

In the Matter of WESTINGHOUSE ELECTRIC CORPORATION, EMPLOYER  
and LOCAL 124, INTERNATIONAL BROTHERHOOD OF ELECTRICAL  
WORKERS, A. F. OF L., PETITIONER

*Case No. 17-RC-646.—Decided April 28, 1950*

DECISION  
AND  
DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before Charles F. McCoy, 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 National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Houston and Styles].

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.<sup>1</sup>
2. The labor organization involved claims to represent certain employees of the Employer.<sup>2</sup>
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.
4. The appropriate unit:

The Petitioner seeks the following unit: All maintenance electricians at the Employer's Kansas City, Missouri, plant, including primary distribution electricians, electronic electricians, first and second class maintenance electricians, electrical repairmen, light

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<sup>1</sup> At its Kansas City, Missouri, plant, which is the only one here involved, the Employer manufactures gas-turbine engines for military aircraft. The Employer's contention that it is not engaged in commerce at this plant is overruled for the reasons stated in 85 NLRB 1519, a case involving the same plant.

<sup>2</sup> International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, CIO, intervened for the limited purpose of presenting its contention that only a plant-wide unit is appropriate, and that the present petition is in any event premature. Such intervention was properly allowed by the hearing officer. *Westinghouse Electric Corporation*, 85 NLRB 1519.

cleaners, and helpers regularly assigned to the electrical maintenance group, but excluding office employees, clerical employees, guards, professional employees, supervisors, and all other employees.

The Employer and the Intervenor object to the inclusion of these employees in a separate unit, contending that a plant-wide unit alone is appropriate.

A separate area in the maintenance department of the plant is assigned to the electrical maintenance group, where they report at the beginning and end of their shift and obtain materials and instructions. Three members of this group spend the major part of their time in that area; the other 19 members do virtually all their work elsewhere in the plant, mingling with the production employees. All 22 employees are under the separate immediate supervision of an electrical foreman.

The duties of the electrical maintenance group consist in maintaining and repairing the electrical apparatus in the plant, including electric and electronic controls and electric motors on production equipment, and they make incidental mechanical repairs. There is no history of collective bargaining for this group.<sup>3</sup>

The Employer maintains no formal apprenticeship program for the employees involved. However, on the present record we are satisfied that they exercise in substantial degree the skills of the electrical craft. In the aircraft industry, we have frequently found to be appropriate units of maintenance electricians whose duties and conditions of employment were similar to those of the employees under consideration.<sup>4</sup> We do not consider controlling the fact, urged by the Employer, that the general pattern of collective bargaining in the Employer's other plants has heretofore been on a plant-wide basis.<sup>5</sup>

Accordingly, we find that all maintenance electricians at the Employer's Kansas City, Missouri, plant, including primary distribution electricians, electronic electricians, first and second class maintenance electricians, electrical repairmen, light cleaners, and helpers regularly assigned to the electrical maintenance group, but excluding office employees, clerical employees, guards, professional employees, and all

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<sup>3</sup> In 85 NLRB 1519, the Board found appropriate a unit of powerhouse employees in the plant here involved, but dismissed as premature the instant Petitioner's request for a unit of maintenance electricians. It does not appear from the present record that there have been any contracts or representation proceedings affecting the other employees in the plant.

<sup>4</sup> E. g. *Consolidated Vultee Aircraft Corporation*, 88 NLRB 49; *United Aircraft Corporation*, 85 NLRB 209; *Lockheed Aircraft Corporation*, 77 NLRB 507.

<sup>5</sup> See *Westinghouse Electric Corporation*, 87 NLRB 463, where, in finding appropriate a multicraft unit in another plant of the Employer, we rejected a similar contention by the Employer.

other employees, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

5. The determination of representatives:

As already stated, the Board, in an earlier proceeding, dismissed as premature a petition by the present Petitioner covering the same employees.<sup>6</sup> The Employer and the Intervenor contend that the instant petition should be dismissed on the same grounds.

In the earlier case, the Board stated:

The Petitioner . . . requests a unit consisting of all maintenance electricians and helpers. At present 6 employees are working in this job classification; the Employer contemplates the addition of 14 to 19 more employees. The record further demonstrates that once production is reached at least 5 additional classifications of electrical workers will be required, ranging between the unskilled work of light cleaners and the highly skilled work of electronics and primary distribution specialists.

As new job classifications of electricians are contemplated and the present tasks appear to differ significantly from those which these employees may perform once the production stage is reached, we agree that any unit determination affecting these employees is at present premature. Accordingly, we shall dismiss the petition . . . without prejudice.

However, evidence presented at the hearing in the instant case shows, and we find, that, while peak production will not be reached until June 1951, production of aircraft engines is now under way, 9 engines having been delivered between January 1 and February 28, 1950.<sup>7</sup> We find, also, that, whereas only 6 maintenance electricians were employed at the time of the previous hearing, all of them classified as maintenance electricians and helpers, there are now 22 persons employed in 4 job classifications who do electrical maintenance work, including 17 maintenance electricians, first class, 1 electronic electrician, 2 maintenance electricians, second class, and 2 electrical repairmen. The complement of electrical maintenance employees is now complete, except for 2 primary distribution electricians and 2 light cleaners whom the Employer expects to hire in the future. The work of these 2 last named classifications now forms part of the duties of the present electrical maintenance group. While, as the production rate increases, there may be a greater degree of specialization, there will be no significant change in the nature of the duties now performed.

<sup>6</sup> See footnote 3, *supra*.

<sup>7</sup> The peak production rate is expected to be 100 engines per month. The projected peak employment of production employees is 2,800 as against 231 employed on February 28, 1950. The projected peak employment of maintenance employees is about 150, as against 135 employed on February 28, 1950.

Under all these circumstances, we find that, unlike the situation at the time of our prior decision, mentioned above, the present group of electrical maintenance employees constitutes a substantial and essentially representative proportion of the expected full complement of such employees.<sup>8</sup> We accordingly reject the contention of the Employer and the Intervenor that the present petition is premature and we will direct an immediate election.

### DIRECTION OF ELECTION

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, among the employees in the unit found appropriate in paragraph numbered 4, above, who were employed during the payroll period immediately preceding the date of this Direction of Election, including employees who did not work during said payroll 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 or not they desire to be represented, for purposes of collective bargaining, by Local 124, International Brotherhood of Electrical Workers, A. F. of L.

<sup>8</sup> See *Westinghouse Electric Corporation*, 87 NLRB 463.