

A. D. JULLIARD & Co., INC.<sup>1</sup> and LOCAL 100, INTERNATIONAL UNION OF OPERATING ENGINEERS, AFL, PETITIONER. *Case No. 1-RC-2144. June 19, 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 Robert S. Fuch, 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. 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 Petitioner requests a unit of all powerhouse employees, including all engineers, firemen and helpers, coal passer, and ashman, but excluding maintenance men and all other employees and supervisors as defined in the Act.

The Employer and Local 94, Textile Workers Union of America, CIO, hereinafter called the Intervenor, contend that the unit sought by the Petitioner is inappropriate. They argue that these employees ought not to be severed from the existing unit of production and maintenance employees because of a long history of collective bargaining on a broader basis, the transfer of maintenance employees to positions in the requested unit, the similarity of working conditions for all employees in the plant, and the general bargaining pattern in the industry.

The Employer is a Delaware corporation engaged in the manufacture of ladies' worsted dress goods in various States in the United States, and at its Atlantic Mills Division in Providence, Rhode Island, with which we here are solely concerned. The powerhouse and boiler room employees sought by the Petitioner have been included in the existing production and maintenance unit, currently represented by the Intervenor, since 1939.

<sup>1</sup> As amended at the hearing.

The engineers in the powerhouse perform the customary duties of such employees in operating the several turbines<sup>2</sup> supplying power for the Employer's manufacturing activities.<sup>3</sup> Although the boiler room is located in a separate building about 75 feet from the powerhouse, the work of the firemen who watch the gauges and operation of the stokers is the same type of work normally performed by employees of this description who work in close conjunction with, and are otherwise identified with, powerhouse employees. Boiler room employees and powerhouse engineers are under the direct supervision of the chief engineer who in turn is supervised by the mechanical superintendent. Both the engineers and firemen are licensed by the city of Providence. The record shows that transfers have occurred from the production and maintenance employees into the powerhouse and boiler room. However, there is little intermingling of duties between these two groups of employees. The Employer maintains similar personnel records for all employees and employees generally are subject to the same working conditions.

From the foregoing it is clear that the boiler room and powerhouse employees represent a distinct, homogeneous, and functionally coherent group of the type that the Board has customarily held may be severed from an existing production and maintenance unit, notwithstanding a history of collective bargaining on a broader basis.<sup>4</sup> We therefore find that these employees may constitute, if they so desire, a separate unit appropriate for the purposes of collective bargaining.

However, we shall make no final determination at this time, but shall first ascertain the desires of these employees as expressed in the election hereinafter directed. If a majority vote for the Petitioner, they will be taken to have indicated their desire to constitute a separate bargaining unit.

*Switchboard operators.* These employees are employed in the powerhouse where they operate the control board that feeds the electric current from the turbines to the power lines and regulates the distribution of power to the various parts of the plant. They are licensed electricians under the supervision of the chief electrician who, like the chief engineer, is supervised by the mechanical superintendent. The Petitioner leaves the determination of their inclusion to the Board, while the Employer and the Intervenor contend that they should

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<sup>2</sup> Another turbine is located in the boiler room, but is used only for standby basis. It is operated by a fireman.

<sup>3</sup> Several other maintenance departments are located in the same building housing the engine room or powerhouse employees.

<sup>4</sup> *I. B. Kleinert Rubber Company*, 92 NLRB No. 271; *Anaconda Wire and Cable Company*, 91 NLRB No. 37.

be included. We are of the opinion that the switchboard operators are an integral part of the powerhouse crew and we shall therefore include them.

*Repairmen.* The boiler repairman and his helper, and the turbine repairman have as their primary function the maintenance of the turbines and the boiler room equipment. Although they are assigned to the machine shop, a substantial portion of their time is spent in the powerhouse and boiler room and we shall therefore include them.<sup>5</sup>

We shall direct an election in the following group:<sup>6</sup>

All powerhouse and boiler room employees, including engineers, firemen and their helpers, coal passer, ashman, switchboard operators, boiler and turbine repairmen and their helpers, at the Employer's Providence, Rhode Island, plant, but excluding guards, professional employees, all other employees, and supervisors as defined in the Act.

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

<sup>5</sup> *Worthington Pump and Machinery*, 93 NLRB No. 79; *American Box Board Company*, 90 NLRB 122; *International Shoe Company*, 92 NLRB No. 37.

<sup>6</sup> While this group is larger than the unit sought by the Petitioner, the Petitioner has submitted an adequate showing of interest herein.

THE ELECTRIC STORAGE BATTERY COMPANY *and* INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS, CIO, PETITIONER.  
*Case No. 13-RC-1786. June 19, 1951*

### Decision and Direction of Elections

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Irving M. Friedman, 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 [Members Houston, Reynolds, and Styles].

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. United Electrical, Radio & Machine Workers of America, Local 1150, an Intervenor in this proceeding, hereinafter called the UE, alleges that its certification by the Board on May 17, 1950, and its