

In the Matter of ANNISTON WAREHOUSE CORPORATION and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL NO. 136, A. F. OF L.

Case No. 10-R-1241.—Decided August 15, 1944

Messrs. Knox, Liles, Jones & Woolf, by *Mr. R. E. Jones*, of Anniston, Ala., for the Company.

Messrs. Hugh W. Brown and B. F. Reeves, both of Birmingham, Ala., for the Electricians.

Mr. Thomas O. Brown, of Birmingham, Ala., for the Engineers.

Mr. David V. Easton, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Brotherhood of Electrical Workers, Local No. 136, A. F. of L., herein called the Electricians, alleging that a question affecting commerce had arisen concerning the representation of employees of Anniston Warehouse Corporation, Bynum, Alabama, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before T. Lowry Whittaker, Trial Examiner. Said hearing was held at Anniston, Alabama, on July 12 and 13, 1944. The Company and the Electricians appeared,¹ participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's ruling 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:

¹ A representative of the Engineers appeared at the hearing on July 13, 1944, solely in order to clarify the scope of the unit for which it was certified as collective bargaining representative on June 9, 1944 (See *Matter of Anniston Warehouse Corporation*, 56 N. L. R. B. 133. The Engineers claimed no interest in the employees sought by the Electricians, and took no further part in the proceeding.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Anniston Warehouse Corporation, a Delaware corporation, is a wholly owned subsidiary of the Chrysler Corporation. It operates an ordnance depot located at Anniston, Alabama, which is owned by the United States Government. In the course of its operation of the depot, the Company receives, stores, renovates, and ships ammunition, general supplies, and field service maintenance units. Almost all materials shipped to the depot at Anniston originate from outside the State of Alabama, and practically all materials shipped from the depot are sent to points outside the State.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

International Brotherhood of Electrical Workers, Local No. 136, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refused to grant recognition to the Electricians as the exclusive bargaining representative of certain of the Company's employees until the Electricians has been certified by the Board.

A statement of a Field Examiner for the Board, introduced into evidence at the hearing, indicates that the Electricians represents a substantial number of employees in the unit hereinafter found 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 Electricians seeks a unit comprised of all electricians and helpers in Department 41, and battery men in departments 94 and 17 employed by the Company, excluding supervisors and all other employees.

² The Field Examiner reported that the Electricians submitted 21 designations, of which 7 bore the signatures of persons whose names appear upon the Company's pay roll nearest June 14, 1944; he further reported that said pay roll contained the names of 24 employees who were engaged in the unit proposed by the Electricians.

The Trial Examiner stated on the record that he would make a statement with respect to additional designations of Electricians. On July 15, 1944, the Trial Examiner issued a supplementary statement of Petitioner's interest in which he reported that the Electricians advised him that it had no further designations to submit.

The Company contends that helpers in department 41 should not be included within the unit, and although raising this question of the propriety of including battery men within the unit, takes a neutral position with respect to the inclusion of such employees.

Department 41 is the electrical department of the Company. It consists of approximately 18 electricians and 6 helpers who perform all electrical maintenance work through out the entire depot. It is a separate department, having separate quarters and a separate supervisor; all employees of this department bear the distinguishing number "41" on their badges, and perform work differing from all other employees of the Company. We have frequently found that electricians and helpers constitute an appropriate craft unit, and we shall include the helpers within the unit hereinafter found appropriate.

The Company employs several persons as battery men. Two of these are assigned to Department 17, the garage service department, and one is assigned to Department 94, the field service maintenance departments.³ These employees repair batteries and gasoline driven generators and equipment. They work under the supervisors of their respective departments together with other classifications of employees in these departments. The labor control supervisor of the Company testified, without dispute, that electrician helpers in Department 41 are advanced from the classification of helper to that of electrician, and that battery men do not become electricians; he further testified that there has been a frequent interchange between mechanics and battery men, some mechanics becoming battery men and some battery men becoming mechanics. Moreover, the Electricians has submitted no evidence of representation among the battery men. We are of the opinion that the interests of the battery men are more closely allied to those of other employees in their respective departments than to those of the electricians and helpers in Department 41, and we shall exclude them from a unit of electricians.

We find that all electricians and helpers in Department 41 of the Company, excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, and all other employees of the Company, 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

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the em-

³ The record is not clear whether or not the Company employs more battery men. However, there are no employees classified as such in the electrical department of the Company.

employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

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, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Anniston Warehouse Corporation, Bynum, Alabama, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Tenth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding those employees who have since quit or been discharged for cause, and have not been rehired or reinstated prior to the date of election, to determine whether or not they desire to be represented by International Brotherhood of Electrical Workers, Local No. 136, for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.