

Beecham Products, Division of Beecham, Inc. and District Lodge 15, International Association of Machinists & Aerospace Workers, AFL-CIO.
Case 22-RC-8068

August 27, 1980

DECISION ON REVIEW AND ORDER

BY CHAIRMAN FANNING AND MEMBERS
JENKINS AND PENELLO

On January 11, 1980, the Regional Director for Region 22 issued a Decision and Direction of Election in this proceeding in which he found appropriate for collective bargaining a unit limited to maintenance employees including machine mechanics, machine service employees, and building maintenance employees at the Employer's Clifton, New Jersey, facility. Thereafter, the Employer filed a timely request for review, alleging that 49 of the approximately 61 employees in the petitioned-for unit have a closer community of interest with the production employees than they do with the 12 employees in the building maintenance department.

On February 4, 1980, the Board granted the Employer's request for review.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board had considered the entire record in this case with respect to the issues under review and makes the following findings:

The Employer is engaged in the manufacture and sale of health and beauty aids. The Employer employs approximately 440 production employees as well as the 61 maintenance employees the Petitioner seeks to represent. The Employer's production and maintenance operations are divided into two primary departments, production headed by the plant superintendent, and building maintenance headed by the plant engineer. Reporting to the plant superintendent are the manufacturing manager, two machine maintenance supervisors, and the packaging manager. Under the manufacturing manager are 2 foremen, 47 compounders, and 3 janitors. Under the 2 machine maintenance supervisors are 31 machine maintenance mechanics and 11 machine service employees. Under the packing manager there are 33 charge hands, 258 packaging operators, 33 material handlers, an ALP mechanic foreman,¹ 6 ALP mechanics, and 7 janitors. Reporting to the plant engineer is the building maintenance

supervisor and the electrical supervisor who supervise the seven building maintenance mechanics, three electricians, and two machinists.

The Employer's Clifton, New Jersey, facility is divided into three sections, administrative, warehousing, and production, with warehousing and production occupying 40 percent and 50 percent of the facility, respectively. The production facilities operate on two shifts. There are 18 packaging line spaces and each packaging line is staffed by machine operators, charge hands, machine mechanics, and packers. On the first shift, several of the machine mechanics report to work an-half hour early to set up and start up the machines. The remainder of the mechanics and the line crew members report at the regular starting time. The mechanics, while on their assigned line, maintain the machinery, see that the lines operate properly, assist the operators, and, when necessary, fine tune the timing mechanisms. The mechanics and service employees on the second shift perform the same functions, but because the machines are running when they report, there is no need for early reporting as is required on the first shift. The mechanics and machine service employees spend 90 percent and 100 percent of their time, respectively, on the production floor; the ALP mechanics are required to be in the area at all times that the ALP machines are running. All mechanics, machine service employees, and the ALP mechanics are supervised by production department supervisors who report to the plant superintendent.

Building maintenance employees perform skilled work such as welding, carpentry, electrical wiring, and painting. They are supervised by the building maintenance and electrical supervisors, both of whom report to the plant engineer. The building maintenance employees and the two machinists work out of the maintenance shop which is located in the warehouse area and is equipped with drill presses, lathes, saws, and other equipment. They perform their building maintenance duties in all areas of the Employer's facility, including the administrative offices. They also work on the packaging lines when a major overhaul is required or a major breakdown occurs.

The Regional Director found that the petitioned-for maintenance employees share a community of interest among themselves and constitute a separate appropriate unit under *Vernon Dyestuff Division, Mobay Chemical Corporation*, 225 NLRB 1159 (1976). In so finding, the Regional Director relied on evidence that maintenance employees perform maintenance work only and that production and warehouse employees perform no maintenance work, that the maintenance and production em-

¹ The parties stipulated that the ALP foreman is a lead employee and not a supervisor within the meaning of Sec. 2(11) of the Act. The ALP machine is an automatic "blow moulding, plastic extrusion machine" that molds plastic bottles and fills them at the same time.

employees have different job classifications, and that the degree of interchange between the two groups is not large. Also, he pointed out that maintenance work is supervised by maintenance supervisors who have no control over production employees.

We find merit in the Employer's contention that the petitioned-for employees do not constitute a separate appropriate unit. Thus, the record shows that the mechanics and machine service employees report directly to the production line to which they are assigned. Indeed, several of them are assigned to set up and start up the production lines before the production employees arrive. These employees work alongside of, and are in constant contact with, production line employees. All maintenance and production employees are hourly paid and share common benefits. Seniority is plantwide and maintenance employees can bump into production jobs to avoid layoff. As to their "separate" supervision by "maintenance supervisors," such supervision is only at the first level, but is within the production supervisory hierarchy. By comparison, the building maintenance employees are supervised by the maintenance supervisors who report to the plant engineer. In addition not all of the machine mechanics and machine service employees are highly skilled. They are not required to possess any previous experience for entry level positions. Nor are they required to have had any formal training. Instead, they are hired based on their potential and given on-the-job training with progression to the higher grades based on time-in-grade and experience. In this respect we note that approximately 25 percent of the mechanics and machine service employees progressed into these positions from the production ranks. Further, although the mechanics and machine service employees are primarily engaged in mechanical maintenance, their maintenance work is wholly connected with the operation of the production equipment and such duties are an integral part of the production process.

In sum, we find that the maintenance unit sought herein is not composed of a distinct and homogene-

ous group of employees with interests separate from those of other employees. In so finding, we rely on, in particular, evidence that the machine mechanics and machine service employees spend almost all of their time on the production floor in contact with production employees and perform duties which are an integral part of the production process. Furthermore, the machine mechanics and machine service employees are supervised by supervisors who report to the plant manager in charge of production. By contrast, the building maintenance employees, unlike the machine mechanics and machine service employees, on the whole, possess craft skills and are supervised by the plant engineer in charge of maintenance. Finally, we note that the machine mechanics and machine service employees do not interchange or regularly work with the building maintenance employees. Hence, we find that a maintenance unit including the machine mechanics and machine service employees is inappropriate.²

Finally, we note that the Petitioner did not express a desire to participate in an election in a unit other than the petitioned-for unit. Accordingly, we shall dismiss the petition.

ORDER

It is hereby ordered that the the petition be, and it hereby is, dismissed.

CHAIRMAN FANNING, dissenting:

For the reasons set forth in the Regional Director's decision, I dissent from my colleagues' decision in this case. I would find that the Petitioner's requested unit of maintenance employees constitutes an appropriate unit and would direct an election in that unit.

² See *Monsanto Company*, 183 NLRB 415 (1970).

Verona Dyestuff, supra, relied on by the Regional Director, is clearly distinguishable by the separate supervisory hierarchy for maintenance and production employees and the absence of any indication that certain maintenance employees were regularly assigned to the production floor to perform work which was an integral part of the production process.