

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SIX**

PROMUS HOTEL, INC.¹

Employer

and

HOTEL EMPLOYEES, RESTAURANT
EMPLOYEES UNION LOCAL 274

Case 6-RC-11826
(Formerly 4-RC-19977)

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before Wendy Silver, a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to the undersigned Regional Director.²

Upon the entire record³ in this case, the Regional Director finds:

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.

¹ The name of the Employer appears as amended at the hearing.

² Under the provisions 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, D.C. 20570-0001. This request must be received by the Board in Washington by June 21, 2000.

³ In accordance with arrangements made at the hearing, the Petitioner submitted a letter containing information to supplement a stipulation reached at the hearing in this matter. This document was received in the record as Board Exhibit 3. In addition, the Employer and the Petitioner timely filed briefs which have been duly considered by the undersigned.

3. The labor organization involved claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(l) and Section 2(6) and (7) of the Act.

The Petitioner seeks to represent a unit consisting of all full-time and regular part-time housekeepers, housemen and laundry personnel⁴ (herein called the housekeeping employees) employed by the Employer; excluding all others including front desk, food and beverage, maintenance, guards and supervisors as defined in the Act. The Employer, contrary to the Petitioner, contends that the only appropriate unit consists of all employees working in the front desk department, facilities department and food and beverage department.⁵

There are approximately 40 employees in the petitioned-for unit and 160 employees in the unit urged to be appropriate by the Employer. There is no history of collective-bargaining for any of the employees at issue herein.

The Employer, a Delaware corporation, is engaged in the operation of a hotel known as the Embassy Suite Hotel located on Bartram Avenue in Philadelphia, Pennsylvania, approximately three miles from the Philadelphia International Airport. The Employer's facility is a five story building consisting of 263 guest room/suites, 11 of which double as meeting rooms, banquet and conference facilities, a full-service restaurant, a complimentary kitchen and a pool and health room.⁶ Because of its proximity to the airport, various airlines refer guests to the

⁴ At the hearing, both parties agreed that the job classification of inspector is part of the petitioned-for unit.

⁵ The job classifications within the front desk department are: front desk clerk, bellperson/van driver, night auditor, front desk leadperson and reservationist. The job classifications within the facilities department are: suite keeper, houseperson, laundry employee, maintenance employee, pool attendant/maintenance employee. The job classifications within the food and beverage department are: cook, morning line cook, evening line cook, complimentary breakfast cook, busser (bus person), bartender, complimentary bartender, restaurant accounting clerk, banquet server, banquet captain, banquet houseperson, restaurant server, dishwasher/utility person, host/hostess (cashier) and room server.

⁶ Beyond the primary lobby where the front desk is located, is an open atrium area from which all five floors can be viewed. In addition, the restaurant is visible from, and the complimentary services area is accessible from, the atrium.

hotel on a daily basis, and the hotel services large numbers of distressed passengers whose flights are delayed or cancelled.

The Employer's financial and operational functions are under the overall direction of General Manager Michael Long. Reporting to Long are Facilities Manager Wayne Lejambre, Food and Beverage Director Mahmoud Nofal, Assistant General Manager Cathy Martinelli, Human Resources Director Betty Dauria, Director of Sales Judy Maskiell and Controller Carol Borner. Working in the facilities department are two supervisors: Executive Housekeeper Jackie Benjamin and Assistant Chief Engineer Darryl Watkins, both of whom report to Lejambre. Reporting to Martinelli is the Front Office Manager Sharon Hunsberger.⁷

The hotel is divided into departments, including the facilities department, the front desk department, the food and beverage department and the sales department.⁸ The Employer maintains monthly and annual cost budgets for each department.

