

In the Matter of WVEZ RADIO, INC., EMPLOYER and NEW ORLEANS LOCAL, AMERICAN FEDERATION OF RADIO ARTISTS, AFL, PETITIONER
In the Matter of WVEZ RADIO, INC., EMPLOYER and RADIO BROADCAST ENGINEERS, LOCAL UNION No. 1139 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL, PETITIONER

Cases Nos. 15-RC-389 and 15-RC-390.—Decided November 6, 1950

DECISION AND DIRECTION OF ELECTIONS

Upon petitions duly filed, a consolidated hearing was held before Charles A. Kyle, 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 these cases to a three-member panel [Chairman Herzog and Members Houston and Reynolds].

Upon the entire record in these cases, the Board finds:

1. The Employer operates a radio station in the city of New Orleans. It subscribes to the news service of the Associated Press, and although not part of any broadcasting network, it broadcasts programs of national interest through a tieup with another large local station. During the 6-month period ending June 30, 1950, the Employer received revenues in excess of \$50,000, of which approximately 40 percent was derived from the advertising of nationally distributed products. Much of this type of advertising is procured through out-of-State advertising agencies. Recordings for musical programs are shipped directly to the Employer from outside the State.

We find the Employer is engaged in commerce within the meaning of the Act and that jurisdiction should be exercised.¹

2. The labor organizations involved claim to represent employees of the Employer.

3. Questions affecting commerce exist 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. In Case No. 15-RC-389, the Petitioner seeks to represent a unit of the Employer's staff announcers, excluding all other employees and

¹ WBSR, Inc., 91 NLRB 630.

91 NLRB No. 232.

supervisors. The Employer would include within this unit the following three individuals whom the Petitioner would exclude.²

Announcer and librarian: Although the Employer designates this employee³ as "announcer and librarian," his principal job is to take care of the library, cataloguing, handing out to and receiving records from the other announcers. At one time he regularly opened the station at 5 or 5:30 in the morning and acted as announcer until 6 or 6:30 in the morning. He also filled in time in emergencies. He has not performed these services, however, for the past 6 to 8 weeks. Nor is there any indication in the record that the Employer intends to assign to this employee such services within the foreseeable future. We find that the duties of this employee are mainly clerical and shall exclude him from the unit.

Part-time announcer: This employee⁴ regularly fills in about three hours a day in announcing. For the rest of his working time, he is engaged in locating talent and in arranging and participating in special shows. Although this employee spends the greater part of his time in other special duties for the Employer, as he does regularly spend a portion of his working time as announcer, we shall include him in the unit.⁵

Program director: The program director arranges the shifts of the announcers, and interviews and auditions applicants for employment. Although the general manager makes his own decisions as to hiring and discharging of employees, he relies to a considerable extent on the recommendation of the program director. We find that the program director is a supervisor within the meaning of the Act and shall exclude him.

In Case No. 15-RC-390, the Petitioner seeks to represent the Employer's engineer-technicians, excluding the chief engineer. The Employer would include the latter in the unit.

Chief engineer: This individual arranges the shifts of the other engineer-technicians, interviews applicants for employment, and makes effective recommendations to the general manager for the

² In its brief, the Employer for the first time objects to the formation of separate units for its staff announcers and engineer-technicians, asserting that all its employees, excluding supervisors or in the alternative excluding also the salesmen, secretary, and receptionist, should be joined in a single unit. The Employer's broadcasting station is located within the city of New Orleans. Its transmitter, where the engineer-technicians work, is located outside the city about 20 miles from its broadcasting station. No labor organization seeks to represent the technician employees and the announcers in a single unit. In accordance with our previous decisions holding separate units of announcers and of technical and engineering employees to be appropriate, we find that such units are appropriate in this case. *Middlesex Broadcasting Corporation (Radio Station WTAO and WXHR)*, 87 NLRB 875; *Radio Station KLEE*, 87 NLRB 13; *WDXB Broadcasting Station*, 85 NLRB 752.

³ M. F. Jacoby.

⁴ Don J. Grantham.

⁵ *Delaware Broadcasting Company*, 82 NLRB 727.

hiring or discharging of the employees with whom he works. We find that the chief engineer is a supervisor within the meaning of the Act, and shall exclude him from the unit.

We find that the following groups of the Employer's employees at its New Orleans, Louisiana, radio station constitute units appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

(1) All staff announcers, including regular part-time announcers, but excluding office and clerical employees,⁶ salesmen, guards, the program director, and all other supervisors as defined in the Act.

(2) All engineer-technicians, excluding office and clerical employees, salesmen, guards, the chief engineer, and all other supervisors as defined in the Act.

5. As the part-time announcer is occupied during the greater part of his working time in other duties for the Employer, and spends less than 50 percent of his time as announcer, we find that he is therefore, in accordance with our past decisions, ineligible to vote in a unit of staff announcers.⁷

[Text of Direction of Elections omitted from publication in this volume.]

⁶ As their duties are principally clerical, we shall exclude Clara Holmes, classified as "clerk," and Jennie Vaccaro, classified as "traffic," from both units described above.

⁷ *Delaware Broadcasting Company, supra.*