

In the Matter of AMERICAN ENKA CORPORATION, EMPLOYER *and*
AMALGAMATED PLANT GUARD WORKERS LOCAL 110 AND UNITED PLANT
GUARD WORKERS OF AMERICA, PETITIONER

Case No. 10-RC-888.—Decided June 30, 1950

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before Vincent W. Bradley, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

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.

2. The Petitioner herein, Amalgamated Plant Guard Workers Local 110 and United Plant Guard Workers of America, is a labor organization claiming 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) and Section 2 (6) and (7) of the Act.

4. The Petitioner seeks to represent a unit of plant guards, including the fire marshals, and safety inspectors employed at the Employer's Morristown, Tennessee, plant. The Employer is in general agreement on the unit except that he would exclude the safety inspectors.

The record shows that the safety inspector's primary responsibility is the inspection of all safety hazards and fire fighting equipment, the investigation of all plant accidents and the making of reports relative thereto. He makes regular patrols of the plant to check for safety hazards and makes some periodic fire inspections. He holds safety meetings for production and maintenance employees and conducts courses in safety procedure and first aid. The safety inspector works only during the day; has no supervisory authority; and performs none of the duties performed by the guards comprising the unit sought. Accordingly, we find that he is not employed as a guard within the meaning of the Act and shall exclude him from the appropriate unit.

¹ All questions of admissibility of evidence were reserved by the hearing officer for the Board. We find no merit in objections by the Employer to the admission of evidence sought to be adduced. Accordingly, such evidence is hereby made a part of the record.

The following employees of the Employer, therefore, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act: All guards² and fire marshals at the Employer's Morristown, Tennessee, plant, excluding safety inspectors, supervisors, professional employees, and all other employees.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, an election by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations, among the employees in the unit found appropriate in paragraph numbered 4, above, who were employed during the payroll period immediately preceding the date of this Direction of Election, including employees who did not work during said payroll period because they were ill or on vacation or temporarily laid off, but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, and also excluding employees on strike who are not entitled to reinstatement, to determine whether or not they desire to be represented, for purposes of collective bargaining, by Amalgamated Plant Guard Workers Local 110 and United Plant Guard Workers of America.

CHAIRMAN HERZOG and MEMBER REYNOLDS took no part in the consideration of the above Decision and Direction of Election.

² The Employer's contention that the guards because of occasional part-time duties as telephone operators are confidential employees is without merit. *Lever Brothers Co.*, 89 NLRB 445.