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**Guide Dogs for the Blind, Inc. and Office and Professional Employees International Union, Local 29.**  
Case 20–RC–018286

July 3, 2013

DECISION ON REVIEW AND ORDER

BY CHAIRMAN PEARCE AND MEMBERS GRIFFIN  
AND BLOCK

On March 1, 2010, the Acting Regional Director for Region 20 issued a Decision and Direction of Election in which he found that the petitioned-for unit of canine welfare technicians and instructors was appropriate because those employees shared a substantial community of interest. In accordance with Section 102.67 of the National Labor Relations Board’s Rules and Regulations, the Employer filed a timely request for review, contending that only a unit of “all employees involved in the process of breeding, developing, training, and providing care for guide dogs” was appropriate. On March 25, 2010, the Board granted the Employer’s request for review solely with respect to whether employees from the veterinary, admissions and graduate services (AAGSO), breeding, kennel, and puppy-raising departments must be included in the petitioned-for unit.<sup>1</sup> No party filed a brief on review.

Having carefully considered the entire record in light of our decision in *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB No. 83 (2011), which issued after the Acting Regional Director’s Decision and Direction of Election, we find that the employees in the petitioned-for unit are a readily identifiable group who share a community of interest, and that the Employer has not met its burden of demonstrating that employees in the other “dog handling” classifications it seeks to include share an overwhelming community of interest with the petitioned-for employees so as to require their inclusion in the unit. Accordingly, we affirm the Acting Regional Director’s finding that the petitioned-for unit is appropriate.

I. FACTS

The Employer breeds, raises, cares for, and trains guide dogs for blind and visually-impaired persons throughout the United States and Canada. The Employer’s facility in San Rafael, California, covers 11 acres,

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<sup>1</sup> The Board denied the parties’ requests for review in all other respects. On August 27, 2010, a three-member panel affirmed the two-member Board’s initial Order.

and includes a training office, a dormitory, a veterinary clinic, and a large kennel complex. The kennel complex is divided into separate freestanding kennels, including a breeding kennel, a puppy-raising kennel, several kennels for training guide dogs, and receiving and boarding kennels.

The Employer is headed by a president/CEO and has several administrative divisions, each of which is headed by a director. All of the employees at issue work in either the community operations division or the training division. The community operations division, headed by Brent Ruppel, includes three departments: breeding, kennel, and puppy-raising. The community operations division is generally responsible for the first phase in the development of the prospective guide dogs: breeding the dogs, caring for them as puppies for 8 weeks, and then placing the puppies in the homes of volunteer custodians for 15 months.

The training division is headed by Terry Barrett, and includes three departments: training, veterinary, and admissions and graduate services. The training division is generally responsible for the later stages of the process: administering the guide-dog training program when the dogs return to the Employer’s facility, and eventually placing the trained dogs with blind and visually-impaired students.

The Petitioned-For Unit: Canine Welfare  
Technicians (CWTs) and Instructors

The Union seeks to represent two classifications of employees in the training department of the training division: canine welfare technicians (CWTs) and instructors. The parties stipulated that both of these classifications should be included in any unit found to be appropriate.<sup>2</sup> The 12 CWTs report directly to the canine welfare manager, who in turn reports to the training department director. CWTs’ core duties include exercising, feeding, bathing, and administering medications to the training guide dogs, and cleaning their kennels. Although CWTs use the training department office, which is located across the street from the kennel complex, they spend approximately 80 percent of their work time in the training kennel with the dogs. In addition to their duties with the

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<sup>2</sup> The specific classifications stipulated to are: apprentice instructors I, II, and III, licensed instructors, qualified instructors, master instructors, master licensed instructors, senior instructors, senior licensed instructors, senior qualified instructors, canine welfare technicians I, II, and III, senior canine welfare specialists, resident advisor/canine welfare technician modified, canine welfare specialists, and training/class specialists. For ease of reference, the several classifications of instructors will be collectively referred to as instructors, and the canine welfare classifications will be referred to as canine welfare technicians (CWTs).

dogs, CWTs may assist blind and visually-impaired students by picking them up from the airport and helping to orient them in the Employer's dormitory. The Employer requires CWTs to have a high school diploma or its equivalent. All of the CWTs are hourly-paid employees in grades 5 through 8. Their work shifts are staggered and generally cover the hours between 7 a.m. and 9 p.m., except for one resident advisor CWT who stays overnight in the dormitory.

