

is persuaded that the evidence adduced by the General Counsel does not sustain the allegations of the complaint that the Respondent has engaged in unfair labor practices within the meaning of Section 8 (a) (1), (3), and (5) of the Act. The undersigned will therefore recommend that the complaint be dismissed in its entirety.

Upon the basis of the foregoing findings of fact and upon the entire record in the case, the undersigned makes the following:

CONCLUSIONS OF LAW

1. The Respondent is engaged in commerce within the meaning of Section 2 (6) and (7) of the Act.
2. Stationary Engineers, Local 707, International Union of Operating Engineers, AFL, is a labor organization within the meaning of Section 2 (5) of the Act.
3. The Respondent has not engaged in unfair labor practices within the meaning of the Act.

Recommendations

Upon the basis of the foregoing findings of fact, conclusions of law, and the entire record in the case, the undersigned hereby recommends that the complaint herein be dismissed in its entirety.

In the event no statement of exceptions is filed as provided by the Board's Rules and Regulations, the findings, conclusions, recommendations, and recommended order herein contained shall, as provided in said Rules and Regulations, be adopted by the Board and become its findings, conclusions, and order, and all objections thereto shall be deemed waived for all purposes.

WESTINGHOUSE ELECTRIC CORPORATION *and* AMERICAN FEDERATION OF LABOR, PETITIONER. *Case No. 8-RC-1287. October 29, 1951*

Decision and Order

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Carroll L. Martin, 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 this case to a three-member panel [Chairman Herzog and Members Houston and Murdock].

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.
2. The labor organizations involved claim to represent employees of the Employer.
3. No 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, for the following reason:

The Petitioner requests a unit of all maintenance employees at the
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Employer's Cleveland, Ohio, plant, who are not now separately represented in craft units. The Employer and International Union of Electrical, Radio and Machine Workers, Local 777, CIO, herein called the IUE, contend that the proposed unit is inappropriate because the employees involved are not skilled craftsmen and because they have heretofore been included in a larger unit. The Pattern Makers League of North America, Cleveland Association, AFL, intervened solely to protect its representative status on behalf of the patternmakers and, as none of the parties seeks to represent these employees in this proceeding, it took no position as to the appropriate unit.

At its Cleveland plant, the Employer is engaged in manufacturing lighting equipment. The maintenance department consists of both skilled and unskilled workmen, such as electricians, millwrights, pipefitters, carpenters, powerhouse attendants, maintenance helpers, janitors, and laborers.¹ These employees perform the usual duties of their classifications and work generally throughout the plant repairing and maintaining the physical properties. Since 1939, the maintenance employees have been included in a single plant-wide bargaining unit, together with production workers. That unit, previously represented by Federal Westinghouse Employees Association, and then by United Electrical, Radio and Machine Workers of America, CIO, is now covered by an existing contract between the Employer and the IUE. In 1948, the maintenance electricians were severed into a separate craft unit, and they have since been represented by International Brotherhood of Electrical Workers, AFL.

As set forth above, the Petitioner seeks to sever, from the existing production and maintenance unit, all maintenance department employees except the maintenance electricians. We find it unnecessary to pass upon the asserted craft status of a number of the maintenance employees here involved. It suffices, for the purposes of this decision, that the proposed unit is a miscellaneous grouping of skilled and unskilled workmen who have heretofore been represented as part of a plant-wide unit. The Board has consistently refused to establish such multicraft units in the face of a substantial history of plant-wide bargaining.² Accordingly, without regard to the degree of skill of the various employees involved, we find that the proposed unit is inappropriate. We shall, therefore, dismiss the petition.³

Order

IT IS HEREBY ORDERED that the petition filed herein be, and it hereby is, dismissed.

¹ There is some indication in the record that the metal polishers may also form part of the maintenance department. In any event, it is clear that the polishers, like the patternmakers, constitute separate craft units, and are not involved in this proceeding.

² *General Mills, Inc., Sperry Division*, 91 NLRB 984, and cases cited therein.

³ In view of this finding, we do not pass upon the IUE's contract bar contention