Employees⁹ in the facilities department perform housekeeping and maintenance functions. As stated, the housekeeping employees work in the job classification of suite keeper, houseperson, inspector, and laundry. The job classifications of maintenance employees are maintenance and pool attendant.¹⁰

Lejambre's office is located in the laundry area. Benjamin shares the office with Lejambre. Each has a desk with a telephone. Two telephone lines connect to the office and it

⁷ At the hearing, the parties stipulated, and I find, that the following individuals are supervisors within the meaning of Section 2(11) of the Act, and therefore, should be excluded from the unit found appropriate herein: Long, Lejambre, Nofal, Martinelli, Benjamin, Watkins, Hunsberger, and Assistant Food and Beverage Manager Alan Filer.

⁸ Approximately 50 employees work in the facilities department, 44 of whom are housekeeping employees and 6 of whom are maintenance employees. Working in the front desk department and food and beverage department are approximately 30 and 80 employees, respectively. The record does not indicate whether any hourly employees work in the sales department.

⁹ The Employer refers to employees as "team members".

¹⁰ At the hearing, General Manager Long testified that the titles used on certain job descriptions and reports are incorrect. Specifically, the job classification of engineer should be maintenance, gardener/life guard should be pool attendant and janitorial services should be houseperson.

appears that either can be used to call Lejambre or Benjamin. Housekeeping supplies are also kept in this area. Assistant Chief Engineer Watkins' office is located in the maintenance shop which is situated across from the employee break room in the same general area as the laundry. The record indicates that Benjamin prepares the weekly schedule for housekeeping employees, while Watkins prepares the schedule for maintenance employees.¹¹ Lejambre approves these schedules and actually prepares the schedule ten percent of the time, in the absence of Benjamin or Watkins. Lejambre also monitors the facilities department budget. Thus, he approves overtime and reviews the payroll for housekeeping and maintenance employees. Lejambre has a mail box by the front desk which is utilized by both Benjamin and Watkins.¹²

The record reveals that most applicants for housekeeping positions are interviewed and tested by Director of Human Resources Dauria. Generally, housekeeping employees will be interviewed by Benjamin.¹³ Final hiring decisions in the facilities department rest with Lejambre. Once hired, all hotel employees attend a one day (8 hour) orientation program, which will be held sometime within the first several months of their employment. Housekeeping employees receive on-the-job training for a two week period by working with an experienced suite keeper, inspector or with Benjamin.¹⁴ Employees are on probation for a period of 90 days and receive an evaluation upon the expiration of this period.¹⁵ Thereafter, employees receive an annual

¹¹ The housekeeping schedule is posted in Benjamin's office. The maintenance schedule is posted in the maintenance office.

¹² The mailbox is commonly referred to as the housekeeping box.

¹³ One of the two suite keepers who testified at the hearing in this matter stated that she was interviewed by Lejambre. The record indicates that Watkins interviews applicants for pool attendant positions. Inasmuch as the other maintenance employees have been hired from within, Lejambre has handled this process.

¹⁴ The record indicates that maintenance employees are trained by Lejambre or Watkins or by an experienced maintenance employee. Housepersons are also trained by Lejambre or by Benjamin.

¹⁵ Benjamin or Lejambre evaluate housekeeping employees. Watkins and/or Lejambre evaluate maintenance employees.

review wherein they are rated on standards common to all employees,¹⁶ and standards applicable to his/her assigned duties.

Based on the record, it is Lejambre who evaluates facilities department employees. Thus, the record contains three annual performance reviews for employees in the positions of suite keeper, houseman and laundry. Lejambre evaluated each employee and signed the document as the employee's supervisor. The performance planning evaluation form indicates that it is for "hotel hourly positions: housekeeping department." In addition to the common standards, employees for whom this evaluation form is completed are also rated on suite cleaning, maintenance/janitorial, suite inspection and laundry.¹⁷

Facilities department employees, like all hotel employees, are subject to the Employer's disciplinary process. The record reveals that Lejambre handles discipline of the department's employees. The record contains five discussion planners¹⁸, at least three of which were issued to employees apparently employed as suite keepers. Four of the discussion planners were executed by Lejambre on the line designated for the supervisor's signature. One discussion planner, which documents the termination of an employee, was signed by both Lejambre and Benjamin.

