

and supervisors as defined in the Act constitute a unit appropriate for 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.]

AMERICAN ENKA CORPORATION (LOWLAND PLANT) and UNITED TEXTILE WORKERS OF AMERICA, AFL, PETITIONER. *Case No. 10-RC-955.*
August 1, 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 Jerold B. Sindler, 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 organization involved claims 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 appropriate unit:

The Petitioner and the Employer agree that the appropriate unit should include all hourly paid employees of the Employer at its Lowland, Tennessee, plant, but excluding all office and clerical employees (including those in the employment, hospital, protection, payroll, accounting, purchasing, standards, filing, industrial relations, records, plant manager's and chief chemist's offices and chemical laboratory, engineering and telephone departments), and excluding, further, professional employees (including inspectors and technicians), part-time or summer employees, guards, and supervisors as defined in the Act.¹ The Petitioner would include, whereas the Employer would exclude, the employees in the textile laboratory. Furthermore the Petitioner

¹ This unit is substantially the one found appropriate by the Board in an earlier decision involving this plant, *American Enka Corporation, (Lowland Plant)*, 80 NLRB 298. The Petitioner also sought to exclude specifically "temporary construction employees" and "instructors." It was brought out at the hearing that there are no employees presently employed in these classifications.

would exclude probationary employees and trainees; the Employer takes no position on their inclusion or exclusion.

Textile laboratory employees were included within the unit by the Board's earlier decision upon the Employer's testimony that only nonskilled, hourly paid personnel would be hired for the laboratory.² Contrary to these plans, the Employer thereafter hired laboratory employees on a salary basis and has insisted that they have a high school education and, in addition, pass an intelligence test before commencing work. Their duties consist chiefly of the determination, by various tests, of the qualities and characteristics of the Employer's products in order to evaluate their suitability for various uses. On occasion, they conduct special tests to discover uses for new products. Although the tests are routine, the procedure for performing them is changed from month to month. Consequently, instruction for their duties requires approximately a year of on-the-job training.

Although the Board's certificate in the prior proceeding covered the textile laboratory employees, there has been no history of collective bargaining with respect to them. Their work is under the direction and control of a chief chemist who also is in charge of the chemical laboratory employees who the parties agree should be excluded from the unit. The textile laboratory employees work in a separate department of the Employer's main plant; they have different working hours, vacations, and life insurance provisions than the hourly paid employees. There is no interchange of employees from the textile laboratory to other departments. We find that the interests of the textile laboratory employees are not allied with those of the employees sought by the Petitioner and shall therefore exclude them from the unit.³

Probationary employees.—All hourly paid employees are put on a probationary basis for 6 months, and are considered trainees for the first 6 weeks of this period. During this time, seniority, insurance, and vacation benefits do not accrue to them. However, probationary employees work along with other hourly paid employees and are hired with the expectation that their jobs will become permanent. We find that their interests are substantially the same as those of the permanent employees and shall include them within the unit.⁴

Part-time employees.—The Petitioner and the Employer seek to exclude from the unit a group of part-time employees who work during the summer months and during certain 3-month periods. It appears that these part-time employees are salaried students who are in training, as a rule, for positions that are excluded from this unit. They have the same benefits as salaried employees and work the same hours as the office employees. We find, therefore, that the students

² 80 NLRB 298, *supra*.

³ *United States Gypsum Company*, 92 NLRB 18.

⁴ *Southland Manufacturing Company*, 91 NLRB No. 38, and cases cited therein.

employed part time at the Employer's plant do not have common interests with the other employees in the requested unit. Accordingly, we shall exclude them.

We find that the following employees constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9 (b) of the Act: All hourly paid employees of the Employer at its Lowland, Tennessee, plant, including probationary employees, but excluding all office and clerical employees (including those in the employment, hospital, protection, payroll, accounting, purchasing, standards, filing, industrial relations, records, plant managers, and chief chemists offices and chemical laboratory engineering, and telephone departments) and further excluding textile laboratory employees, professional employees (including inspectors and technicians), part-time or summer employees, guards, and supervisors as defined in the Act.

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

ILLINOIS BELL TELEPHONE COMPANY *and* COMMUNICATION WORKERS OF AMERICA, CIO, PETITIONER

ILLINOIS BELL TELEPHONE COMPANY *and* INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS OF AMERICA, AFL, PETITIONER. *Cases Nos. 13-RC-1843 and 13-RC-1869. August 1, 1951*

Decision and Direction of Election

Upon separate petitions duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Albert Gore, 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 these cases to a three-member panel [Chairman Herzog and Members Houston and Reynolds].

Upon the entire record in these cases, 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. Communication Workers of America, CIO, herein called the CWA, seeks to represent a unit of employees of the Employer's State