel, including the Specialist Tech I, Tech II and Collections Specialist II Trainer and all Hospital Services personnel, including Tech I and Tech II employed by the employer at its Farmers Branch and Longview, Texas, facilities.

The record evidence shows that the petitioned-for unit is appropriate. The job classifications are functionally integrated and the employees occupying these classifications share skills and functions. The Collections staff obtains blood from donors, retains some blood samples in test tubes and takes the blood and samples to the Hospital Services Department. The Hospital Services staff sends

the blood to the Waco facility for processing and the test tubes to either the Portland or San Diego facility for testing. After the Waco facility finishes processing the blood, the blood is returned to the Employer's Farmers Branch facility where it is warehoused by the Hospital Services staff, which distributes the blood to area hospitals.

The employees in the petitioned-for unit share the same general working conditions and fringe benefits. The Collections employees and the Hospital Service employees directly handle the blood obtained by the Employer in different stages of the process. They also earn comparable wages as the Hospital Services employees are compensated at Pay Grade 4 and 5, while the Collections employees begin at Grade 3 or 4 and may be promoted to Pay Grade 8. They all receive the same benefits from the Employer.

Both the Collection employees and Hospital Services employees receive specialized training for their job duties. The Hospital Services employees discard blood from its inventory in accordance with certain procedures and the Collections employees performs tasks in accordance with specialized training.

The record reflects frequent and regular contact among the employees in the petitioned-for unit as the Collections staff uses equipment kept in the Hospital Services area for off-site blood drives and returns the equipment to the same location. The Collections staff who work fixed site donations work on the same floor of the Employer's Farmers Branch facility as the Hospital Services employees and their work areas are separated by a hallway. Therefore, the employees in the petitioned-for unit share the same work situs.

Finally, while the record reflects employees in the petitioned-for unit are supervised by more than one supervisor, the fact that employees may have separate direct supervision does not mandate their exclusion from a bargaining unit. *Hotel Services Group, Inc.*, 328 NLRB No. 30, slip op. at 2 (1999) citing *Texas Empire Pipe Line Co.*, 88 NLRB 631, 632 (1950).

The Employer urges that the petitioned-for unit is inappropriate as it excludes the Employer's Quality Systems Specialists, Customer Service Representatives, Telerecruiter, Telerecruiter Specialist, Scheduler and Administrative Assistants. These job classifications do not share a community of interest with the classifications found in the petitioned-for unit, such that the petitioned-for unit would be inappropriate without their inclusion.

As referenced above, the Collections and Hospital Services employees do not share the same nature of skill and function with the employees the Employer argues should be included in the unit. The Collections and Hospital Services personnel have specialized training for their duties that pertain to the drawing and handling of blood and blood products. Unlike the Collections and Hospital Services personnel, the Employer's Customer Service Representatives,

Telerecruiter, Telerecruiter Specialist, Scheduler and Administrative Assistants do not perform duties related to the drawing, storing or delivery of blood and blood products.

Moreover, while the Collections and Hospital Services employees handle blood and blood products, the Employer's Quality Systems Specialists, Customer Service Representatives, Telerecruiter, Telerecruiter Specialist, Scheduler and Administrative Assistants' duties are administrative in nature. The Quality Systems Specialists review documentation provided by the Collections personnel. The Quality Systems Specialists do not attend either fixed-site or off-site blood drives, nor do they handle blood or blood products at any stage of their processing.

The Scheduler works alongside the Quality Systems Specialists and performs purely administrative functions. The Scheduler creates the work schedule for all the Employer's employees (including the Farmers Branch location) except those employees employed by the Employer in Harlingen and Bryan, Texas. The Scheduler is not involved in the collection, processing or delivery of blood or blood products.

The Telerecruiter, Telerecruiter Specialist and Customer Service Representatives' function is primarily one of public relations. As referenced above, the Telerecruiter schedules donors and the Telerecruiter Specialist reviews the donor calendar and pulls a list of potential donors to be called in the next week. Neither the Telerecruiter nor the Telerecruiter Specialist is involved in the collection, processing or delivery of blood or blood products.