Housekeeping and maintenance employees typically work on the day shift. The hours of the day shift are from 8 a.m. to 4 p.m. on weekdays.¹⁹

¹⁶ The standards which are common to all employees regardless of job classification are: customer satisfaction, work habits, personal development and security and safety.

¹⁷ It appears that the evaluator will check "not applicable or unable to evaluate at this time" on job duties not within the employee's particular job description. For example, on the evaluation for the houseman, the rating for the maintenance/janitorial function was completed but the suite cleaning, suite inspection and laundry ratings were checked as not applicable or unable to evaluate at this time.

¹⁸ Discussion planners are also utilized to communicate positive feedback.

¹⁹ On weekends the shift begins and ends one to two hours later. The record indicates that the Employer schedules one houseperson to start work at 7 a.m. In addition, the Employer schedules one houseperson, one suite keeper and one maintenance employee to work the evening shift from 3 p.m. to 11 p.m. A pool attendant is scheduled to work throughout the weekend. The record indicates that the houseman whose shift begins at 7 a.m. will handle light maintenance between 7 a.m. to 8 a.m.

It appears that the daily assignment process in the facilities department is a fairly routine task. The work assignment for each suite keeper is prepared each morning. Benjamin assigns each suite keeper the appropriate number of rooms²⁰ and gives the assignment sheet, with room keys, to the suite keeper. Any special instructions such as the need to perform "deep cleaning" are either noted on the assignment sheet or verbally told to the suite keeper by Benjamin. However, in Benjamin's absence, Lejambre or an inspector will assign suites to the suite keepers.

The suite keeper's primary function is to clean and prepare guest suites. The record indicates that the suite keepers also routinely assist in the laundry. Housepersons are responsible for cleaning the public areas of the hotel including elevators, public restrooms and floors. Housepersons also assist suite keepers in delivering and returning laundry. At times, a houseperson will function as a bellperson. The inspectors inspect suites using a dust towel and other "touch-up" articles after the suite is cleaned to ensure that the suite meets the hotel's standards. If so, the inspector will enter the suite into the computer as ready for rent. As needed, the inspector will also clean suites. Laundry employees wash and fold laundry utilizing commercial laundry equipment.

The hotel employs approximately six maintenance employees, two of whom are pool attendants. The primary function of maintenance employees is to take care of the physical assets of the hotel.²¹ This entails tasks such as changing light bulbs, removing and repairing broken furniture, hanging curtains, unplugging toilets and repairing vacuum cleaners and linen carts. Maintenance employees receive assignments in several ways. When a minor repair is needed, suite keepers complete a maintenance request form order which is turned into

²⁰ The record indicates that suite keepers who work day shift on weekdays are assigned 15 rooms to clean. According to a time study prepared for the Employer, a suite can be cleaned in 28 to 30 minutes. This number of rooms with two fifteen minute breaks and a one-half hour lunch period fills the suite keepers' work day.

²¹ The record clearly establishes that none of the hourly maintenance employees possess specialized training, certification or licenses. However, Lejambre apparently has an HVAC license and specialized electrical training.

Benjamin or Lejambre. The orders are then distributed to maintenance employees. If the repair is of a more urgent nature, the housekeeping employee will call the maintenance office directly. Generally the maintenance employee who answers the phone call will respond.²²

The record indicates that maintenance employees will also assist with inspecting suites and that each performs a special assignment. For example, one of the maintenance employees performs preventative suite care in each suite three times per year.²³ A second maintenance employee is responsible for painting and wallpapering in the public areas of the hotel. Another maintenance employee completes weekly checklists on each of the Employer's shuttle service vans

The pool attendants maintain the pool and health room areas and perform such functions as sweeping, polishing glass, vacuuming and delivering towels.

