

In the Matter of WHITE CONSTRUCTION AND ENGINEERING COMPANY,
INC., EMPLOYER and INTERNATIONAL BROTHERHOOD OF BOILERMAKERS,
IRON SHIP BUILDERS AND HELPERS OF AMERICA, AFL, LOCAL NO. 433,
PETITIONER

Case No. 10-RC-923.—Decided November 14, 1950

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before James W. Mackle, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

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 Reynolds and Murdock].

Upon the entire record in this case, the Board finds:

1. The Employer, with its main office at St. Petersburg, Florida, is engaged in that State in the building and construction business. During the 12-month period ending April 28, 1950, which is representative of the Employer's operations, it purchased equipment, structural steel, and other building materials valued at \$170,441.65, of which amount \$81,314.52 represents purchases of equipment and materials shipped directly to the Employer from outside the State of Florida. During the same period, the Employer's gross income totalled \$352,000, of which approximately \$150,000 represents sales made and services rendered to concerns, admittedly, engaged in interstate commerce.²

We therefore find, contrary to the Employer's contention, that it is engaged in commerce within the meaning of the Act, and in accord with our recently announced policy,³ that it will effectuate the policies of the Act to assert jurisdiction in this case.

¹ The hearing officer referred to the Board the Employer's motion to dismiss the petition upon the ground that it is not engaged in commerce within the meaning of the Act. For reasons stated hereinafter the motion is denied.

² These concerns are: (1) Florida Power Corporation, a public utility servicing, inter alia, the Atlantic Coast Line and Seaboard Air Line Railroads; (2) Ridge Citrus Concentrates, Inc., which ships approximately \$3,000,000 worth of its products to customers outside the State of Florida; and (3) Pinellas County Airport which is serviced by the National Air Lines and two International cargo air carriers.

³ *Hollow Tree Lumber Company*, 91 NLRB No. 635.

2. The labor organization involved claims to represent certain 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.

4. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act: All employees of the Employer's fabricating shop at St. Petersburg, Florida, excluding professional employees, guards, all other employees, and supervisors as defined in the Act.⁴

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

⁴ Although there was no dispute between the parties concerning the appropriateness of the unit described above, both the Employer and the Petitioner left to the Board the disposition of "six key field men." It appears from the record that these employees spend only about 20 percent of their time in the fabricating shop, and then only when field operations are temporarily shut down. The 80 percent of their time in the field is under separate supervision and involves different working conditions. Furthermore, field employees generally are presently represented by another union in a separate unit. Under all of the foregoing conditions, we conclude that they have insufficient community of interest with the fabricating shop employees to be included in the unit described above. See *York Corporation*, 87 NLRB 613.