

anomalous result. Thus, if the UAW-CIO and its Local 190 were the petitioners in this case and sought to add the stationary operating engineers to their currently represented unit, the Board, in accordance with the *Great Lakes Pipe* decision,⁹ would hold a Globe election for these employees before permitting the UAW-CIO and its Local 190 to represent them. However, by dismissing the petition in the instant case the UAW-CIO and its Local 190 are allowed as intervenors to achieve the same result which they could have reached as petitioners only by going to an election. Thus, if the UAW-CIO and its Local 190 so desire, they can represent the stationary operating engineers despite the fact that these employees have not been given an opportunity to express their wishes.¹⁰

In view of the foregoing, we cannot subscribe to the majority's resolution of the issues involved herein. Accordingly, we would direct a self-determination election for the stationary operating engineers.

and the union representing the other employees in the unit in which the residual group would normally belong has specifically indicated an unwillingness to represent the group. In our opinion, the Board, when directing elections in these cases, has emphasized primarily the fact that the employees in the residual group were unrepresented and should be given an opportunity to express their desires rather than the interest or disinterest of the bargaining representative of the other employees.

⁹ *Great Lakes Pipe Line Company*, 92 NLRB 583.

¹⁰ The UAW-CIO and its Local 190 are also gratuitously presented with a further potential advantage. If for any reason they again desire not to represent the stationary operating engineers, they can prevent any other union from doing so, unless the latter union can win an election in the over-all unit, merely by the bare contention that they represent or are willing to represent these employees.

WIND INNERSOLE & COUNTER Co., INC., and INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS, AFL, LOCAL No. 653, PETITIONER. *Case No. 1-RC-2201. June 26, 1951*

Decision and Order

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Nathan Saks, hearing officer. The hearing officers' 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 Act, the Board has delegated its power 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.

¹ Cut Sole Local No. 3, Brotherhood of Shoe and Allied Craftsmen, herein called the Intervenor, was permitted to intervene upon its adequate showing of interest in this proceeding.

2. The labor organizations involved claims to represent employees of the Employer.

3. No 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, for the following reasons:

The Petitioner requests a unit of truck drivers, helpers, and warehousemen. The Employer and the Intervenor contend that such a unit is inappropriate, on the ground that these employees are essentially production employees who have been included in an over-all production unit for at least 10 years.

The Employer is engaged at Brockton, Massachusetts, in the manufacture of inner soles and welting for shoes. The Employer has approximately 200 employees on its payroll. The 6 employees in the unit sought comprise the shipping and receiving department. These employees load and unload freight cars. In this connection, 2 of these employees drive trucks to and from the railroad station and, at times also make deliveries to local customers. However, it is undisputed that these 2 employees as well as the others here sought spend the greater part of their time working throughout the plant with production employees in the welting room, the bailing room, the tannery, and the cutting room. From these facts, and upon the entire record in this case, we believe that the Petitioner seeks to represent an artificial grouping of employees which lacks the homogeneity and cohesiveness requisite for the purposes of collective bargaining.² Under these circumstances, we find that the requested unit is inappropriate and we shall therefore dismiss the petition.

Order

IT IS HEREBY ORDERED, that the petition herein be, and it hereby is, dismissed.

² See *Chicago Pneumatic Tool Company, Inc.*, 89 NLRB 799; *Capitol Records, Inc.*, 89 NLRB 1545; *W. F. Schraff & Sons Corporation*, 86 NLRB 77.

COOPER'S INC. and SEWING MACHINE MECHANICS ASSOCIATION OF AMERICA, NEC, PETITIONER. *Case No. 13-RC-1474. June 26, 1951*

Supplemental Decision and Order

Pursuant to a Decision and Direction of Election issued by the Board on February 5, 1951, in the above-entitled matter, an election by secret ballot was held under the direction and supervision of the Regional Director for the Thirteenth Region, among the employees of the