

Accordingly, we find that all inside employees at the Employer's Pittsburgh, Pennsylvania, operations, excluding office, clerical, professional, and outside employees, guards, and supervisors as defined in the Act, constitute a unit appropriate for 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.]

POTOMAC ELECTRIC POWER COMPANY and CLIFFORD W. SCHMITZ, JR.,
PETITIONER, and ELECTRIC UTILITIES UNION OF WASHINGTON, D. C.¹
Case No. 5-RD-66. May 20, 1952

Decision and Direction of Election

Upon a petition for decertification duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before David C. Sachs, 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 Petitioner, an employee of the Employer, asserts that the Union is no longer the representative, as defined in Section 9 (a) of the Act, of the employees designated in the petition. The Union, a labor organization, is the currently recognized representative of the employees in question.

3. A question affecting commerce exists concerning the representation of the 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 to have the Union decertified as the bargaining representative of all engineer A's, assistant engineers, junior engineers, cost engineer A's, assistant cost engineers, junior cost engineers, and engineer-surveyor. The Petitioner contends, and the Union denies, that employees in the above categories are professional employees within the meaning of Section 2 (12) of the Act, and that such employees together constitute an appropriate unit separate from the unit covered by the Union's contract with the Employer.² The Employer takes no position in this matter.

¹ The name of the Union appears as amended at the hearing.

² There is no contention that the contract constitutes a bar to this proceeding.

The Employer is engaged in the production, sale, and distribution of electrical energy. The approximately 47 employees sought by the Petitioner and 10 or 12 engineering aides constitute the Employer's engineering staff.³ A Bachelor of Science degree in engineering, usually electrical engineering, is required for all of these classifications except the engineering aides.

Since 1937 the Union has been in contractual relationship with the Employer for a company-wide unit including the employees involved in this proceeding.

Junior engineers, assistant engineers, engineer A's: The junior engineers are recent engineering graduates who spend about a year gaining experience in the various departments of the Employer. At the conclusion of this training they are promoted to the classification of assistant engineer. And after an additional 2 or 3 years they are qualified for the position of engineer A. Although the work varies in the different departments of the Employer, all engineer A's are sufficiently well trained to design or lay out any project that is assigned to them by their supervisors. The engineers in the planning bureau study the entire electrical system of the Company with regard to the distribution of load and power requirements and make general plans for the expansion of facilities. These plans are, in turn, sent to the distribution engineering department whose engineers are responsible for developing the details for the construction of new transmission circuits, street lighting, traffic signs, conduits, and similar projects. The engineering draftsmen draw up the necessary plans for construction of substations, manholes, and overhead structures. The generating department, which is composed of graduate mechanical engineers, is responsible for the operation of existing power plants as well as construction of new power plants and the equipment therefor.

The engineer-surveyor leads a survey crew⁴ on the more complicated assignments which call for a knowledge of engineering as well as electric utility equipment and construction methods. The crew's experience ranges from 2 years of civil engineering courses and 4 years of surveying to high school graduates.

Junior cost engineers,⁵ assistant cost engineers, cost engineers: The cost engineers keep the records of all of the Employer's property and technical equipment for evaluation purposes. When jobs are completed, they analyze each one and distribute the costs thereof. They furnish day-by-day cost information to the Employer's departments and various governmental agencies. In addition, these engineers pre-

³ As indicated *infra*, a survey crew of four employees is associated with the engineer-surveyor.

⁴ Surveyor A, surveyor B, instrumentman, and chainman.

⁵ As there was no junior cost engineer employed at the time of the hearing, we are not making any finding regarding the unit placement of this category.

pare special inventory and cost studies which, like their other duties, require engineering knowledge and experience.

Commercial and governmental service junior, assistant, and A engineers: The engineers in the commercial department render engineering service to customers, particularly in such specialized fields of activity as cooking, refrigeration and air-conditioning, and welding and heat application. They make personal contacts and field inspections to determine customer requirements. They also make electrical lay-outs and application sketches and consult with the electrical engineering department to determine types of service available and the feasibility of meeting the customers' service requirements. Similarly, the function of the governmental service engineers is to deal with District of Columbia and Federal officials with respect to many technical problems.

