

In the Matter of WODAAM CORPORATION (RADIO STATION WOV), EMPLOYER and RADIO & TELEVISION BROADCAST ENGINEERS UNION, LOCAL 1212, IBEW, AFL, PETITIONER

Case No. 2-RC-743

SUPPLEMENTAL DECISION

AND

CERTIFICATION OF REPRESENTATIVES

June 22, 1949

On May 2, 1949, the Board issued a Decision and Direction of Election in this proceeding.¹ On May 11, 1949, the Employer filed a motion requesting the Board to reconsider that portion of its decision which includes the control room supervisor and the transmitter supervisor in the unit of radio technicians which the Board found may be appropriate for the purposes of collective bargaining, or in the alternative, to reopen the record in order that further testimony may be offered to prove that the two disputed employees are supervisors as defined in the Act. The Petitioner opposes the Employer's motion.

Upon reconsideration of the entire record in this case, the Board finds that John Bubbers, the control room supervisor, and Richard Dick, the transmitter supervisor, are supervisors as defined in the Act. As basis for our revised finding with respect to the supervisory status of Bubbers and Dick, we note that they are in charge of operation and maintenance of the radio equipment in the control room and at the transmitter, respectively. It was stipulated by the parties that the supervisory authority of these two employees is the same. Uncontradicted testimony introduced at the hearing shows that Bubbers and Dick are in charge of preparation of working schedules for the employees at their respective stations; that they have authority to assign a replacement when an employee fails to report for duty, and in such event, have authority to direct employees to work overtime. In addition, they assign technicians to special jobs away from the studio when the occasion arises and have the authority to excuse an

¹ 83 N. L. R. B. 335.

84 N. L. R. B., No 59.

employee from duty if overtime is not involved. Hillis Holt, the chief engineer, exercises general supervision over the Employer's engineering department. However, during the 2 or 3 months preceding the hearing, the chief engineer generally has been at the studio only 1 day a week. Bubbers testified that in Holt's absence the technicians report any problems to him which otherwise normally would be reported to Holt if the latter were present. Furthermore, there was credible testimony that, on at least two occasions within the past 1½ years, employees were discharged by or as a direct result of the recommendation of Bubbers. Accordingly, the Decision is hereby amended by excluding the control room supervisor and the transmitter supervisor from the unit which we have heretofore found may be appropriate for the purposes of collective bargaining.

Pursuant to the Decision and Direction of Election issued in this case, an election was conducted on May 12, 1949, and in accordance with the Rules and Regulations of the Board. The Tally of Ballots shows that of 13 valid votes cast 7 were for the Petitioner, 3 against and 3, including the ballots of Bubbers and Dick, were challenged. As the challenged ballots are insufficient in number to affect the results of the election, it appears from the Tally of Ballots that a collective bargaining representative has been selected.

In the Decision and Direction of Election previously referred to, the Board made no final determination of the appropriate unit, but stated that such determination would depend in part upon the results of the election among the employees in the voting group.

Upon the basis of the entire record in the case, the Board makes the following:

SUPPLEMENTARY FINDINGS OF FACT

We find that all radio technicians employed at the Employer's radio station at 730 5th Avenue, New York City, and at its radio transmitter in Carlstadt, New Jersey; excluding the chief engineer, the control room supervisor, the transmitter supervisor, and other 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, as amended.

CERTIFICATION OF REPRESENTATIVES

It is hereby certified that Radio & Television Broadcast Engineers Union, Local 1212, IBEW, AFL, has been designated and selected by a majority of the employees of the above-named Employer in the unit

hereinabove found by the Board to be appropriate as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the Act, as amended, the said organization is the exclusive representative of all the employees in such unit for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.

CHAIRMAN HERZOG and MEMBER GRAY took no part in the consideration of the above Supplemental Decision and Certification of Representatives.