The record reveals that certain maintenance-type functions are performed by other employees working in the hotel. For example, any employee in the hotel will change a light bulb.²⁴ With respect to plugged toilets or drains, maintenance employees, housepersons or the bellman will take care of the problem. Likewise, the removal of broken furniture or the repair of laundry carts is performed by maintenance employees and/or housepersons but suite keepers will assist if necessary. Simple repairs on vacuum cleaners, such as replacing a belt, are performed by a suite keeper or houseperson. Repairs of a more complex nature are performed by maintenance employees.

Maintenance employees are issued a toolbelt, tools and a hand-held radio.²⁵ Tools are also provided to housepersons when they perform repairs.

²² Maintenance employees also respond to calls from the front desk or from guests.

²³ Suite care involves a thorough inspection of each suite to remedy any defect.

²⁴ Light bulbs are stored in the maintenance area.

²⁵ The Employer has 15 to 20 hand held radios. Housepersons often carry a radio at work. Likewise, van drivers utilize radios.

Working in the food and beverage department are the cooks, banquet personnel and bar and restaurant personnel. These employees work either in the hotel's full service restaurant, complimentary service bar and kitchen, room service or meeting/banquet service area.

The hotel provides a complimentary breakfast and service to its guests. The complimentary services area is on the first floor of the hotel in the same vicinity as the restaurant and meeting rooms. The complimentary breakfast is served from 6:30 or 7:00 a.m. to 9:30 or 10:00 a.m. depending on whether it is a weekday or a weekend. The complimentary breakfast area is an open kitchen separated by a counter. The cooks prepare orders and place the orders on a counter. The complimentary bar is open from 5:30 to 7:30 p.m. Depending on the guest volume, the Employer has one to two bartenders, one or more bussers, stockers and a host/hostess on duty. After the complimentary bar closes, the bussers clean the tables and chairs, sweep and mop the floor, wash glassware, and return the popcorn machine and other equipment to the storage area. During the hours when there is no complimentary service in this area, the responsibility for cleaning this area reverts to housepersons.

Food ordered through room service is delivered to guest rooms during the day by bartenders, bussers or restaurant servers. During the evening hours, room service waiters are on duty. If a guest calls to have dishes removed from a room, a utility employee, busser from the food and beverage department, or suite keeper or houseperson from housekeeping is utilized to accommodate this request. The record indicates the houseperson's duties include performing "floor runs" to pick up linens and trays. Suite keepers also remove room service trays from rooms and either deliver the trays to the kitchen or to a collection area by the service elevator.

The area behind the atrium bar is primarily cleaned by the bartender while banquet housepersons or utility employees perform detailed cleaning of the bar area every morning. During the evening hours when the bar is open, servers and bus persons will wipe tables, remove and clean glassware and sweep the area as necessary. In those suites which are used as conference rooms, banquet housepersons perform all cleaning functions.

The front desk employees, include front desk clerks, one bellman, seven bellmen/van drivers, reservationists,²⁶ PBX operator²⁷ and night auditors. These employees work under the supervision of Front Officer Manager Sharon Hunsberger. The front desk clerks, also referred to in the record as service representatives, handle the check in/out procedure and perform certain accounting functions.

Every half-hour the Employer runs a courtesy shuttle service to and from the airport. The bellpersons/van drivers drive one of the Employer's three vehicles.²⁸ Once at the destination, the bellpersons/van drivers load and unload luggage. The record indicates that if all three vehicles must be mobilized²⁹ or in the case of a call-off by a bellperson/van driver, maintenance employees will be assigned to assist with driving duties. In this regard, the record indicates that a maintenance employee will be assigned to act as a van driver approximately two times per week. Likewise, the record indicates that the first floor houseperson from housekeeping assists with guest's luggage on an almost daily basis.

Group functions such as meetings or banquets are booked through the Employer's sales department. Depending on the size of the event, rooms may be pre-registered, mass luggage handling planned for and meeting rooms set up. Front desk clerks, bellmen/van drivers and housepersons, including banquet housepersons, may be assigned to perform these tasks.

