

In the Matter of WESTINGHOUSE ELECTRIC CORPORATION, CLEVELAND LIGHTING DIVISION,¹ EMPLOYER and CLEVELAND ASSOCIATION OF WESTINGHOUSE SALARIED EMPLOYEES. PETITIONER

Case No. 8-RC-110.—Decided September 16, 1948.

DECISION

AND

ORDER

Upon a petition duly filed, hearing in this case was held at Cleveland, Ohio, on May 18 and 25, 1948, before Philip Fusco, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.
2. The Petitioner and United Electrical, Radio and Machine Workers of America, affiliated with the Congress of Industrial Organizations, herein called the Intervenor, are labor organizations claiming to represent employees of the Employer.
3. 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:

This proceeding is concerned with the Employer's Cleveland Lighting Division. The operations at this plant are roughly divided into factory operations and foundry operations.

Since 1940, the Petitioner and its nominal predecessors have represented a unit which includes all clerical salaried employees of the Employer. Since 1944, the Intervenor has represented a unit of all production and maintenance employees, excluding salaried clerical employees.

¹ The name of the employer appears as amended at the hearing

* Chairman Herzog and Members Muddock and Gray

Within the factory is a Factory Quality Control Department which is under the ultimate supervision of the manager of Quality Control. The employees of this department are salaried and, as the name of the department implies, do inspection work of varying complexity. The Petitioner and its predecessors have always represented the employees of this department.

In the past, considerably less complicated inspection work has been performed in the foundry by employees called casting-checkers. These employees were hourly paid and had the same hours and working conditions as production employees. They were under the ultimate supervision of the manufacturing manager. Since 1944 they have been represented by the Intervenor.

As a result of losses incurred in the foundry, and in the interest of greater efficiency and economy, a Foundry Quality Control Section was set up by the Employer in the early part of 1948. On May 14, 1948, there were 19 employees in this section, 10 of whom were transferred to it either from the old Casting Checking Section or from manufacturing jobs. The remainder are new employees hired specifically for the new section. All employees in the new Foundry Quality Control Section are salaried and work under the supervision of the manager of Quality Control. Job descriptions in the Foundry Quality Control Section are similar to those in the Factory Quality Control Section. Although some of the employees in the new section are still doing the same work they did as casting-checkers, this is a temporary situation. The Employer plans development of the new section into an organization parallel to the Factory Quality Control Section.

For the most part, the two sections are already much the same. The employees in both sections use measuring instruments, make counts for incentive pay purposes, ascertain defects in materials and parts, determine the cause and assign responsibility for defects, inspect against drawings and specifications, and follow changes in manufacturing methods and materials. Inspectors in both sections may affect the earnings of production employees who work on an incentive pay basis. Further, both sections are now supervised by the manager of Quality Control, and both are on the Quality Control pay roll. To date there has been little interchange of employees between the sections, but it is expected that there will be much of it in the future.

By virtue of a change in their work and working conditions, inspectors in the Foundry Quality Control Section have achieved, or are in the process of achieving, a status substantially identical to that of the inspectors in the Factory Quality Control Section, who have long been included in the unit now represented by the Petitioner. For purposes of unit determination, the inspectors in the new Foundry Control

Section are in the same position as newly hired employees in an expanding unit. Just as the latter would automatically be included in the existing unit without a new election, so the inspectors in the new Foundry Control Section are automatically included in the clerical unit already represented by the Petitioner.² We so find. As there is no question concerning representation and an election is unnecessary, we shall dismiss the petition.

ORDER

Upon the basis of the foregoing findings of fact and the entire record in the case, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of the employees of Westinghouse Electric Corporation, Cleveland Lighting Division, Cleveland, Ohio, filed by Cleveland Association of Westinghouse Salaried Employees be, and it hereby is, dismissed.

² See *Matter of Sargent & Company*, 78 N. L. R. B. 918.