

to the clerks and direct their activities in all respects. The Employer's supervisor of stores in Savannah testified without contradiction that assistant managers have power to hire or to discharge employees without consulting the store managers, and he cites three instances of their exercise of such authority. Upon these facts, it is clear, and we find, that assistant managers are supervisors as defined in the Act. We shall therefore exclude them from the unit.

The Employer classifies as part-time employees all persons who work less than 29 hours weekly. The number of such employees throughout the stores varies between 5 and 10. They are for the most part high school students employed principally on Saturdays. Ordinarily they work between 9 and 18 hours weekly; during the summer months they may work as much as 27 hours per week. They do not handle cash or check out items, but otherwise do work similar to that of the full-time employees. Their pay rate is comparable to that of other employees although they do not enjoy the insurance, pension, and vacation benefits of the full-time workers. The record indicates, although it is not clear on this point, that the average part-time employee remains with the Employer for about 6 months, but one at least has been employed for over 2 years. It thus appears that the part-time employees are regularly employed at work which is the same as that performed by full-time employees. We shall therefore include them, as regular part-time employees, in the unit. We also find that they are eligible to vote in the election hereinafter directed.<sup>5</sup>

We find that all produce, grocery, and dairy department employees in the Employer's four stores in Savannah, Georgia, including part-time employees, but excluding employees of the meat departments, assistant managers, managers, and all supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining.

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

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<sup>5</sup> *The Kroger Company*, 85 NLRB 6.

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WHELAND COMPANY *and* UNITED STEELWORKERS OF AMERICA, CIO,  
PETITIONER. *Case No. 10-RC-1313. October 5, 1951*

### **Supplemental Decision and Certification of Representatives**

Pursuant to a Decision and Direction of Elections issued on July 11, 1951,<sup>1</sup> separate elections by secret ballot were conducted on August

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<sup>1</sup> *Wheland Company*, 95 NLRB No. 18.

9, 1951, under the direction and supervision of the Regional Director for the Tenth Region among certain machine shop employees of the Employer. An election was conducted among the machine shop production and maintenance employees, excluding all machine shop helpers, to determine whether these employees desired to be represented for purposes of collective bargaining by United Steelworkers of America, CIO, or by International Association of Machinists, Lodge No. 56, or by neither; an election was conducted among the machine shop helpers to determine whether or not these employees desired to be represented by United Steelworkers of America, CIO. Tallies of ballots were served upon the parties at the conclusion of the elections, and no objections were filed thereto. The tally for the production and maintenance machinists' election discloses that there were 159 eligible voters, and that 153 ballots were cast, of which 77 were for the IAM, 75 were for the Steelworkers, and 1 for neither. The tally for the machine shop helpers' election shows that, of 19 eligible voters, 18 cast ballots for the Steelworkers, and 1 abstained from voting. There were no challenged ballots in either election.

On August 30, 1951, the Petitioner, United Steelworkers of America, CIO, filed a motion with the Board asking that it be certified as the exclusive bargaining representative of all employees within the Employer's machine shop. In the alternative, it asks that the Board direct new elections. In support of this motion, it urges, in substance, that the machine shop helpers' vote indicates that they wish to be included in the machine shop production and maintenance unit, and that their ballots should therefore be considered along with the ballots of the machinists in determining the bargaining representative of the machine shop group.

It is clear from the language employed in the Board decision directing these "Globe" elections, and from past Board practice in such cases, that no such construction and effect can be given the results of the elections here. Concerning these machine shop helpers, the Board said that "we shall first ascertain their desires as expressed in a separate election before determining their unit placement," and further said that "if a majority of [them] vote for the Petitioner, they will be deemed to have expressed a desire to be represented by the Petitioner as part of the machine shop unit." We refrained from indicating, however, what construction we would place on the various possible results of the elections, one in relation to the other. On the contrary, we reserved decision as to the unit placement of these employees until we had the opportunity to appraise the effect of the ultimate vote in light of all pertinent circumstances.

As we have previously observed, in instances where separate self-determination elections are being simultaneously held, it is impossible

for the employees participating in such elections to know in advance whether the union for which they cast their vote will be successful in either, or both, of the voting groups. The only logical import that can be given to their vote, therefore, is to assume that they have registered a desire to have the union of their choice represent them in a unit embracing the group or groups in which it might ultimately win a majority vote.<sup>2</sup>

As heretofore stated, the Board, in its Decision and Direction of Election, made no final determination as to the appropriate unit or units. Therefore, upon the entire record in this case, the Board makes the following:

### Supplemental Findings of Fact

We find that all production and maintenance employees in the machine shop at the Employer's Chattanooga, Tennessee, plant, including the machinists on special assignment, but excluding machine shop helpers, office, clerical, technical, and professional employees, watchmen and guards, and all supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act. As the Intervenor has secured a majority of the valid votes cast in the election among these employees, we shall certify it as the bargaining representative of this unit.

We further find that all machine shop helpers employed in the machine shop at the Employer's Chattanooga, Tennessee, plant, excluding all other employees and all supervisors as defined in the Act, constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9 (b) of the Act. As the Petitioner has obtained a majority of the valid votes cast in the election held among the machine shop helpers, we shall certify it as the bargaining representative of a unit composed of these employees.

### Certification of Representatives

IT IS HEREBY CERTIFIED that International Association of Machinists, Lodge No. 56, has been designated and selected by a majority of all production and maintenance employees in the machine shop at the Employer's Chattanooga, Tennessee, plant, including the machinists on special assignment, but excluding machine shop helpers, office, clerical, technical, and professional employees, watchmen and guards, and all supervisors as defined in the Act, as their representative for the purposes of collective bargaining, and that, pursuant to Section

<sup>2</sup> *J. I. Case Company*, 87 NLRB 692.

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.

IT IS FURTHER CERTIFIED that United Steelworkers of America, CIO, has been designated and selected by a majority of all machine shop helpers employed in the machine shop at the Employer's Chattanooga, Tennessee, plant, excluding all other employees and all supervisors as defined in the Act, 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.

MEMBERS MURDOCK and STYLES took no part in the consideration of the above Supplemental Decision and Certification of Representatives.

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GENERAL REFRACTORIES COMPANY *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL, PETITIONER

HARBISON-WALKER REFRACTORIES *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL, PETITIONER. *Cases Nos. 9-RC-1162, 9-RC-1179, 9-RC-1190, and 9-RC-1191. October 8, 1951*

### Decision and Order

Upon separate petitions duly filed under Section 9 (c) of the National Labor Relations Act, a hearing in these consolidated cases was held before Alan A. Bruckner, 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 Employers are engaged in commerce within the meaning of the Act.
2. The labor organizations involved claim to represent employees of the Employers.
3. No question affecting commerce exists concerning the representation of employees of the Employers within the meaning of Section