Although the Customer Service Representatives attend off-site blood drives, they act as a liaison to the blood drive coordinator and provide the blood drive coordinator with public relations material and other paperwork. They do not assist the Collections employees in the actual collection of blood. Like the Telerecruiter and Telerecruiter Specialist, the Customer Service Representatives' participation in blood drives is primarily limited to public relations and the occasional assistance to the Collections staff by such actions as getting a wet towel or a can of juice for a donor. Although one of the Customer Service Representatives assists the Collections staff by preparing blood bags, this assistance is limited.

The Donor Recruitment Department Administrative Assistant performs purely administrative tasks in the Donor Recruitment Department as she performs customer service surveys after blood drives. The Employer offered no evidence of any interaction this Assistant has with the Collections staff or the Hospital Services personnel. The other Administrative Assistant performs purely administrative tasks as she greets donors, informs the appropriate staff that the donor is present, answers and refers questions from donors and takes messages for other employees. Unlike the Collections staff and the Hospital Services staff

employees, neither Administrative Assistant is involved in the collection, processing or handling of blood or blood products.

Furthermore, as noted above, the Quality Systems Specialists, Customer Service Representatives, Telerecruiter, Telerecruiter Specialist, Scheduler and Administrative Assistants have limited interchange with the Collections and Hospital Services employees. There have been only four instances of interchange among all the Employer's Farmers Branch employees and, of these exchanges, only one involved a transfer from a non-petitioned-for job classification (Telerecruiting) to a job classification in the petitioned-for unit (Collections). The other instances of interchange have been from Collections to Quality Services and back to Collections and from Hospital Services to Quality Services at a time when the Quality Services employees performed duties different from those currently performed by Quality Systems Specialists. Another instance of interchange was a transfer from a position in Special Collections (autologous and directed donations) Department to the Collections Department, which are both job classifications in the petitioned-for unit. Therefore, the instances of interchange are insufficient to mandate the inclusion of the other positions in the unit.

Likewise, there are limited instances of contact between the employees in the petitioned-for unit and the Quality Systems Specialists, Scheduler, Customer Service Representatives, Telerecruiter, Telerecruiter Specialist and Administrative Assistants.

The Quality Systems Specialists interact with the Collections Operations Supervisor, but lack direct contact with the Collections employees. All of the Employer's Farmers Branch employees, including the Collections and Hospital Services may have contact with the Scheduler, but such contact is limited to instances where an employee requests certain time off, the Scheduler's communication of schedule changes with the employees and the Scheduler's distribution of work schedules in employee mailboxes.

The Customer Service Representatives have some limited interaction with the Collections staff as they occasionally attend blood drives, but the record does not reflect any interaction between the Customer Service Representatives and the Hospital Services employees.

The Telerecruiter has some contact with the on-site Pheresis Collection staff as she informs the staff when a donor is scheduled. The record does not reflect any contact between the Telerecruiter Specialist and the Collections staff or the Hospital Services employees. The Donor Recruitment Department Administrative Assistant and the other Administrative Assistant have little contact with the Collections staff or the Hospital Services employees.

As the employees in the petitioned-for unit share similar skills, training, job function and have some interaction, I find them to share a sufficient community of

interest and thus, the requested unit is appropriate. I find that the Employer's Quality Systems Specialists, Customer Service Representatives, Telerecruiter, Telerecruiter Specialist, Scheduler and Administrative Assistants should be excluded as these employees have different training, skills, job function and limited interaction with the employees in the petitioned-for unit. Thus, they do not share a community of interest with the employees in the petitioned-for unit so as to mandate their inclusion in the bargaining unit.

6. In accordance with Section 102.67 of the Board's Rules and Regulations, as amended, all parties are specifically advised that the Acting Regional Director will conduct the election when scheduled, even if a request for review is filed, unless the Board expressly directs otherwise.

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