

department includes 8 or 9 other employees who do shop clerical work and whom the Petitioner does not seek to represent.<sup>4</sup>

Accordingly, we find that the proposed unit is inappropriate for collective bargaining purposes, and we shall, therefore, dismiss the petition.

### Order

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

<sup>4</sup> *Montgomery Ward & Company, Incorporated*, 88 NLRB 615.

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WESTINGHOUSE ELECTRIC CORPORATION (LIMA, OHIO, PLANT) and ASSOCIATION OF LIMA WESTINGHOUSE POLICE, PETITIONER. *Case No. 8-RC-1359. November 1, 1951*

### Decision and Direction of Election

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held on September 6, 1951, before Philip Fusco, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.<sup>1</sup>

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 [Members Houston, Murdock, and Styles].

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 hearing officer referred to the Board the Employer's motion to dismiss the instant proceeding on the following grounds: (1) The Petitioner is not a labor organization as defined in the Act and has no constitution or bylaws in the absence of which it cannot be determined whether the Petitioner admits employees other than guards, and (2) the members of the Petitioner are still members of IUE-CIO Local 724 which sponsored and aided the Petitioner. The record discloses that the Petitioner's membership is restricted exclusively to guards and exists for the purpose of dealing with the Employer on matters relating to wages, hours, and working conditions. It is also clear that despite the use of the hall of IUE-CIO Local 724 and the aid of its chief steward at the Petitioner's organizational meeting, the Petitioner, which does not report to the IUE and does not pay dues

<sup>1</sup> The Lima Westinghouse Salaried Employees Association, the contractual representative of the salaried employees at the Lima plant, was permitted to intervene for the purpose of stating its position with regard to the category of policeman-receptionist discussed *infra*.

to or receive financial assistance from that organization, has no connection therewith and is free to formulate its own policies and decide its own course of action. Accordingly, we find that, although the IUE furnished assistance to the Petitioner during its organizational stage, the Petitioner is a labor organization<sup>2</sup> confining its membership to guards and is neither directly nor indirectly affiliated with any other organization.<sup>3</sup> The Employer's motion to dismiss is hereby denied.

The Intervenor 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) (1) and Section 2 (6) and (7) of the Act.

4. The Petitioner seeks a single unit of policemen employed at the Employer's Lima and Buckeye plants in Lima, Ohio, excluding the policeman-receptionist, professional employees, captains, lieutenants, sergeants, and all other supervisors as defined in the Act. The Employer agrees as to the composition of the unit but contends that the unit should be limited to the Lima plant, because there is no "cohesion" between its activities and those of the newly acquired Buckeye plant.<sup>4</sup>

The policemen at both establishments, all of whom are deputized and uniformed, have as their basic responsibility the protection of their plants which they patrol for the purpose of guarding against the entrance of unauthorized persons. It is clear, and we find, that the policemen at both plants are guards within the meaning of Section 9 (b) (3) of the Act as amended.<sup>5</sup>

A captain of the guards is in charge of the policemen at the Lima and Buckeye plants which are located within 6 miles of each other. When the Buckeye plant was acquired in 1950,<sup>6</sup> the policemen for that plant were trained at the Lima plant. During the vacation period there are temporary assignments from one plant to the other. Similarly, there is an interchange of plant-protection employees as a result of absence caused by illness.<sup>7</sup> The pay scale and other conditions of employment are the same for both plants. Until the mid-

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<sup>2</sup> *DeMay's Inc.*, 81 NLRB 1374.

<sup>3</sup> *Westinghouse Electric Corp.*, 96 NLRB 316; *Brooklyn Piers, Inc.*, 88 NLRB 1364; *International Harvester Company*, 81 NLRB 374. Cf. *Wilcox Construction Company, Inc.*, 87 NLRB 371.

<sup>4</sup> Although there are guards in two other branches of the Employer, which are respectively 35 and 80 miles from Lima, they are not discussed here, as the parties agree on their exclusion from the unit, and it does not appear from the record that their interests are substantially related to those of the plant-protection employees at the Lima and Buckeye plants.

<sup>5</sup> *Westinghouse Electric Company*, 87 NLRB 345; *Chrysler Corporation*, 79 NLRB 462.

<sup>6</sup> It is expected that this plant, which is now being used for storage purposes, will go into production 2 or 3 months from the date of the hearing.

<sup>7</sup> However, the Employer asserts that it plans to discontinue this practice in the future.

ble of 1950, UE Local 724 represented the Lima plant policemen who have not been represented since that time.<sup>8</sup>

In view of the proximity of the two plants involved herein, the common supervision of the policemen, and their uniform working conditions, we find that the two-plant unit requested by the Petitioner is appropriate.<sup>9</sup>

There remains for consideration the question whether the policeman-receptionist should be excluded as stipulated by the Employer and Petitioner. The Employer in December 1950 supplanted the female receptionist in the office of the Lima plant with a policeman-receptionist for the duration of the present emergency. The policeman-receptionist, who is not deputized, wears a uniform and has the same authority as the other policemen except that he has no traffic duty. In carrying out his function of preventing the entrance of any unauthorized persons, he registers visitors, questions them as to their identity, checks their citizenship credentials, and detains suspicious persons. He is under the same supervision as the other policemen, receives the same rate of pay and benefits, shares their locker room, and is relieved by them during his lunch hour and rest periods. The Intervenor, which represented the female receptionist as part of the office and clerical unit at the Lima plant, does not claim to represent the policeman-receptionist. We find that the policeman-receptionist is a guard.<sup>10</sup> As his interests are closely allied to those of the other policemen, and he would otherwise go unrepresented, we shall, contrary to the agreement of the parties, include the policeman-receptionist in the unit.

Accordingly, we find that all policemen employed at the Employer's Lima and Buckeye plants in Lima, Ohio, including the policeman-receptionist, but excluding professional employees, captains, lieutenants, sergeants, and all other 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.

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

<sup>8</sup> The production and maintenance employees at the Lima plant also have a history of bargaining on a one-plant basis. *Westinghouse Electric Corporation*, 89 NLRB 8, 17, and cases cited therein.

<sup>9</sup> *Emerson Television Service Corporation*, 88 NLRB 55; *Westinghouse*, 87 NLRB 203; *Chrysler Corporation*, *supra*

<sup>10</sup> Because the Buckeye plant has been used for only about a year, we believe that the bargaining history prior to that date for the Lima plant alone does not militate against our multiplant finding. *Glass Fibers, Inc.*, 93 NLRB 1289. Cf. *Joseph E. Seagram & Sons, Inc.*, 83 NLRB 167.

<sup>10</sup> *Clark Thread Company*, 79 NLRB 542.