

In the Matter of WESTINGHOUSE ELECTRIC CORPORATION, EMPLOYER  
and NEW YORK ENGINEERING AND SERVICE SALARIED EMPLOYEES,<sup>1</sup>  
PETITIONER

*Case No. 2-RC-247.—Decided February 11, 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.<sup>2</sup>

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 certain employees of the Employer.
3. A question of representation 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.
4. The appropriate unit:

The Petitioner seeks a unit comprising all engineers in the Engineering and Service Department in the New York Office of the Westinghouse Electric Corporation excluding non-professional employees, clerks, stenographers, guards, watchmen, and supervisors as defined in the Act. There are two groups of engineers in that department (1) supervising service engineers, and (2) consulting and application engineers. The New York Society of Westinghouse District Engineers, hereinafter called the Intervenor, seeks to represent only the

<sup>1</sup> Affiliated with Federation of Westinghouse Independent Salaried Unions.

<sup>2</sup> The hearing officer referred to the Board a motion, made by the Employer, to dismiss the petition on the ground that the Petitioner did not request recognition before filing its petition. For the reasons stated in the *Matter of Advance Pattern Company*, 80 N. L. R. B. 29, the motion is denied.

\*Reynolds, Murdock, and Gray.

consulting and application engineers, and contends that a separate unit comprised only of such employees is appropriate. The Employer contends that each group constitutes a separate appropriate unit. All parties are in agreement and we find that all the employees here involved are professional employees.

The Engineering and Service Department is maintained for the purpose of furnishing technical assistance to customers and prospective customers of the Employer. In this respect, the consulting and application engineers' group, consisting of 12 employees, suggest and plan with these customers the application of the Employer's motors, controls, and other equipment, to the operational requirements of the customer. In some instances, these employees design required equipment to fit the particular needs of the customer. On the other hand, the supervising service engineers' group, consisting of approximately 68 employees, supervise the installation and erection of company equipment by employees of the purchaser at the purchasers' plant, and in some instances actually perform the more difficult details of the installation work. It appears that the greater part of the time of "service engineers" is spent in the field, at the customers' plants, and that some of their time is spent on foreign assignments, whereas the consulting engineers spend the greater portion of their time in the office at assigned desks, where they perform a substantial portion of their work.

While consulting and application engineers perform the greater portion of their work in the office at assigned desks, and while supervising service engineers perform the greater portion of their work in the field, it appears that both groups are assigned to the main office and are under the general over-all supervision of the office manager; that they occasionally consult with one another with respect to difficult engineering problems; that they are under the same over-all personnel policy with respect to wages and other conditions of employment; and that they are alike trained and experienced in the engineering profession.<sup>3</sup>

Under all these circumstances, we believe that the employees sought to be represented by the Petitioner constitute an integrated, readily identifiable, and functionally coherent group, having a community of interest sufficient to constitute them an appropriate unit for purposes of collective bargaining. We do not agree with the principal contention of the Employer that, because consulting and application engineers, in the course of their employment at times, deliver lectures,

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<sup>3</sup> While all engineers in both groups are not college graduates, all engineers in the normal course of their duties use to a high degree the academic subjects normally required of such professional employees, together with technical skill acquired over a period of years.

before student bodies and engineering societies in contrast with the entirely practical work performed by the supervising service engineers, this circumstance is a sufficiently significant factor to warrant the segregation of these two similarly skilled groups of professional employees.<sup>4</sup> Accordingly, we shall find appropriate a single unit of all engineers in the Engineering and Service Department in the New York office of the Employer.

We find that all engineers in the Engineering and Service Department at the New York Office of the Employer, excluding nonprofessional employees, clerks, stenographers, guards, watchmen, and supervisors as defined in the Act constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

#### DIRECTION OF ELECTION<sup>5</sup>

As part of the investigation to ascertain representatives for the purposes 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 unit found appropriate 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 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 New York Engineering and Service Salaried Employees or by New York Society of Westinghouse District Engineers, or by neither.

<sup>4</sup> See *Matter of Southern Bell Telephone and Telegraph Company, Inc.*, 78 N. L. R. B. 814.

<sup>5</sup> Either participant in the elections directed herein may, upon its prompt request to, and approval thereof by, the Regional Director, have its name removed from the ballot.