There are approximately 21 instructors,<sup>3</sup> also in the training department, who are responsible for training both the guide dogs and the blind and visually-impaired students. Instructors are overseen by six training/class supervisors. Training generally occurs in successive cycles. Instructors first spend 2 months training the guide dogs, mostly off the Employer's premises in the surrounding community. Instructors then spend 3 weeks working with the students and guide dogs together in classrooms located in the Employer's dormitory. Instructors share cubicles in the same training office that CWTs use. Unlike CWTs, instructors must have a State license in addition to a high school diploma. Instructors are hourly-paid employees at grades 7 through 11. They work 5 days a week from about 7 a.m. to 6 p.m.

Included among instructors in the petitioned-for unit are seven apprentice instructors, who are part of the Employer's training apprentice program. These apprentice instructors are mentored on the job by other instructors in how to train the guide dogs and students. The apprentice instructors report directly to the training department director. The Employer hires most apprentice instructors from the ranks of the CWTs. Within about 6 months of successfully completing the apprenticeship program, most apprentice instructors receive their State licenses and are hired by the Employer as qualified instructors; in fact, 95 percent of the Employer's qualified instructors are hired from the ranks of its apprentice instructors.

Each training dog is assigned to a CWT for physical care and an instructor for training. For this reason, CWTs and instructors communicate and work together closely on a daily basis to address matters regarding the health and behavior of their assigned dogs. CWTs periodically assist instructors in implementing behavior modification techniques when a training guide dog exhibits problem behavior. Occasionally, CWTs are invited by instructors to attend training sessions.

#### Other Employees

The Employer contends that the smallest appropriate unit must include employees from five additional de-

partments: breeding, puppy-raising, kennel, admissions and graduate services, and veterinary.

#### Breeding Department Employees

The Employer seeks to include in the unit three employees in the breeding department of the community operations division: breeding colony supervisor, reproduction coordinator, and program coordinator. All three employees report directly to the breeding department manager. They work in the breeding department, which is located in the kennel complex and includes a laboratory, an office area, and a breeding kennel used only for dogs in the breeding program. The breeding colony supervisor spends about 80 percent of her work time screening and interviewing applicants for the Employer's volunteer custodian program, and making home visits to volunteers who have breeding or pregnant dogs in their homes. She spends the other 20 percent of her time doing hands-on work with the breeding dogs, including assessing them for breeder status and overseeing natural breedings and artificial inseminations. The breeding colony supervisor position requires a high school degree or its equivalent, a minimum of 3 years experience in livestock breeding and associated inheritable disorders, and a minimum of 2 years experience in canine reproductive techniques. The breeding colony supervisor is paid at grade 9 and generally works 5 days a week from 9 a.m. to 6 p.m.

The reproduction coordinator oversees the ovulation timing of dogs; determines breeding rates; performs semen evaluations and artificial inseminations; and manages the Employer's cryogenetic program. She spends nearly 50 percent of her time in the breeding laboratory performing these core duties; the other 50 percent of her time is spent in the breeding office doing administrative work involving cryogenetics and other issues pertaining to breeding. The reproduction coordinator is required to have a high school degree, and a minimum of 2 years experience in the principles and practices of canine reproduction or a license as an animal health technician. The reproduction coordinator works 5 days a week from 7 a.m. to 3 or 4 p.m., and is paid at grade 8.

The program coordinator provides administrative assistance to the breeding department and serves as the primary contact with the public and the volunteers. The position entails extensive typing, telephone, and filing work. The program coordinator reports to the breeding and dog placement director, is required to have a minimum of 3 years experience in an administrative position, and is paid at grade 7.

Generally, breeding dogs remain separate from other dogs, and training department employees are not permitted in the breeding kennel, which is overseen by kennel

<sup>3</sup> The Acting Regional Director states that there are 30 instructors; however, the record indicates that there are only 21.

technicians. CWTs may occasionally enter the breeding office and communicate with the breeding department when taking care of dogs that are being evaluated as prospective breeders but have not moved into the breeding kennel. There is, however, no evidence of any permanent or temporary transfers of employees between the breeding and training departments.

#### Puppy-Raising Department Employees

The Employer seeks to include in the unit seven community field representatives and two dog placement coordinators in the puppy-raising department of the community operations division. All employees in this department report directly to the puppy-raising manager, who reports to Director of Community Operations Ruppel. After puppies are born, they stay in the puppy kennel at the San Rafael campus for a period of 8 weeks and are then housed with volunteers until the age of 15 months. The community field representatives are responsible for monitoring the puppies that are housed with the volunteers. The community field representatives are assigned to cover different regions of the country, and they closely monitor the health and behavior of over 100 puppies in their respective regions. Many community field representatives work out of their homes.<sup>4</sup> The vast majority of their time is spent traveling to homes where the puppies are being housed.<sup>5</sup> They are in constant communication with the puppy-raising manager at the San Rafael facility, and they attend meetings there four to six times a year. Community field representatives are required to have a minimum of 5 years experience in dog obedience or handling. Community field representatives are salaried employees paid at grade 10.