The record establishes that hotel employees enjoy identical benefits and work under the same conditions and policies regardless of the department in which they work. The hotel has

²⁶ The position of reservationist is scheduled to be eliminated because the Employer implemented a regional call center sometime within the last year. The record indicates that the part-time reservationist is leaving the hotel and the two full-time reservationists are being reassigned. One is being reassigned to a front desk clerk position and the other will be an accounting clerk.

²⁷ The PBX is the Employer's switchboard.

²⁸ One vehicle requires its driver to possess a commercial driver's license, which several of the bellpersons/vandriers possess. The other two vehicles require only a valid driver's license.

²⁹ This occurs when the hotel must service a large number of distress passengers when an airline flight is cancelled.

one employment application for all positions. As stated previously, orientation of new employees to review all policies, procedures and benefits takes place for a one day period. Orientation is then followed by on-the-job training by a more experienced employee. The probationary period for all employees is 90 days. The Employer also has a handbook which applies to all positions and outlines a dispute resolution process.³⁰ Employees have the same benefits, which include a paid time-off program of four days to four weeks per year³¹ and substantial discounts when staying in any hotel in the chain. All hourly employees punch the same timeclock and utilize the same break room and locker rooms. The Employer conducts monthly luncheon meetings for all employees where a team member of the month is named. The Employer also sponsors two all-employee events per year, a winter holiday party and summer picnic. Under the Employer's inter-department transfer policy, all hourly positions at the facility are posted internally and employees are encouraged to and do apply for new positions. The Employer also enters information into the computer system³² regarding all supervisory and management positions, as well as all line level positions.

The Employer also has team safety, no-smoking and telephone policies which apply to all employees. Any employee can invoke the Employer's 100 percent Satisfaction Guarantee whereby a guest will not be charged for his/her room if, in the estimation of the employee, the customer was not properly served.

All employees wear a uniform and are issued a name tag. The uniforms vary somewhat between departments. Suite keepers wear a light blue pinstriped smock and slacks. Housepersons, most of whom are apparently male, wear dark blue slacks and a light blue

³⁰ Employee problems are discussed in facilities department meetings at which housekeeping and maintenance employees are in attendance.

³¹ Lejambre approves vacation requests of housekeeping and maintenance employees, subject to the final approval of the General Manager.

³² The Employer's computer listing of all positions is called the "path". The listing of nationwide openings, which is updated every two weeks, is printed out for employees to view.

pinstriped shirt. Laundry employees wear the same uniform as suite keepers or housepersons, depending on their gender. Maintenance employees wear dark blue slacks and a matching tee-shirt with the hotel logo. Kitchen staff wear kitchen whites. Food and beverage employees in the job classifications of servers, bussers and bartenders wear dark slacks, a white shirt and decorative vest. Utility personnel wear a white utility jacket. Banquet servers wear tuxedo pants, white shirt, tie and tuxedo jacket. Banquet set-up personnel wear dark slacks and a polo shirt with the hotel logo.

The record demonstrates that many employees have utilized the inter-department transfer policy to move from one job classification to another. All but one of the maintenance employees worked in another department before becoming employed in maintenance.³³ Front desk employees Angela McCauly, Ray Boyer, Barnet Cryer, and Eric Willard all previously worked in housekeeping. McCauly also worked in the food and beverage department. Van driver William Cisco previously worked in housekeeping. Food and beverage employee Carmen Torres initially worked in the food and beverage department, transferred to a front desk position, and then returned to food and beverage.

