



## Labor Board Clears Boeing For Takeoff, Ices Funky Bargaining Unit

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In the latest turn of a union campaign saga for Boeing, the National Labor Relations Board invalidated a bargaining unit at Boeing's South Carolina facility this week by applying its [PCC Structural, Inc.](#) decision.

The source of the saga was the Obama Board's 2011 decision in [Specialty Healthcare](#), which opened the floodgates on "micro-units" – small bargaining units within a larger facility of employees. The decision was a boon for unions, which are more effective organizing small groups of workers than gaining majority support of an entire workforce. That decision served as the basis for the Board affirming [funky bargaining units](#) for years until [Specialty Healthcare was overturned](#) in 2017 by [PCC Structural, Inc.](#), which reinstated the traditional community of interest test in determining appropriate bargaining units.

Despite that win for employers, Boeing saw the International Association of Machinists and Aerospace Workers organize a [micro-unit win](#) at its South Carolina facility in 2018. After the IAM failed twice in organizing Boeing's 2,700-employee facility, it successfully petitioned for an election with roughly 178 technicians/mechanics at the plant – just 6 percent of the workforce. Boeing [refused to bargain](#), setting up an appeal over the appropriateness of the fractured micro-unit. That appeal [issued Monday](#), handing Boeing the win and clarifying the Board's community of interest test under [PCC Structural, Inc.](#)

The Board explained that, when determining whether a petitioned-for unit is appropriate, it will consider:

1. Whether the members of the petitioned-for unit share a community of interest with each other
2. Whether the employees excluded from the unit have

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- meaningfully distinct interests in the context of collective bargaining that outweigh similarities with unit members
3. Guidelines the Board has established for appropriate unit configurations in specific industries

In Boeing's case, the Board determined that the mechanics did not share an internal community of interest with each other and did not have meaningfully distinct interests from the other 94 percent of the workforce excluded from the unit. The Board also concluded that there were no appropriate-unit guidelines specific to the employer's industry.

Despite this win, the fight over scope of unit in union elections will continue to be difficult. For example, after being remanded by the Board, the regional director overseeing the election in PCC Structural, Inc. found – under the community of interest test – that the [micro-unit in that case was still proper](#).