

In the Matter of ALLEN B. DUMONT LABORATORIES, INC., EMPLOYER *and*
RADIO & TELEVISION BROADCAST ENGINEERS UNION, LOCAL 1212,
IBEW, AFL, PETITIONER

Case No. 2-RC-177.—Decided November 8, 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.¹

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 organizations involved claim 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:

The Petitioner seeks a unit confined to the technicians and certain other related employees at the Employer's television station in New York City, which is known as Station WABD. The Employer, IATSE, and National Association of Broadcast Engineers & Technicians, Independent, contend that the appropriate unit should also include a similar group of employees at the Employer's other television station in Washington, D. C., which is known as Station WTTG.

¹ In view of our dismissal of the petition herein, we need not pass upon the several motions to dismiss the petition on other grounds that were made at the hearing by Television Broadcasting Studio Employees Union, Local 794, International Alliance of Theatrical Stage Employees, AFL, herein called IATSE.

*Houston, Reynolds, and Murdock.

Pursuant to Board certification on May 23, 1945,² IATSE entered into a contract with the Employer on October 1, 1945, which runs until May 16, 1950, covering the technicians and related groups at the only television station then operated by the Employer, *viz*, Station WABD. On August 21, 1947, however, an agreement was entered into extending the coverage of that contract to the similar group of employees at the Employer's newly acquired Station WTTG.

The record indicates that there were compelling reasons for so extending the coverage of the contract. Thus, the chief accountant in New York City controls all personnel and financial policy for both stations,³ and maintains all personnel records, and the over-all operation and administration of both stations is handled by the director of network in New York.⁴ There is also frequent interchange of employees between the two stations and one schedule of wage rates for similar classifications of employees at both stations. It appears further that the two stations transmit programs to and from one another.

In view of the history of collective bargaining embracing the technicians and related employees at both stations, and the fact that both stations are operated as a single unit from both an administrative and operational standpoint, we find that a unit of such employees confined to Station WABD, as petitioned for, is inappropriate for purposes of collective bargaining. We shall, therefore, dismiss the petition.

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.

² Case No. 2-R-5232

³ Personnel may be hired locally as required, but only according to standards established in New York City, and after requisition to, and final approval from, that source. The chief engineer in New York must approve the hiring of all technicians.

⁴ Although local managers have discretion to a large extent with respect to program content, budgeting for operational expense is determined in New York.