

In the Matter of WESTINGHOUSE ELECTRIC CORPORATION, EMPLOYER
and UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF
AMERICA, CIO, PETITIONER

Case No. 8-R-2508.—Decided May 7, 1947

Mr. Job Taylor, II, of Pittsburgh, Pa., and *Mr. Carl F. Herbold*,
of Lima, Ohio, for the Employer.

Mr. David Scribner, by *Mr. Allen Brotsky*, of New York City, and
Mr. Arthur L. Garfield, of Dayton, Ohio, for the Petitioner.

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

DECISION

AND

CERTIFICATION OF REPRESENTATIVES

Upon a petition duly filed, the National Labor Relations Board, on March 5, 1947, conducted a prehearing election among employees of the Employer in the alleged appropriate unit, to determine whether or not they desired to be represented by the Petitioner for the purposes of collective bargaining.

At the close of the election, a Tally of Ballots was furnished the parties. The Tally shows that there were approximately 113 eligible voters, of whom 99 cast valid ballots, 54 of which were for and 45 against the Petitioner.

Thereafter, hearing in the case was held at Lima, Ohio, on April 3, 1947, before Louis S. Belkin, hearing officer. At the hearing, the Employer moved that the proceeding be dismissed. For reasons stated in Sections I and V, *infra*, the motion is hereby denied. The rulings of the hearing officer made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

Westinghouse Electric Corporation, a Pennsylvania corporation with its principal place of business in Pittsburgh, Pennsylvania,

operates plants and places of business in several States in the United States. We are concerned in this proceeding only with the Employer's Leipsic, Ohio, plant. Annually, the Employer receives at its Lima, Ohio, plant raw materials valued in excess of \$5,000,000, approximately 80 percent of which is received from points outside the State of Ohio. About \$250,000 worth of these raw materials are then sent to the Employer's Leipsic plant. Annually, the Employer manufactures wound primaries at its Leipsic plant valued in excess of \$480,000, all of which are shipped to the Lima plant where they are impregnated with di-electric varnishes, subjected to various machine operations, assembled with other parts into fractional horse power motors, and ultimately shipped to various points in the United States. Annually, the finished products manufactured at the Lima plant exceed \$20,000,000 in value, approximately 75 percent of which is distributed to points outside the State of Ohio.

We find, contrary to the Employer's contention, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

The Petitioner is a labor organization affiliated with the Congress of Industrial Organizations, claiming to represent employees of the Employer.

III. THE QUESTION CONCERNING REPRESENTATION

The Employer refuses to recognize the Petitioner as the exclusive bargaining representative of employees of the Employer until the Petitioner has been certified by the Board in an appropriate unit.

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

IV. THE APPROPRIATE UNIT

We find, in accordance with the agreement of the parties, that all production and maintenance employees at the Employer's Leipsic, Ohio, plant, including shipping and receiving employees, but excluding office and clerical employees, guards, technical employees, and all 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

The Employer urges that the prehearing election was untimely and that no certification should issue because of a proposed substantial increase in personnel. At the time of the election approximately 115 workers were employed by the Employer and at the hearing date herein there were approximately 130 employees. The Employer asserted that it expects to reach a personnel strength of approximately 200 by August 1947, and that it will eventually reach a maximum of about 300 employees. The Employer's plans for expansion, however, are dependent upon the availability of copper and employees. We are of the opinion that the Employer's estimate as to its ultimate personnel quota is speculative and indeterminate at best. Accordingly, we are of the opinion that the prehearing election of March 5, 1947, was timely and we see no valid reason why a certification should not now issue. However, in view of the possible expansion of the appropriate unit, we shall entertain a new petition for investigation and certification of representatives 6 months after the date of the present certification upon proof (1) that the number of employees in the appropriate unit is more than double the number eligible to vote in the prehearing election of March 5, 1947, and (2) that the petitioning union represents a substantial number of employees in the expanded appropriate unit.¹

CERTIFICATION OF REPRESENTATIVES

IT IS HEREBY CERTIFIED that United Electrical, Radio and Machine Workers of America, CIO, has been designated and selected by a majority of the employees in the unit described in Section IV, above as their representative for the purposes of collective bargaining and that, pursuant to Section 9 (a) of the Act, the said organization is the exclusive representative of all such employees for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.

¹ See *Matter of Aluminum Company of America*, 52 N L R B 1040.