

supervisors, division supervisors, instructors, collector of revenue, senior stock clerks, chief dispatcher, assistant chief dispatcher, and all other supervisors, guards, and professional employees as defined in the Act.

If a majority of the employees voting in the election cast their ballots for the Petitioner, they will be taken to have indicated their desire to be included in the existing operating and maintenance unit and the Petitioner may bargain for them as a part of that unit. The Regional Director conducting the election directed herein is instructed to issue a certificate of results of election to that effect.

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

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PERSHING AVENUE CORPORATION, IVERS & POND PIANO COMPANY, PAUL G. MEHLIN & SONS AND POOLE PIANO COMPANY *and* UNITED FURNITURE WORKERS OF AMERICA, CIO, PETITIONER. *Case No. 32-RC-407. February 18, 1952*

### Decision and Direction of Election

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before J. M. Mitchell, 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 [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 labor organizations involved claim to represent certain employees of the Employer.<sup>1</sup>

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 Employer consists of four corporations, all wholly owned subsidiaries of Winter & Co., a New York corporation. These four corporations occupy one building in Memphis, Tennessee, and carry on the following endeavors: Pershing Avenue Corporation, real estate holding and maintenance; Ivers & Pond Piano Company, piano pro-

<sup>1</sup> Coopers' International Union of North America, AFL, was allowed to intervene at the hearing

duction; Paul G. Mehlin & Sons, manufacturer of piano supplies, specifically sounding boards and backboards; Poole Piano Company, manufacturer of piano supplies, specifically hammers. Although each corporation has a separate bank account and the salaries of its employees are chargeable to it, personnel matters for all four are handled by one office, as is purchasing. The privileges, benefits, and working conditions of all employees are uniform and wages "practically" so. We find these four corporations to be one Employer for purposes of the Act.

The parties are agreed upon the appropriateness of a unit of all production and maintenance employees, but the Employer urges the dismissal of the petition because the unit is expanding.

At the time of the hearing on January 9, 1952, the Employer was assembling 50 pianos a month in the Ivers & Pond operation with 18 to 20 employees. By June 1952 it expected to turn out 150 to 200 pianos a month, adding 20 employees to existing classifications.<sup>2</sup> It also stated that in February it expected to start a new operation of cabinetmaking within the Ivers & Pond operation, which would involve new classifications with 30 to 50 additional employees. Most of the machinery for this new operation was then installed and some supplies had been ordered.

The Employer had no expansion plans for the Mehlin operation, with only 2 employees. The Poole operation with 11 employees was expected to double, and perhaps add 2 for a type of work then being done by a supervisor. Except for the latter problematical 2, these **new employees will all be in existing classifications.** It also had no plans for increasing the 3 maintenance employees of the Pershing Avenue Corporation.

As an entirely new venture, but possibly to be handled by an existing corporation, the Employer also expected to start in February the manufacture of piano actions and keys. This operation will be carried on at the same location and most of the employees will have similar skills to those of employees already in the hire of the Employer, although some may be more skilled because the new operation is more complex. Ten employees will be hired to start this operation, for which machinery had been procured at the time of the hearing. The potential employee complement is estimated at 150, but no definite date when this may be expected appears because it is dependent in part upon the rate of learning of the first employees and the skills of the supervisor in training them.

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<sup>2</sup> There is some confusion in the record whether the Employer's round number estimate of 75 employees in this division by June 1952 includes anticipated cabinet work. We conclude that it does by reason of the break-down of *existing* classifications in the record giving current employees and expected employees in each. The wording of the Employer's brief confirms this interpretation.

Thus it appears that, in those classifications which were in existence at the time of the hearing, the Employer had a substantial and representative segment of the working force it contemplated within the ensuing 6-month period.<sup>3</sup> In those classifications which it contemplated establishing the Employer's own testimony indicates that hiring will take place within the current month. On this record there is no reason to suppose that all classifications will not be represented when the election directed herein takes place, in sufficient quantity to be representative of the working force actually contemplated for the next 6 months. In these circumstances we shall not dismiss the petition, as the Employer requests, but shall direct an immediate election in accord with our usual policy.<sup>4</sup>

We find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act: All production and maintenance employees of the Employer at its operations located at 2718 Pershing Avenue, Memphis, Tennessee, excluding office and clerical employees, professional employees, technical employees, watchmen, guards, and supervisors as defined in the Act.

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

<sup>3</sup> The complement anticipated with some degree of certainty for June 1952 appears to be approximately 112; real estate maintenance 3; piano assembly and cabinet 75; sounding boards 2; hammers 22-24; action and keys 10. Thirty-five production and maintenance employees were employed at the time of the hearing. The record indicates that February hirings would bring this 35 to at least 55.

<sup>4</sup> *Bell Aircraft Corporation*, 96 NLRB 1211; *R. P. Scherer Corporation, Hypospray Division*, 95 NLRB 1426.

PETCO CORPORATION—NEW ORLEANS DIVISION<sup>1</sup> and OIL WORKERS INTERNATIONAL UNION, CIO, PETITIONER. *Case No. 15-RC-515. February 18, 1952*

### Decision and Direction of Election

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before J. M. Mitchell, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.<sup>2</sup>

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

1. The Employer is engaged in commerce within the meaning of the Act.

<sup>1</sup> The name of the Employer appears as amended at the hearing.

<sup>2</sup> Independent Oil Workers Union of Jefferson was permitted to intervene in this proceeding upon a proper showing of interest.