

In the Matter of INTERNATIONAL BROADCASTING CORPORATION (RADIO STATION KWKH) and LOCAL UNION 194, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL

Case No. 15-R-1613.—Decided May 8, 1946

Mr. W. H. Bronson, of Shreveport, La., for the Company.

Mr. D. H. Morris, of Washington, D. C., for the Union.

Mr. Warren H. Leland, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Local Union 194, International Brotherhood of Electrical Workers, AFL, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of International Broadcasting Corporation (Radio Station KWKH), Shreveport, Louisiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Lewis Moore, Trial Examiner. The hearing was held at Shreveport, Louisiana, on April 11, 1946. The Company and the Union appeared and participated. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

International Broadcasting Corporation (Radio Station KWKH), a wholly owned subsidiary of the Times Publishing Company, Limited, is a Louisiana corporation which maintains its principal office and place of business at Shreveport, Louisiana. The Company owns

station KWKH, which operates on a frequency of 1130 kilocycles, under license of the Federal Communications Commission. It operates on 50,000 watt power, day and night, unlimited hours. The station is affiliated with the Columbia Broadcasting System, and approximately 50 percent of the station's broadcasting time is consumed in broadcasting Columbia Network programs, commercial and sustaining, piped into the principal control board of the station in Shreveport from outside the State of Louisiana. The primary coverage of the station is North Louisiana, West Louisiana, East Texas, and South Arkansas.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Local Union 194, International Brotherhood of Electrical Workers, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of its employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.¹

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The Union seeks a unit of all combination announcer-control operators employed by the Company, excluding the program director. The Company questions the appropriateness of the unit sought, and, contrary to the wishes of the Union, suggests that the studio engineer might properly be included in any unit found to be appropriate.

The record discloses that, in addition to their announcing duties, the announcer-control operators operate the control board, transcriptions, and turntables. The station functions approximately 20 hours each day, and the announcer-control operators work shifts to ensure

¹ The Field Examiner reported that the Union submitted authorization cards, bearing the names of five employees, listed on the Company's pay roll of March 8, 1946, and that the cards are dated February 10 and 11, 1946. There are approximately five employees in the appropriate unit.

full coverage while the station is on the air. These employees have a community of interest, and are distinguishable from other employees of the Company. We find that they may constitute an appropriate unit.

The studio engineer performs no announcing duties and under normal conditions, he is not permitted to operate the control board. His primary function is the maintenance of equipment, and his working hours are irregular, as contrasted with the regular shift pattern governing the working hours of announcer-control operators. The Company has not submitted any persuasive reason warranting the inclusion of the studio engineer. We shall exclude him from the unit hereinafter found appropriate.

We find that all announcer-control operators of the Company, excluding the studio engineer, the program director, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with International Broadcasting Corporation (Radio Station KWKH), Shreveport, Louisiana, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Fifteenth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among employees in the unit found appropriate in Section IV, above, who were employed during the pay-

- roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, 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, to determine whether or not they desire to be represented by Local Union 194, International Brotherhood of Electrical Workers, AFL, for the purposes of collective bargaining.