The two dog placement coordinators in the puppy-raising department are responsible for facilitating the successful placement of nontraining dogs (such as retired or career-change dogs) in an appropriate setting.<sup>6</sup> The coordinators respond to queries involving the dog placement program; interview applicants; monitor care given to the dogs in the kennel; evaluate each dog's behavior and temperament; and perform administrative tasks. The dog placement coordinators must have a minimum of 2 years experience in assessing dog health, temperament, and behavior, and are hourly employees paid at grade 8.

Community field representatives in the puppy-raising department respond to inquiries from training department

personnel regarding the development of particular dogs. The puppy-raising department also works with the training department to ensure that the community field representatives are adhering to puppy-raising protocols. There is no evidence of any permanent or temporary transfers of employees between the puppy-raising department and the training department.

#### Kennel Department Employees

The Employer seeks to include in the unit approximately 25 kennel department employees, including a kennel-training supervisor, a kennel supervisor, an assistant kennel manager, kennel technicians, dog care specialists, senior dog care specialists, and a kennel program coordinator.<sup>7</sup> The kennel department employees report directly to the kennel manager, who reports to Director of Community Operations Ruppel. Kennel department employees generally work only in the breeding, puppy-raising, and receiving kennels; they physically care for all dogs other than guide dogs in training.

Kennel technicians are primarily responsible for dog care duties, including grooming, feeding, bathing, medicating, and exercising dogs in the puppy-raising kennels. They may also care for adult dogs being boarded at the facility or for "career-change" dogs, and help with breeding and whelping. Kennel technicians spend nearly 80 percent of their time in the kennel complex caring for dogs. One kennel technician works the graveyard shift, and is responsible for all the dogs in the kennel complex, including those in the training kennels. Kennel technicians are hourly paid employees at grade 5.

Dog care specialists are responsible for providing physical and psychological care to nontraining dogs. These employees keep the kennels clean, help during the whelping process, and care for puppies. They also instruct others in proper dog handling, dog care, and the administration of medication. Dog care specialists are hourly paid employees at grade 8.

The other kennel employees that the Employer seeks to include in the unit perform the same essential dog-care tasks as kennel technicians and dog care specialists but with additional administrative and managerial responsibilities. They are hourly paid employees at grades 9 through 11. The kennel program coordinator is an administrative assistant who also assists in the kennel department.

<sup>4</sup> For example, four community field representatives work out of their homes in California, and one each does so in Oregon, Washington, and Colorado.

<sup>5</sup> Work at home and travel together constitute approximately 75 percent of a community field representative's time.

<sup>6</sup> It is unclear in which building these employees work.

<sup>7</sup> The supervisory status of the assistant kennel manager, kennel-training supervisor, and kennel supervisor was not resolved by the Acting Regional Director. The status of the kennel manager is not contested.

Two current kennel technicians were formerly CWTs in the training department; there is no evidence of any kennel employees transferring to the training department.

#### Admissions and Graduate Services Employees

The Employer seeks to include in the unit 13 field service managers (FSMs) who work in the admissions and graduate services department of the Training Division. FSMs report to the director of admissions and graduate services, who reports to Training Division Director Barrett. FSMs are licensed employees who are responsible for conducting home visits and helping graduates of the program with any dog-related issues that may arise. The FSMs help the students transition from class to home and also provide telephonic assistance as needed. Seventy-five to eighty percent of their work time is spent in the field. They also conduct home interviews for prospective applicants and assist with apprentice education via followup visits. All but three FSMs work out of their homes at locations around the country; the FSMs who work at the Employer's facility share an office in the administrative building. FSMs are salaried employees paid at grade 12.

FSMs require the same licensing as instructors in the training department and use the same training manual as instructors. However, FSMs also use a unique field training manual, and their training and work techniques—while similar in nature to those of instructors—instead focus on the needs of individual clients in their homes and local communities rather than at the Employer's facility. Occasionally, instructors will perform the same type of in-home followup work as FSMs, and FSMs will sometimes mentor apprentice instructors who are making home visits. FSMs and instructors also communicate directly regarding the progress of students and guide dogs in the program. At the time of the hearing, one of the Employer's instructors had recently transferred to an FSM position; there is no evidence that any FSMs have permanently transferred to positions in the training department.

