

On the basis of the foregoing, we find that John Hall, Max Neal, and Francis M. Bowen, are supervisors within the meaning of the Act, and they will be excluded from the unit.

We find that all engineers and technicians employed at Station WCPO, WCPO-FM, WCPO-TV, excluding all clerical and office employees, executive and administrative employees, and 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.

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

PLUMBING AND HEATING CONTRACTORS ASSOCIATION OF OLEAN, NEW YORK and LOCAL UNION 500 OF THE UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPE FITTING INDUSTRY OF THE U. S. AND CANADA, A. F. OF L., PETITIONER.
Case No. 3-UA-626. March 30, 1951

Decision and Direction of Election

Upon a petition duly filed under Section 9 (e) of the National Labor Relations Act, a hearing was held before Ralph Winkler, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

On February 13, 1951, the Board heard oral argument at Washington, D. C., in which the Petitioner, the Employer, and the Intervenors² participated.

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

1. The business of the Employer:

The Employer is an unincorporated association organized for the purpose, among others, of engaging in collective bargaining on behalf of its members,³ all of whom are engaged in business as plumbing and heating contractors in Olean, New York. During a recent repre-

¹ The Intervenors moved at the hearing to dismiss the petition herein on various grounds. The hearing officer referred this motion to the Board. For the reasons set forth hereinafter, the motion is hereby denied.

² The following labor organizations were permitted to intervene at the hearing: International Association of Bridge, Structural and Ornamental Iron Workers; International Hod Carriers', Building and Common Laborers' Union of America; Bricklayers, Masons and Plasterers' International Union of America; United Brotherhood of Carpenters and Joiners of America; Sheet Metal Workers' International Association; International Union of Operating Engineers; International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America, and International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers.

³ The following individual employers are members of the Employer Association: Lyons Crowley Service, Robert G. Finlay & Co., Shortell Bros.; Olean Plumbing & Heating Co.; and W. H. Simpson, Inc.

sentative 1-year period, the members of the Employer Association made purchases of supplies and equipment valued in excess of \$280,000. Of this amount, in excess of \$65,000 represented supplies and equipment shipped directly to the members of the Employer Association from outside New York, and in excess of \$210,000 represented supplies and equipment purchased in New York, but manufactured outside the State. During this same period, the members of the Employer Association performed within New York work valued in excess of \$150,000 for firms over which the Board would assert jurisdiction. On these facts, we find, contrary to the contention of the Intervenor, that the operations of the Employer affect commerce within the meaning of the Act, and also that it would effectuate the policies of the Act to assert jurisdiction in this case.⁴

2. The Petitioner is the currently recognized bargaining representative of the employees designated in the petition. The Intervenor is a labor organization affiliated with the Building and Construction Trades Department of the American Federation of Labor.

3. The petition herein alleges that more than 30 percent of the employees in the unit represented by the Petitioner desires to authorize the Petitioner to make an agreement with the Employer requiring membership in the Petitioner as a condition of employment in such unit, which allegation was supported by documentary evidence submitted by the Petitioner.

The Intervenor does not claim to represent the employees designated in the petition, and no question affecting commerce exists concerning representation of employees of the Employer in the unit hereinafter found appropriate. Accordingly, we find that the Petitioner has satisfied the preliminary requirements for a union-shop authorization election as set forth in Section 9 (e) (1) of the amended Act.

4. The appropriate unit:

The Petitioner seeks a union-security authorization election in a unit of all plumbers and steam fitters and their apprentices employed by the members of the Employer Association in Olean, New York, and vicinity. The Petitioner and the Employer have engaged in collective bargaining with respect to this unit for approximately 17 years. The employees in the unit must undergo a 5-year apprenticeship training program before they can qualify as journeymen,⁵ and are engaged in performing duties traditionally associated with their craft. Although each of the members of the Employer Association employs some employees other than those in the unit, and certain of such employees on occasion work with the employees in the unit in the per-

⁴ *Hollow Tree Lumber Company*, 91 NLRB 635; *The Plumbing Contractors Association of Baltimore, Maryland, Inc., et al.*, 93 NLRB 1081, decided this day.

⁵ The apprenticeship program is a combined plumbing and steam fitting course. The same individuals qualify as both plumbers and steam fitters.

formance of their duties, there is no interchange between the groups of employees.

We find without merit the Intervenors' contention that the single craft, multiemployer unit represented by the Petitioner is inappropriate for purposes of collective bargaining.⁶ Accordingly, we find that all plumbers, steam fitters, and their apprentices employed by the members of the Plumbing and Heating Contractors Association of Olean, New York, excluding supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (e) (1) of the Act.

5. Stability of employment:

During the period from January 1, 1950, through November 30, 1950, nearly three-quarters of the employees in the appropriate unit worked in that unit during more than 50 percent of the number of weeks in the said period. During the same period, indeed, more than three-fifths of the employees in the unit worked in the unit during more than 80 percent of the number of weeks in the period. In addition, of the employees who, in May 1948, constituted the Petitioner's showing of interest, nearly three-quarters were still employed in the unit in November 1950. On these facts, we find that employment in the unit is sufficiently stable to permit an election to be held therein.

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

⁶ *The Plumbing Contractors Association of Baltimore, Maryland, Inc , et al , supra.*

AEROVOX CORPORATION *and* INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL, PETITIONER. *Case No. 1-RC-1809. March 30, 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 Sidney A. Coven, 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 Murdock and Styles].

Upon the entire record in this case, the Board finds: ¹

¹ During the pendency of the proceedings in this case, Intervenor, International Union of Electrical, Radio and Machine Workers of America, CIO, filed a petition in Case No 1-RC-2079 in which it requested the unit it contends is appropriate in this case. It subsequently filed a motion to consolidate the petition in Case No 1-RC-2079 with the