

In the Matter of AMERICAN DISTRICT TELEGRAPH COMPANY OF SAN FRANCISCO, EMPLOYER, and INTERNATIONAL ASSOCIATIONS OF MACHINISTS, DISTRICT LODGE No. 115, PETITIONER

Case No. 20-RC-801.—Decided June 9, 1950

DECISION AND ORDER

Upon a petition duly filed, a hearing was held before Benjamin B. Law, 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 National Labor Relations Act, the Board has delegated its powers in connection with this proceeding to a three-member panel [Chairman Herzog and Members 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 National Labor Relations Act.¹
2. The labor organization involved claims to represent certain employees of the Employer.
3. The Petitioner seeks to represent a unit limited to employees of the Employer's plant department in Oakland, California.

The Employer, a California corporation, supplies various forms of protection against fire, unlawful entry, and other hazards by means of electrical devices installed on the property of its customers. The Employer's operations in Oakland are divided into 2 departments, an operating department and the plant department here sought by the Petitioner. The operating department has about 15 employees, who work in and out of the central station. These employees receive signals from the alarm equipment on customers' premises and are dispatched to investigate such signals and take appropriate action. We find that these employees are not guards within the meaning of the Act.² The plant department, with which we are here concerned,

¹ We find no merit in the contention of the Employer that its operations do not affect commerce within the meaning of the Act. *American District Telegraph Company*, 84 NLRB 162 *id.*, 89 NLRB 1228.

² *American District Telegraph Company*, 89 NLRB 1228. For reasons adverted to in the dissenting opinion in the foregoing case, Member Reynolds would find the unit sought herein to be appropriate. However, he deems himself bound by the majority opinion in that case.

is located about 2½ blocks from the central station of the operating department. The employees in the plant department are primarily engaged in the inspection, installation, and repair of the electrical alarm devices on the customers' premises.

The record shows no reason why the employees in the Employer's operating department should not be included in a unit with those in the plant department. We therefore find that the unit sought by the Petitioner, from which the operating department employees would be excluded, is not appropriate.³

Accordingly, we find that no question affecting commerce exists within an appropriate bargaining unit, and we shall dismiss the petition filed herein.⁴

ORDER

Upon the basis of the foregoing findings of fact and the entire record in the case, the Board hereby orders that the petition for investigation and certification of representatives of the employees of American District Telegraph Company of San Francisco, Oakland, California, filed by International Association of Machinists, District Lodge No. 15, be, and it hereby is, dismissed.

³ *American District Telegraph Company, supra.*

⁴ *Tennessee Packers, Inc.*, 87 NLRB 90.