

**In the Matter of WESTON BISCUIT COMPANY, INC., EMPLOYER and  
INTERNATIONAL ASSOCIATION OF MACHINISTS, DISTRICT LODGE No.  
156, FOR ITSELF AND ON BEHALF OF ITS LOCAL LODGE No. 758, PETI-  
TIONER**

*Case No. 21-RC-445.—Decided January 31, 1949*

**DECISION  
AND  
DIRECTION OF ELECTION**

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.

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.\*

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 labor organizations named below claim to represent employees of the Employer.

3. A 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.<sup>1</sup>

4. The Petitioner seeks certification as bargaining representative of a unit consisting of all maintenance employees at the Employer's Burbank, California, plant. The Employer and the Intervenor contend that, because of over-all integration in the plant operations, the unit sought is inappropriate and that only a plant-wide production and maintenance unit is appropriate.

The Burbank plant, in which the Employer manufactures biscuits and crackers, occupies three separate buildings, one housing the production department, one the maintenance employees, and one the

\*Chairman Herzog and Members Reynolds and Gray.

<sup>1</sup>The employer contends that its existing contract with Bakery and Confectionery Workers International Union, Local 418, AFL, herein called the Intervenor, bars this proceeding. As the contract was not signed before the Petitioner filed its petition herein, we find no merit in this contention. *Matter of Kraft Foods Company*, 76 N. L. R. B. 492.

cafeteria. The maintenance employees, constituting a separate department under its own foreman, include three machinists, a carpenter, and an electrician. The machinists keep the production machinery in repair, and also do oiling, greasing, and lathe and welding work when necessary. The carpenter and the electrician do the usual work associated with their crafts. Apart from a written document in the form of an agreement between the Intervenor and the Employer, but not signed by the Employer, covering all production and maintenance employees, there has been no collective bargaining on behalf of any of the Burbank plant employees since the plant was opened in April 1948.

Under these circumstances, and as the maintenance employees form an easily identifiable group composed primarily of craftsmen, we believe that they possess interests in common sufficiently distinct from those of the remaining employees to warrant their representation as a separate bargaining unit, if they so desire.<sup>2</sup> However, we shall make no final unit determination until we have ascertained the desires of the employees involved.

We shall direct that an election be held among all maintenance employees at the Employer's Burbank, California, plant, including machinists, the carpenter, and the electrician, but excluding all supervisors as defined in the Act. If, in this election, a majority of the employees select the Petitioner, they will be taken to have indicated their desire to constitute a separate bargaining unit.<sup>3</sup>

#### DIRECTION OF ELECTION <sup>4</sup>

As part of the investigation to ascertain representatives for the purpose of collective bargaining with the Employer, an election by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, as amended, among the employees in the voting group described in paragraph numbered 4, above, who were employed during the pay-roll period immediately preceding the date of this Direction of Election, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, but excluding those employees

<sup>2</sup> *Matter of Armstrong Cork Company*, 80 N. L. R. B. 1328.

<sup>3</sup> The Employer requests exclusion of the carpenter and the electrician on the ground that they are temporary employees. The request is denied, as the Employer admits, in its brief, that the employment of these employees will not be terminated until November 1949.

<sup>4</sup> Any participant in the election directed herein may, upon its prompt request to, and approval thereof by, the Regional Director, have its name removed from the ballot.

who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, and also excluding employees on strike who are not entitled to reinstatement, to determine whether they desire to be represented, for purposes of collective bargaining, by International Association of Machinists, District Lodge No. 156, for itself and on behalf of its Local Lodge No. 758, or by Bakery and Confectionery Workers International Union, Local 418, AFL, or by neither.