#### Veterinary Employees

In the veterinary department of the training division, the Employer seeks to include approximately five veterinary technicians, including a supervising veterinary technician to whom the others report.<sup>8</sup> The veterinary clinic is located within the kennel complex and provides medical care to all of the Employer's dogs located at its facility or housed with volunteer custodians, as well as to dogs that have graduated from the Employer's training

program. If instructors, CWTs, or kennel technicians believe that there is a medical issue with any of the dogs, they will bring the dogs to the veterinary clinic. Veterinary technicians examine, evaluate, vaccinate, and deworm dogs, as well as dispense medications. Veterinary technicians are not required to have any education beyond high school, but they are expected to have a few years of experience in that capacity. Several of the veterinary technicians are registered with the State, which requires completing courses and passing a test; these registered veterinary technicians can perform certain tasks that the others cannot legally perform, such as inducing anesthesia and extracting teeth. Most of the veterinary technicians work 4 days a week for 10 hours a day; they are on-call 24-hours a day, 7 days a week, including holidays. They are hourly paid employees at grade 9.

In providing medical care to the dogs, veterinary technicians regularly interact with training department employees as well as employees in all of the other departments at issue. There is no evidence of any temporary or permanent transfers of employees between the veterinary clinic and the training department.

#### Terms and Conditions of Employment Common to all of the Disputed Employees

All of the employees at issue share similar benefits and are subject to the same policies and procedures. Employees who spend 60 percent of their time outdoors receive a rainwear and shoe benefit; these include the CWTs, instructors, and apprentices. All employees who work at the San Rafael facility share the same breakroom, lounge area, and parking lots.

#### II. ANALYSIS

The Board's decision in *Specialty Healthcare* set forth the principles that apply in cases like this one, in which a party contends that the smallest appropriate bargaining unit must include additional employees (or job classifications) beyond those in the petitioned-for unit. As explained in that decision, when a union seeks to represent a unit of employees "who are readily identifiable as a group (based on job classifications, departments, functions, work locations, skills, or similar factors), and the Board finds that the employees in the group share a community of interest after considering the traditional criteria, the Board will find the petitioned-for unit to be an appropriate unit . . ." 357 NLRB No. 83, *supra*, slip op. at 12. If the petitioned-for unit satisfies that standard, the burden is on the proponent of a larger unit to demonstrate that the additional employees it seeks to include share an "overwhelming" community of interest with the petitioned-for employees, such that there "is no legiti-

<sup>8</sup> The supervisory status of the supervising veterinary technician was not resolved by the Acting Regional Director.

mate basis upon which to exclude certain employees from” the larger unit because the traditional community of interest factors “overlap almost completely.” *Id.*, slip op at 11–13, fn. 28 (quoting *Blue Man Vegas, LLC v. NLRB*, 529 F.3d 417, 422 (D.C. Cir. 2008)). Applying this framework here, we find that the petitioned-for employees constitute an appropriate unit.

*A. CWTs and Instructors are a Readily Identifiable Group and Share a Community of Interest*

The CWTs and instructors are “readily identifiable as a group.” They are all the employees in the two classifications in the training department—CWT and instructor—that perform the function of training and caring for active service dogs at the Employer’s facility.

The CWTs and instructors share a community of interest, as well. In determining whether employees in a proposed unit share a community of interest, the Board examines:

whether the employees are organized into a separate department; have distinct skills and training; have distinct job functions and perform distinct work, including inquiry into the amount and type of job overlap between classifications; are functionally integrated with the Employer’s other employees; have frequent contact with other employees; interchange with other employees; have distinct terms and conditions of employment; and are separately supervised.

*Specialty Healthcare*, supra, slip op. at 9 (quoting *United Operations*, 338 NLRB 123, 123 (2002)).