In addition to the above-noted examples of transfers, several employees at the hotel routinely work at more than one job classification. The Employer generates Employee Information Reports which list the primary position held by the employee and whether he or she routinely works in more than one job function. Apparently, the Employer generates this document because the hours routinely assigned to departments other than the employee's primary position, are charged to the alternate department's budget. Conversely, temporary moves during the course of the day are not so charged. It appears that approximately 48 hourly

³³ At least three maintenance employees, Eric Lee, Melvin Brown and Watkins formerly worked in housekeeping positions.

employees listed on the report generated as of April 25, 2000, worked in more than one job function on a regular basis.³⁴

With respect to temporary assignments, the record establishes that employees are frequently called upon to assist in various areas. Thus, maintenance employees perform housekeeping, driving and laundry duties as the need arises,³⁵ in order to properly serve the hotel guests. The record shows that maintenance employees assist van drivers at least two times per week. The first floor houseperson assists the bellman with luggage on a daily basis. At banquets and weddings, housekeeping employees assist the banquet servers in setting up the banquet room. The record indicates that this occurs approximately six times per month.³⁶

Wages vary among the different hourly classifications. The wage rates of housekeeping employees range from a starting rate of \$7.75 to \$9.50 per hour. Inspectors are compensated one dollar per hour more than housepersons, suite keepers or laundry employees. The wage rate range for maintenance employees is from \$10.75 to \$16.50 per hour. Front desk clerks earn between \$8.50 and \$11.50 per hour. Cooks receive \$8.50 to \$11.00 per hour. Servers, bartenders, bussers and bellpersons/van drivers all receive tips in addition to their hourly rate.³⁷ All time cards are subject to payroll time edit which is a review of the time punches of the previous day. While any department manager can perform this function for any employee, it appears that the particular department manager performs the time edit for his/her own department the vast majority of the time. Thus, Lejambre performs the payroll time edit for the employees in the facility department approximately 90 percent of the time.

³⁴ Employees receive the rate of pay for their primary or "home" position when they work performing duties in other positions.

³⁵ During the month of April, certain maintenance employees were assigned to housekeeping positions at least twice per week. Generally, Lejambre decides to reassign maintenance employees. However, the record reveals that Benjamin also reassigns maintenance employees to perform housekeeping work.

³⁶ The hotel averages two to three business functions per day.

³⁷ The hourly wage rate of servers, bartenders, bussers and bellpersons/van drivers is \$4.25 to \$4.75, \$6.25 to \$7.75, \$6.75 to \$7.75 and \$6.25 to \$7.50, respectively.

In determining appropriate units for collective-bargaining purposes, the Act requires only that the unit be “appropriate” so as to insure to employees in each case the fullest freedom in exercising the rights guaranteed by the Act. There is nothing in the statute which requires that the unit for bargaining be the only appropriate unit, or the ultimate unit, or the most appropriate unit. Morand Brothers Beverage Co., et al. 91 NLRB 409, 418 (1950), *enfd.* on other grounds 190 F. 2nd 576 (7th Cir. 1951). See also, Omni International Hotel, 283 NLRB 475 (1987) and Capitol Bakers, Inc., 168 NLRB 904, 905 (1967). Although the unit sought by the petitioner is always a relevant consideration, and the Board first considers the appropriateness of the unit sought by the petitioner, the petitioner’s request is not binding or conclusive. Overnite Transportation Company, 322 NLRB 723 (1996).

It is well established that in the hotel industry the Board determines the appropriateness of units on a case-by-case basis utilizing traditional community-of-interest criteria. These criteria include distinctions in skills and function of particular employee groups, their separate supervision, the employer’s organizational structure, and differences in wages and hours, as well as integration of operations, employee transfer, interchange, and contacts. Westin Hotel, 277 NLRB 1506, 1508 (1986). In the hotel industry, at one time the Board applied a rigid rule mandating that an overall unit of hotel employees was presumptively appropriate. Arlington Hotel, Co., 126 NLRB 400 (1960). However, in 77 Operating Company, 160 NLRB 927 (1966), *enfd.* 387 F.2d 646 (4th Cir. 1967) the Board overruled Arlington, and announced that henceforth it would determine the appropriateness of bargaining units in this industry on the particular facts of each case. In Omni International Hotel, *supra*, the Board reaffirmed its commitment to make unit determinations based on community of interest considerations.