Engineering aides: As already noted, this group of employees do not have a degree in engineering. However, some aides have taken home-study courses and have completed 1 to 3 years of college engineering.⁶ Although many of the aides do a great deal of routine work, a number of them handle some fairly difficult assignments. Thus, while the beginner's rate is below that of junior engineer, the top engineering aide is paid more than assistant engineers.

It is clear from the foregoing that the work of the engineers is mainly intellectual and varied in character, involves the constant exercise of discretion and judgment, and requires the type of knowledge customarily acquired in scientific courses in institutions of higher learning. We find therefore that the engineers are professional employees within the meaning of the Act and may constitute a unit appropriate for the purposes of collective bargaining, and may properly be the subject of a decertification petition.⁷

There remains the question whether the engineering aides and the survey crew should be included with the professional employees. These employees perform work of a more routine nature and are, at the most, highly skilled employees. Nor do they possess the same additional qualifications as the engineers. We do not find that these employees are professional employees. However, they have a close community of interest with the engineers and, as the entire engineering group is composed *predominantly* of professional employees, we shall include the engineering aides and the survey crew in this group.⁸

⁶ It is contemplated that two of these aides will be put in an engineering classification when they receive their degree.

⁷ *The Arthur A. Johnson Corporation and Mason and Hanger Company, Incorporated*, 97 NLRB 1466; *Mountain States Telephone and Telegraph Company*, 83 NLRB 773; *E. R. Squibb & Sons*, 83 NLRB 792; *Union Electric Power Company*, 83 NLRB 872.

⁸ *Federal Telecommunications Laboratories, Inc.*, 92 NLRB 1395; *Boeing Airplane Company*, 86 NLRB 369; *Mountain States Telephone and Telegraph Company, supra*.

Accordingly, we shall direct an election by secret ballot to be held among all junior engineers, assistant engineers, and engineer A's at the Employer's plant in Washington, D. C., Maryland, and Virginia, including cost engineers,⁹ commercial and governmental service engineers, engineering aides, survey crew, engineer-surveyor,¹⁰ but excluding all other employees of the Employer and all supervisors as defined in the Act.¹¹ If the employees in the voting group do not select the Union, the Union will be decertified as to them; if, on the other hand, they select the Union, they will be taken to have indicated their desire to be included with the nonprofessional employees in the overall unit now represented by the Union.

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

⁹ See footnote 5, *supra*, as to the junior cost engineers.

¹⁰ As the record contains insufficient evidence to determine whether this individual is a supervisor, we shall permit him to vote subject to challenge.

¹¹ As the voting group described herein is larger than that sought by the Petitioner, the Regional Director is authorized to permit the withdrawal of the petition upon the timely request of the Petitioner.

SEMET-SOLVAY DIVISION, ALLIED CHEMICAL AND DYE CORPORATION *and*
UNITED GAS, COKE AND CHEMICAL WORKERS OF AMERICA, CIO. *Case*
No. 9-CA-415. May 21, 1952

Decision and Order

On November 14, 1951, Trial Examiner Alba B. Martin issued his Intermediate Report in the above-entitled proceeding, finding that the Respondent had engaged in and was engaging in certain unfair labor practices and recommending that it cease and desist therefrom and take certain affirmative action, as set forth in the copy of the Intermediate Report attached hereto. Thereafter, the Respondent filed exceptions to the Intermediate Report and a supporting brief.

The Board¹ has reviewed the rulings made by the Trial Examiner and finds that no prejudicial error was committed. The rulings made by the Trial Examiner are hereby affirmed. The Board has considered the Intermediate Report, the exceptions and brief,² and the

¹ 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 Styles and Peterson].

² The Respondent's request for oral argument is hereby denied because the record and the exceptions and brief, in our opinion, adequately present the issues and the positions of the parties.