Here, the CWTs and instructors work in the same administrative division and department and use the same training department office. Although they have separate immediate supervisors, both work under the direction of the training department director. Moreover, their work “has a shared purpose and . . . is functionally integrated.”<sup>9</sup> they perform complementary tasks at the Employer’s facility in preparing the training dogs and students for service away from the Employer’s facility. Instructors are primarily responsible for providing substantive training; they rely on the CWTs to provide physical care to the dogs in a way that best facilitates the training regimen. To this end, they work together closely to monitor the health of the dogs and resolve specific behavioral issues. In fact, they are the only employees who regularly work with the guide dogs and students during the training phase of the process in the facility and who interact with dogs in the training kennels. In this capacity,

<sup>9</sup> *Northrop Grumman Shipbuilding*, 357 NLRB No. 163, slip op. at 3 (2011).

they have only limited contact with other employees, and there is little evidence of interchange between employees in other departments and those in the training department.<sup>10</sup> Indeed, 95 percent of instructors have progressed from the apprentice instructor positions, and the Employer hires most of its apprentice instructors from the ranks of its CWTs, creating a clear career ladder for these positions. Further, both CWTs and instructors are hourly paid; receive similar benefits, including the rain-wear and shoe benefit; and are subject to the same Employer policies.

Although there are some differences between CWTs and instructors, we find them insufficient to overcome the strong evidence of community of interest. Instructors are required to obtain certification from the State; accordingly, they are paid at higher grade levels. CWTs and instructors also work different hours and at times in different physical spaces. But in most other respects relevant to the community of interest factors, the employees in the petitioned-for unit are the same. See *DTG Operations*, 357 NLRB No. 175, slip op. at 5 (2011).<sup>11</sup>

*B. Employees in Other “Dog-Handling” Classifications Do Not Share an Overwhelming Community of Interest with CWTs or Instructors*

Because *Specialty Healthcare* issued after the Acting Regional Director’s decision in this case, the Acting Regional Director did not expressly address whether employees in the other “dog handling” classifications shared an “overwhelming” community of interest with the petitioned-for employees. The Acting Regional Director did find, however, that these other employees had separate and distinct interests from CWTs and instructors. Applying *Specialty Healthcare*, we find that the Employer has failed to demonstrate that other “dog handling” classifications share an overwhelming community of interest with the petitioned-for employees.<sup>12</sup>

<sup>10</sup> See *Continental Web Press*, 262 NLRB 1395, 1396 (1982) (finding a distinct community of interest where various employees in the same department worked together to complete a discrete organizational task, and had little contact or interchange with other employees), enf. denied 742 F.2d 1087 (7th Cir. 1984).

<sup>11</sup> Cf. *Odwalla*, 357 NLRB No. 132, slip op. at 5 (2011) (declining to find community of interest where “recommended unit does not track any lines drawn by the Employer, such as classification, department, or function”).

<sup>12</sup> The Acting Regional Director’s decision issued before *Specialty Healthcare*, which clarified that it is the Employer who bears the burden of demonstrating the existence of an overwhelming community of interest extending beyond an otherwise appropriate petitioned-for unit. *Id.*, slip op. at 12-13 fn. 28. Here, it is not clear whether the Acting Regional Director allocated the burden of proof to the Employer. In sustaining the Acting Regional Director’s conclusion, we expressly do so. But even assuming that *Specialty Healthcare* effected a change in

In *Specialty Healthcare*, the Board held that two groups share an overwhelming community of interest when their community of interest factors “overlap almost completely.” Here, the employees in the breeding, puppy-raising, and veterinary departments share virtually no overlapping factors with the employees in the petitioned-for unit. Those employees work in separate administrative departments, report to different managerial chains, and work in separate physical spaces. Moreover, they perform different job functions that require “specialized skills and training.”<sup>13</sup> breeding department employees must have experience in breeding and canine reproduction; puppy-raising employees must have experience in dog obedience and handling; and veterinary technicians must have veterinary experience.

As the Employer correctly points out, employees in the kennel department and the admissions and graduate department do perform certain tasks similar to those performed by employees in the petitioned-for unit. Specifically, the work of the kennel employees in providing physical care to dogs in various kennels somewhat resembles the work the CWTs perform in the training kennel. Likewise, FSMs perform some similar training functions offsite as do instructors at the Employer’s facility. Nonetheless, we find that, for the reasons discussed below, given all the circumstances these shared characteristics do not outweigh other factors demonstrating that the kennel employees and FSMs do not share an overwhelming community of interest with the CWTs or instructors. See *Grace Industries, LLC*, 358 NLRB No. 62, slip op. at 4 (2012) (although the evidence showed “some degree of overlap between the asphalt pavers and other employees, this alone does not render a separate unit of asphalt pavers inappropriate.”); and *Charles H. Tompkins Co.*, 185 NLRB 195, 196 (1970) (“[T]he fact that other

