

In the Matter of WILSON & Co., INC., EMPLOYER and LOCAL 328, AMALGAMATED MEAT CUTTERS AND BUTCHER WORKMEN OF NORTH AMERICA, AFL, and LOCAL 64, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS, AFL, PETITIONERS

Case No. 1-RC-1918.—Decided January 31, 1951

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Joseph Lepie, 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 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 is engaged in commerce within the meaning of the Act.
2. The labor organizations involved claim 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 Petitioners request a single unit of employees engaged in the production and distribution of the Employer's products. The Employer takes the position that there should be two units, one of production employees and one of chauffeurs (truck drivers). There is no history of collective bargaining at this plant.

Chauffeurs (truck drivers) work approximately the same hours as the production men. On occasion an inside employee drives a company truck. More frequently, chauffeurs help the production employees in loading or unloading the trucks. In view of these facts, and as no other union presently seeks to represent the chauffeurs separately, we believe that they should be represented with the production employees as a single unit.¹

¹ *United States Hoffman Machinery Corporation*, 91 NLRB No. 56; *Wilson & Company, Inc.*, 67 NLRB 1037.

We find that all employees of the Employer's branch at Providence, Rhode Island, engaged in the production and distribution of the Employer's products, including chauffeurs (truck drivers), but excluding salesmen, office clericals, professional employees, guards, the manager of the shipping department, and other supervisors, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

5. The petition in this case was filed jointly by the Petitioners. The Employer contends that it is improper for the Board to entertain a petition jointly signed by two unions, and that it would be improper for the Board to certify the Petitioners jointly as the bargaining representative of the employees in the unit found appropriate. We see no reason to depart from past practice in such cases.² The names of the Petitioners will appear jointly on the ballot and, if they are successful in the election hereinafter directed, they will be certified jointly as the bargaining representative of the employees in the entire appropriate unit. The Employer may then insist that the Petitioners bargain jointly for such employees as a single unit.

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

² *Gus Gilleran Iron and Metal Co.*, 88 NLRB 1232; *White Motor Company*, 86 NLRB 380.