In the instant proceeding, the Petitioner seeks to represent the housekeeping employees whereas the Employer maintains that the only appropriate unit at the hotel consists of employees working in the front desk, food and beverage, and facilities departments. Based on the record herein, I conclude that the petitioned-for housekeeping unit in this case constitutes an inappropriate unit for collective-bargaining purposes, and that the smallest appropriate unit

would consist of employees in the facilities department, including both housekeeping employees and maintenance employees³⁸. Although an overall unit of the Employer's employees would also be an appropriate unit for bargaining, Board precedent does not mandate a finding that such a unit is the only appropriate bargaining unit in the hotel/motel industry.³⁹ See Western Lodging Corp., d/b/a Stanford Park Hotel, 287 NLRB 1291 (1988).

Within the facilities department, the record establishes that the housekeeping employees regularly and substantially interact with employees in the maintenance area in discussing the need for repairs or by the submission of maintenance request orders. The record also demonstrates a substantial degree of interchange between housekeeping and maintenance employees. In this regard, two of the maintenance employees who previously worked in housekeeping perform cleaning and houseperson functions on a weekly basis. Similarly, the dayshift houseperson performs light maintenance from 7a.m. to 8 a.m. every day when no maintenance employees are on duty. The same is true for the evening houseperson. The housekeeping and maintenance employee are commonly supervised by Lejambre, together with Benjamin and Watkins, and are subject to common labor relations policies and are grouped administratively in the same department.

³⁸ The record contains evidence of the pattern of bargaining in the Philadelphia area. The unit found appropriate herein is largely consistent with at least three hotels in the geographic vicinity of the Employer. However, the record also reflects that the larger units exist in other hotels in the area. Overall, there appears to be no discernable pattern of bargaining in the Philadelphia area.

³⁹ The Employer contends that in making a determination in this matter, I should be guided by the 1989 Decision and Direction of Election in Case 22-RC-10053 involving The Embassy Suites - Secaucus Meadowlands Hotel. However, several distinctions exist between the instant proceeding and the earlier case. Specifically, the petitioner in the earlier case sought to represent a larger group of employees who worked in four departments (housekeeping, complimentary breakfast, complimentary bar and banquet/sales) of the hotel. This group's community of interest was not sufficiently distinct from that of employees working in the maintenance engineering department and front desk department due, in part, to the employer's cross training program pursuant to which every new employee was required to familiarize himself with the functions of all classifications. There is no such cross training program in place at this facility. Finally, in the earlier case, unlike in the instant case, the inspectors in the housekeeping department were excluded on the basis of their supervisory status. Accordingly, sufficient differences exist between the facts in that proceeding and those present in the instant case to militate against finding the overall unit requested by the Employer to be the only one appropriate herein.

In the instant case, I recognize that the employees in all three departments receive the same benefits and are subject to the same policies and procedures found in the employee handbook. However, this does not compel a finding that an overall unit is the only appropriate unit. Stanford Park Hotel, supra. at 1292; See also Maxim's De Paris Hotel, 2895 NLRB 377 (1987) (separate unit of engineering department of employees found appropriate.)

In finding that the housekeeping and maintenance employees in the facilities department constitute the smallest appropriate unit herein, I note that the maintenance employees are not craft employees who are readily identifiable as a group whose similarity of skills create a separate community of interest. See Harrah's Illinois Corporation, 319 NLRB 749 (1995). In Harrah's, the Board found the petitioned-for unit of maintenance employees too limited in scope and, based on traditional community of interest factors, required the inclusion of heavy duty cleaners and cleaners with the maintenance employees. The Board noted that, as here, the three job classifications were all within one department. Moreover, the maintenance employees were required to build, repair and maintain the employer's riverboat complex. The heavy duty cleaners utilized power equipment in their cleaning and repaired small machines, mowed lawns and moved equipment. The cleaners performed general housekeeping functions. The Board noted that although not a routine occurrence, cleaning employees sometimes performed tasks designated as maintenance work such as hanging pictures, changing light bulbs and changing switches. Similarly, maintenance employees spent much of their time performing jobs which did not utilize their skills and the maintenance employees were expected to contribute to the overall cleanliness of the premises. See also Harrah's Club, 182 NLRB 810, 812, (1971). While the maintenance employees herein are paid at a higher wage rate than the housekeeping employees, I am not persuaded that this is sufficient to overcome the other factors which militate toward a finding that the housekeeping and maintenance employees share a particularly strong community of interest which requires their inclusion together in the appropriate unit.