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this respect, rather than simply clarifying the existing burden, we find that imposing the burden of proof on the Employer is not a retroactive change that “work[s] a ‘manifest injustice.’” See *SNE Enterprises*, 344 NLRB 673, 673 (2005) (citations omitted). As in *SNE Enterprises*, there is no evidence that the Employer relied on any precedent relieving it of the burden of proof; indeed, the Employer presented extensive evidence aimed at demonstrating the extent of the community of interest between the training department employees and the Employer’s other “dog handling” employees. *Id.* Moreover, like *SNE Enterprises*, this is a representation case, where the Board’s ordinary rule is to apply its decisions retroactively, including to all pending cases. *Id.* at 673–674. In addition, imposing the burden on employers in the limited circumstances specified in *Specialty Healthcare* “d[oes] not otherwise represent a significant departure from a well-settled area of the law.” *SNE Enterprises*, 344 NLRB at 674. For these reasons, the Employer has not been prejudiced by our application of *Specialty Healthcare*. See *Northrop Grumman*, supra, slip op. at 3 fn.8.

<sup>13</sup> *Overnite Transportation Co.*, 322 NLRB 347, 347 (1996).

employees perform some of the same tasks is not sufficient in itself to render the requested unit inappropriate.”)

Kennel employees work in a different department and division than the CWTs and instructors, and they report to different managers. In addition, kennel employees provide physical care for puppies and career-change dogs, a wholly distinct population than the training dogs cared for by the CWTs. The dogs in the training kennel are specifically excluded from their purview. Kennel employees have little formal contact or interchange with the petitioned-for employees in the training department, and their work is not connected to the discrete training module that is jointly administered by CWTs and instructors.

Likewise, while FSMs and instructors have comparable qualifications and perform related substantive duties, they work toward distinct goals in geographically disparate locations. FSMs are in a different department and report to a different managerial chain. Unlike instructors, who provide training to dogs and students before they leave the Employer’s facility, FSMs perform post-graduate services: they attend to dogs and students who have already completed the onsite program. Significantly, their work takes place away from the Employer’s campus and consists almost entirely of home visits in different parts of the country. In contrast to the more general training that takes place at the Employer’s facility, the services provided by FSMs cater specifically to the needs of the dogs and students in their homes and communities. The distinctive focus of FSMs’ work is evidenced, in part, by their reliance on a separate field training manual.<sup>14</sup> The uniqueness of the FSMs’ position is further borne out by the fact that, unlike most of the other employees, FSMs are salaried rather than hourly.

The Employer also argues that all “dog-handling” employees must be included in the unit because “all of the dog care classifications . . . work together to accomplish the growth, development, training, and care of guide dogs throughout the dogs’ lives.” But here, where each classification has a “separate role in the process” and employees in the training department have only limited interaction and interchange with other classifications, we decline to find an overwhelming community of interest between them. See *DTG Operations*, supra at slip op. 7. In support of its argument, the Employer relies on *Buckhorn*, 343 NLRB 201 (2004), and *Publix Super Markets*, 343 NLRB 1023 (2004), two pre-*Specialty Healthcare* cases in which the Board cited functional integration as a

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<sup>14</sup> See *Northrop Gruman*, supra at slip. op 4 (finding no overwhelming community of interest where employees performed distinct job functions).

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factor in rejecting the appropriateness of a smaller unit. In *Buckhorn*, supra, however, the Board found that, unlike here, there was a significant degree of interaction, contact, and interchange among all classifications, as well as extensive evidence of permanent transfers. *Id.* at 203–204. Likewise in *Publix*, supra, the Board cited “significant plantwide interchange” and regular contact between employees as reasons for rejecting the smaller unit sought by the union. *Id.* at 1027. In contrast, the Employer here has failed to demonstrate that its “dog-handling” employees are so functionally integrated as to blur the pronounced differences that exist between the interests of the petitioned-for training department employees and the other employees that the Employer seeks to include.

## Conclusion

For the reasons explained above, we find that CWTs and instructors are a readily identifiable group who share a community of interest among themselves. We further find that the Employer has not demonstrated that its other “dog-handling” employees share an overwhelming community interest with either the CWTs or the instruc-

tors. Under *Specialty Healthcare*, the petitioned-for unit thus constitutes an appropriate unit for bargaining.

## ORDER

The Acting Regional Director’s Decision and Direction of Election is affirmed. This proceeding is remanded to the Regional Director for appropriate action consistent with the Decision and Order.

Dated, Washington, D.C. July 3, 2013

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Mark Gaston Pearce, Chairman

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Richard F. Griffin, Jr., Member

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Sharon Block, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD