

In the Matter of AIRPLANE MANUFACTURING & SUPPLY CORPORATION
and AMSCO EMPLOYEES INC., INDEPENDENT

Case No. 21-R-2343.—Decided June 15, 1944

Mr. Arnold M. Cannan, of Los Angeles, Calif., for the Company.
Messrs. Marlan Proctor, and Peter Mott, of Los Angeles, Calif.,
for the Union.

Mr. Joseph E. Gubbins, of counsel to the Board.

DECISION

AND

CERTIFICATION OF REPRESENTATIVES

STATEMENT OF THE CASE

Upon petition duly filed by Amsco Employees Inc., Independent, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Airplane Manufacturing & Supply Corporation, Glendale, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George H. O'Brien, Trial Examiner. Said hearing was held at Los Angeles, California, on May 8, 1944. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues.¹ The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded an opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Airplane Manufacturing & Supply Corporation, a California corporation, operates a plant at Glendale, California, where it is en-

¹ International Association of Machinists was duly served with notice of the hearing, but failed to appear

gaged in the manufacture and sale of airplane tools, supplies, and equipment. During the year 1943, the Company used raw materials valued at approximately \$1,650,000, over 50 percent of which was received from points outside the State of California. During the same period, the Company's sales amounted to approximately \$5,000,000 in value, a substantial amount of which was shipped to points outside the State of California.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Amsco Employees Inc., Independent, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the bargaining representative of certain of its employees unless and until the Union has been certified by the Board.

A statement prepared by a Board Agent, introduced into evidence at the hearing, indicates that the Union represents a majority of the employees in the unit hereinafter found to be appropriate.²

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The Union seeks a unit comprised of all the guards employed by the Company, including the lieutenant and sergeants, but excluding the chief of guards. The Company is not opposed to the unit sought by the Union, but requests the Board to rule with respect to the issue of the supervisory status of the lieutenant and the sergeants.

The Company employs one lieutenant who assists the chief of guards and assumes certain of the chief's duties during his absence. He is in complete charge of all fire equipment and is responsible for its operation and maintenance. He makes a daily inspection of the guards, and checks their attendance, equipment, and daily reports. The record indicate that his recommendations are sufficiently effective to cause changes in the working status of the guards. We find that the lieutenant is a supervisory employee and for that reason we shall exclude him from the unit.

² The agent's report shows that the Union submitted 21 authorization cards, all of which bear the names of persons listed on a pay roll of the Company dated about April 28, 1944; there are 36 employees in the unit alleged by the Union to be appropriate, 35 of whom are in the unit hereinafter found to be appropriate.

With respect to the sergeants, it appears that their duties, in general, are similar to those of ordinary guards. The record discloses that these employees do not possess any supervisory authority. We shall therefore, include the sergeants in the unit.

We find that all guards employed by the Company, including the sergeants, but excluding the lieutenant, chief of guards, and all other supervisory employees who have authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

Both parties ask that the Union be certified on the record. Since the Union represents a clear majority of the employees who comprise the appropriate unit,³ and in view of the request made by all interested parties, we shall not direct an election in accordance with our customary procedure, but shall certify the Union.⁴

CERTIFICATION OF REPRESENTATIVES

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Sections 9 and 10, of the National Labor Relations Board Rules and Regulations—Series 3,

IT IS HEREBY CERTIFIED that Amsco Employees Inc., Independent, has been designated and selected by a majority of all guards employed by Airplane Manufacturing & Supply Corporation, Glendale, California, including the sergeants, but excluding the lieutenant, chief of guards, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (a) of the Act, the said organization is the exclusive representative of all such employees for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.

³ See footnote 2, *supra*.

⁴ See *Matter of Aluminum Company of America, Chicago Works*, 56 N. L. R. B. 216.