

tions for inspectors, as we have for other clearly defined groups of employees, in cases where a union has sought to add such a group to a production and maintenance unit from which they have previously been excluded.<sup>3</sup> Here, however, the inspectors have been included in the production maintenance unit throughout an extended bargaining history, except for one brief period of less than 2 months' duration, and no cogent reason for their severance appears. They do not constitute a craft nor are they professional.<sup>4</sup> We do not believe that their duties set them so apart from the production workers as to justify their severance from the established production and maintenance unit. Accordingly, we shall dismiss the petition.

### Order

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

<sup>3</sup> *Chase Aircraft Company*, 91 NLRB 288.

<sup>4</sup> *Chase Aircraft Company*, *supra*. Likewise, the Board has held that they are not supervisors, or managerial employees who must be excluded from representation for collective bargaining. See *Chase Aircraft Company*, *Farrell Cheek Steel Company*, *supra*.

RAMSEY MOTOR COMPANY, INC.<sup>1</sup> and INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL, PETITIONER. *Case No. 32-RC-460. May 29, 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 Anthony J. Sabella, 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.<sup>2</sup>
2. The labor organization involved claims 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 unit comprising all service department

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

<sup>2</sup> *N. L. R. B. v. Davis Motors, Inc.*, 192 F. 2d 782 (C. A. 10), enfg. 93 NLRB 206. 99 NLRB No. 68.

employees at the Employer's Ford agency in Malvern, Arkansas, including parts men, but excluding office and clerical employees, technical employees, car salesmen, and the categories excluded in the Act. The Employer would extend the unit to include its automobile salesmen at Malvern, plus its employees at Little Rock, Arkansas, who sell and service household appliances. The parties are also in disagreement regarding the supervisory status of the three persons discussed below.

Little Rock is 47 miles from Malvern. Employees who work at the Employer's Little Rock branch, which is known as Maytag Sales and Service, are supervised by their own local manager. There is no interchange between the two locations. The Maytag division has nothing to do with automobiles or automobile parts, whereas the Ford agency in Malvern neither sells nor services any home appliances. The two operations are wholly different in function, and the skills required, though superficially related, are nevertheless distinct. Because of these factors and the absence of any history of multiplant bargaining, we find that the operations at Malvern by themselves constitute a unit of appropriate scope.<sup>3</sup>

As for the unit placement of the car salesmen at Malvern, we find nothing in this record which would warrant departure from the Board's usual practice of excluding such salesmen from units of automobile repair and service men.<sup>4</sup>

There remains for consideration the disputed supervisory status of Hester, Clark, and McCool:

*Hester*, whom the Petitioner would exclude, performs the functions usually referred to in the industry as "service salesman," although the title given him by the Employer is "service foreman." He talks with the customers who bring in their cars or trucks for servicing, writes up the work needed, and assigns the jobs on an automatically rotating basis to the three other repairmen. This consumes 25 to 35 percent of his time. The rest of his day is spent doing repair work himself or road testing finished jobs in cooperation with the mechanic concerned. If the two men cannot agree whether the job is satisfactory, President Ramsey is consulted. Hester brings to Ramsey's attention complaints regarding the mechanics and, although Ramsey does not ask him for his recommendations, Hester can and does make them. Ramsey, however, conducts his own investigations and arrives at his own decisions. There is no evidence that any of Hester's recommendations have been accepted and acted upon. We find that Hester is not a supervisor, and shall include him.<sup>5</sup>

<sup>3</sup> *Wilson Athletic Goods Manufacturing Co.*, 95 NLRB 588; *Booth Fisheries Corp.*, 91 NLRB 363; *Harms Hosiery Co.*, 91 NLRB 330.

<sup>4</sup> *Nash Boulevard Corp.*, 98 NLRB 156; *Dunlap Chevrolet Co.*, 91 NLRB 1115.

<sup>5</sup> *Tulsa Hudson Co.*, 94 NLRB 646.

*Clark*, whom the Union would include, is known as the parts manager and normally directs the work of a subordinate, over whom he holds the power of discharge. At the time of the hearing this subordinate position was vacant, but President Ramsey had instructed Clark to locate and hire a new assistant. We shall exclude him as a supervisor.<sup>6</sup>

*McCool*, whom the Employer would include, is currently spending 90 percent of his time as a parts man. He also works all over the establishment, doing repair work and handling complaints. As an experienced Ford man, he was brought in for the purpose of rebuilding the entire service business. If satisfactory, he is expected to be placed in charge of all service employees. President Ramsey regards him even now as of higher rank than Parts Manager Clark. We believe that his interests are materially different from those of the other employees, and we shall therefore exclude him.<sup>7</sup>

Upon the entire record in the case, we find that all service department employees at the Employer's Malvern, Arkansas, place of business, including mechanics, body and fender men, painters, washers, lubrication men, and parts men, but excluding office clerical employees, professional employees, watchmen-guards, car salesmen, the prospective service manager,<sup>8</sup> the parts manager, 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>6</sup> *Continental Pipe Line Co.*, 78 NLRB 379, 383; *Brewster Pateros Processors, Inc.*, 73 NLRB 833; *Scanlon-Morris Division, Ohio Chemical & Mfg. Co.*, 71 NLRB 903.

<sup>7</sup> *Muller Company, Ltd.*, 98 NLRB 737.

<sup>8</sup> *McCool*.

WORDEN-ALLEN COMPANY *and* PAUL FISCHER, PETITIONER *and* TECHNICAL ENGINEERS' ASSOCIATION. *Case No. 13-RD-113. May 29, 1952*

### Decision and Direction of Elections

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

<sup>1</sup> At the hearing, the Union adduced evidence to show that the Employer had inspired and fostered the petition. A motion by the Union to dismiss the petition on this ground was referred by the hearing officer to the Board. As it is the Board's established practice to exclude from representation proceedings all matters relating to unfair labor practices the Union's motion is denied. For the same reason, all testimony with respect to the matter is hereby stricken from the record. *Jell-Well Dessert Company*, 82 NLRB 101, and cases therein cited; *C and M Lumber Co., Inc.*, 83 NLRB 1258.