

In the Matter of BOEING AIRPLANE COMPANY, WICHITA DIVISION,  
EMPLOYER and ROLAND F. TURNER, ET AL., EMPLOYEES, PETITIONERS  
and INTERNATIONAL ASSOCIATION OF MACHINISTS, DISTRICT LODGE  
No. 70, UNION

*Case No. 17-RD-5.—Decided July 30, 1948*

## DECISION

AND

## ORDER

Upon a petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. For the reasons hereinafter stated, the Union's motion to dismiss the petition is hereby granted.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members.\*

The Employer is engaged in commerce within the meaning of the National Labor Relations Act.

The labor organization involved claims to represent employees of the Employer.

Upon the entire record in this case, the Board finds that no question affecting commerce exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act for the following reasons:

On July 12, 1943, the Union, as a result of an election conducted by the Board pursuant to a consent election agreement, was certified as the bargaining representative of the Employer's production and maintenance employees, excluding, *inter alia*, timekeepers.<sup>1</sup> In 1946, however, as a result of an election conducted by the Union and the Employer to determine whether the timekeepers desired to be represented by the Union, the timekeepers were added to the over-all production and maintenance unit and were included in the coverage of the

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\*Chairman Herzog and Members Reynolds and Murdock.

<sup>1</sup> Case No. 17-R-406.

78 N. L. R. B., No. 93.

contract then in effect between the Union and the Employer for that unit. The timekeepers have likewise been included in a 1946 and a current contract between the Union and the Employer covering production and maintenance employees.

The Petitioners now seek decertification of the Union as the bargaining representative of the Employer's timekeepers. The Employer takes the position that the petition is proper because the timekeepers are technical and clerical employees who form an appropriate unit separate from the production and maintenance employees. The Union, however, urges dismissal of the petition on the ground that the timekeepers are properly a part of the production and maintenance unit.

We recently held that, because Section 9 (c) of the amended Act requires an appropriate unit as defined by Section 9 (a) for purposes of a decertification proceeding as well as of a representation proceeding, we would apply the same principles of severance to decertification cases as to certification cases involving professional employees, and, accordingly, permitted the severance of such employees from an established contract unit for decertification purposes.<sup>2</sup> In like manner, we shall turn to ordinary representation principles here to determine whether there is any basis for severing the timekeepers from the established contract unit for the purpose of decertifying their present bargaining representative.

The only argument advanced in support of such severance is that of the Employer, who contends that the timekeepers form a separate appropriate unit because they are technical and clerical employees.<sup>3</sup> The record shows, however, that the timekeepers are engaged in the ordinary type of compilation of time records for production workers in the plant,<sup>4</sup> are hourly paid like the production workers, and have working conditions generally similar to those of the other employees in the production and maintenance unit. Accordingly, they fall into the category of timekeepers who we have held are no different than factory clericals, and, therefore, belong in the same unit with production and maintenance employees.<sup>5</sup>

In view of the foregoing, and the additional fact that they are currently included in the production and maintenance unit, we find that the Employer's timekeepers do not constitute an appropriate unit, and accordingly, we shall dismiss the petition.

<sup>2</sup> *Matter of Illinois Bell Telephone Company*, 77 N. L. R. B. 1073.

<sup>3</sup> The Petitioners offered no reasons to support their claim that the proposed severance is appropriate.

<sup>4</sup> There is a timekeeping office out of which the timekeepers work, but they spend most of their time working right in the plant.

<sup>5</sup> *Matter of Art Metal Construction Company*, 75 N. L. R. B. 80; *Matter of Chrysler Corporation*, 76 N. L. R. B. 55; and *Matter of H. O. Canfield Company*, 76 N. L. R. B. 606.

## ORDER

Upon the basis of the entire record in this case, the National Labor Relations Board hereby orders that the petition filed in the instant matter be, and it hereby is, dismissed.