

In the Matter of WEST CENTRAL BROADCASTING COMPANY, EMPLOYER  
and AMERICAN FEDERATION OF RADIO ARTISTS, PETITIONER

*Case Nos. 13-RC-50 and 13-RC-57.—Decided April 27, 1948*

*Messrs. Robert D. Morgan and Fred C. Mueller, of Peoria, Ill., for the Employer.*

*Mr. Edward Schlesinger, of New York City, for the Petitioner.*

DECISION  
AND  
DIRECTION OF ELECTION

Upon separate petitions duly filed, a consolidated hearing was held at Peoria, Illinois, on February 5, 1948, before Richard C. Swander, hearing officer. The hearing officer's rulings 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<sup>1</sup> makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

West Central Broadcasting Company is a Delaware corporation operating WEEK, a 1,000-watt radio station located at Peoria, Illinois. WEEK is licensed by the Federal Communications Commission to operate within the State of Illinois; it services an area covering approximately 10 counties and is the National Broadcasting Company's only outlet in Peoria. The Company's income from sales of advertising, from April through December 1947, exceeded \$100,000. Of this amount, approximately \$14,000 was booked through NBC representing such national advertisers as Pabst Brewing Company, RCA Victor, National Harvester, and Kraft Foods; approximately \$23,000 worth of other national advertising was booked through a New York advertising agency; and approximately \$80,000 was derived from contracts

<sup>1</sup> Pursuant to Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members [Houston, Reynolds, and Gray].

with local advertisers. WEEK subscribes to the Associated Press Radio Wire Service.

We find, contrary to the contention of the Employer, that the Employer is engaged in commerce within the meaning of the Act.<sup>2</sup>

## II. THE ORGANIZATION INVOLVED

The Petitioner is a labor organization affiliated with the Associated Actors and Artists of America, A. F. L., 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 certain employees of the Employer until the Petitioner has been certified by the Board in an appropriate unit or units.

We find that 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.<sup>3</sup>

## IV. THE APPROPRIATE UNIT

The Petitioner seeks to represent all announcers, singers, and continuity writers at radio station WEEK, excluding the program director,<sup>4</sup> although it submits for the Board's determination the question of whether these employees should comprise a single unit or separate units for the purposes of collective bargaining. The Employer takes no position with respect to the appropriateness of the unit; it did, however, raise a question concerning the possible "professional" status of the employees sought by the Petitioner<sup>5</sup> and whether, therefore, any of these employees should be separately polled with respect to their inclusion in a comprehensive unit, in accordance with the provisions of Section 9 (b) (1) of the Act.

<sup>2</sup> *Matter of Western Gateway Broadcasting Corporation*, 77 N. L. R. B. 49; *Matter of Federated Publications, Inc.*, 74 N. L. R. B. 1054; *Matter of Tennessee Valley Broadcasting Company*, 73 N. L. R. B. 1509; *Matter of Louis G. Baltimore*, 57 N. L. R. B. 1611.

<sup>3</sup> The Employer contended that the Board may not process the present petition unless all other subsidiary organizations affiliated with the Associated Actors and Artists of America are also in compliance with Section 9 (f), (g), and (h) of the Act, and offered to prove that certain other branches of the A. A. A. were not in compliance. The hearing officer properly rejected this offer of proof. Inasmuch as both the Petitioner and the A. A. A. have complied with the filing requirements of Section 9 of the Act, the compliance status of other sister branches affiliated with the same parent organization is not relevant to this proceeding. Cf. *Matter of Warshawsky and Company*, 75 N. L. R. B. 1291.

<sup>4</sup> All parties agreed that the program director is a supervisor as defined in the Act.

<sup>5</sup> The Employer took no position with respect to which, if any, of these employees may be professional.

In connection with the operation of its radio station, the Employer employs seven announcers, two singers, and two continuity writers.<sup>6</sup> The record does not indicate any bargaining history for these employees.

Announcers perform the usual duties incidental to their job classification. The qualifications prescribed by the Employer for its announcers are a "good voice," ability to sell a product or a service, some knowledge of music, and an aptitude for news broadcasting. It appears, in this connection, that the Employer gives some voice training to its announcers. Announcers are required to exercise some discretion in the timing and scheduling of programs, the selection of music, and the correction of mistakes which may occur during the progress of the show. Of the Employer's seven announcers, three possess college degrees and virtually all have had previous radio experience or training in radio work.

The Employer's primary qualifications for its singers are a knowledge of music and a voice quality which is "salable" on the air. Although singers sometimes select their own songs, their work is under the direction of the Employer's musical director and is generally of a routine nature which does not involve the "consistent exercise of discretion and judgment in its performance."<sup>7</sup> Both of the Employer's singers have had previous musical education and experience.

The duties of the Employer's continuity writers embrace all the writing for the Employer's radio programs. The Employer requires its continuity writers to have educational training in the field of writing or its experience equivalent. Both continuity writers have had previous writing experience and one of them also possesses a college degree.

Although the employees in question are trained and are undoubtedly skilled personnel, we do not believe that they are "professional" employees within the definition prescribed by Section 2 (12) of the Act. We further believe that in their daily operations, these employees comprise a small, closely integrated group and that they have a sufficiently close community of interest to constitute a single appropriate bargaining unit.<sup>8</sup>

Accordingly, we find that all announcers, singers, and continuity writers employed at the Employer's radio station WEEK at Peoria, Illinois, excluding the program director and all other supervisors as

<sup>6</sup> The record discloses that one announcer and both singers are employed on a part-time basis. The parties are agreed, however, that these employees should be considered on the same basis as full-time employees.

<sup>7</sup> See Section 2 (12) (ii) of the Act.

<sup>8</sup> Cf. *Matter of Federated Publications, Inc.*, 74 N. L. R. B. 1054, 1057

defined in the Act, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

#### DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with West Central Broadcasting Company, Peoria, Illinois, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Thirteenth Region, and subject to Sections 203.61 and 203.62 of the National Labor Relations Board Rules and Regulations—Series 5, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll 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 by American Federation of Radio Artists for the purposes of collective bargaining.