Based upon the foregoing and the record as a whole, I find that a unit consisting solely of housekeeping employees is too limited in scope and that a unit of the employees limited to

the employees working in the facilities department is the smallest unit appropriate for purposes of collective bargaining herein. In this regard, I note that while employees in the facilities department acquire on-the-job training, there is no specialized training or experience required of any employees to work in any of the job classifications involved herein. The jobs performed by these employees are interrelated and functionally integrated toward the service and satisfaction of the hotel guests. There is a high degree of job interchange among the employees and employees will often work in more than one job classification during a single pay period. All of the facilities department employees necessarily have daily and frequent contact with each other in the performance of their job functions. In addition, all employees enjoy identical fringe benefits. Accordingly, I find that a unit limited to hourly employees in the facilities department is the smallest appropriate unit herein.

Accordingly, I find that the following employees of the Employer constitute a unit appropriate for collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time facilities department employees including suite keepers, housepersons, laundry, inspectors, pool attendants and maintenance employees employed by the Employer at its 9000 Bartram Avenue, Philadelphia, Pennsylvania, facility; excluding front desk department employees, food and beverage department employees, office clerical employees and guards, professional employees and supervisors as defined in the Act, and all other employees.

DIRECTION OF ELECTION⁴⁰

An election by secret ballot will be conducted by the Regional Director for Region Four among the employees in the unit set forth above at the time and place set forth in the Notice of Election to be issued subsequently, subject to the Board's Rules and Regulations.⁴¹ Eligible to

⁴⁰ At the hearing in this case, although requested to do so, the Petitioner did not clearly indicate whether it would be willing to proceed to an election in a unit other than the petitioned-for unit. Inasmuch as the unit found appropriate herein is somewhat broader than that sought by the Petitioner, I shall direct an election subject to the Petitioner's advising me in writing within ten (10) days of the date of this Decision and Direction of Election whether it desires to proceed in such a broader unit.

⁴¹ Pursuant to Section 103.20 of the Board's Rules and Regulations, official Notices of Election shall be posted by the Employer in conspicuous places at least 3 full working days prior to 12:01 a.m. of the day of the election. As soon as the election arrangements are finalized, the Employer will be informed when the Notices must be posted in order to comply with the posting requirement. Failure to post the Election

vote are those employees in the unit who were employed during the payroll period immediately preceding the date below, 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 their status as such during the eligibility period and their replacements. Those in the military services of the United States 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 and 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.⁴² Those eligible shall vote whether

Notices as required shall be grounds for setting aside the election whenever proper and timely objections are filed. The Board has interpreted Section 103.20(c) as requiring an employer to notify the Regional Office at least five (5) full working days prior to 12:01 a.m. of the day of the election that it has not received copies of the election notice.

⁴² In order to assure 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 to the election should have access to a list of voters and their addresses, 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). Accordingly, it is hereby directed that the election eligibility list, containing the full names and addresses of all eligible voters, must be filed by the Employer with the Regional Director of Region Four within seven (7) days of the date of this Decision and Direction of Election. The Regional Director of Region Four shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional Office of Region Four, 615 Chestnut Street, 7th Floor, Philadelphia, PA 19106-4404, on or before June 14, 2000. No extension of time to file this list may be granted, except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

or not they desire to be represented for collective bargaining by Hotel Employees,
Restaurant Employees Union Local 274.

Dated at Pittsburgh, Pennsylvania, this 7th day of June 2000.

/s/ Gerald Kobell

Gerald Kobell
Regional Director, Region Six

NATIONAL LABOR RELATIONS BOARD
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