

(1) All maintenance employees, excluding all other employees, office, clerical, technical, and professional employees, guards, and supervisors as defined in the Act.

(2) All production employees, excluding all other employees, office, clerical, and professional employees, guards, and supervisors as defined in the Act.

If a majority of the employees in each of the voting groups (1) and (2) select the Joint Petitioner, they will be taken to have indicated their desire to constitute a single appropriate unit. If a majority of the employees in voting group (1) select a labor organization which is not selected by the employees in voting group (2), the employees in voting group (1) will be taken to have indicated their desire to constitute a separate unit. If a majority of the employees in voting group (2) alone vote for the Joint Petitioner, that union will be certified for such unit. The Regional Director is instructed to issue a certification of representatives consistent herewith to the bargaining agent or agents selected for such unit or units, which the Board, under the circumstances, finds to be appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

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

WESTINGHOUSE ELECTRIC CORPORATION, ELECTRONIC TUBE DIVISION
and UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA,
AFL, PETITIONER

WESTINGHOUSE ELECTRIC CORPORATION, ELECTRONIC TUBE DIVISION
and DISTRICT LODGE NO. 58, INTERNATIONAL ASSOCIATION OF MA-
CHINISTS, AFL, PETITIONER. *Cases Nos. 3-RC-1084 and 3-RC-*
1101. January 14, 1953

Decision and Direction of Elections

Upon separate petitions duly filed under Section 9 (c) of the National Labor Relations Act, a consolidated hearing was held before Katherine A. Tarbell, 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 Styles and Peterson].

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 in Case No. 3-RC-1084, herein called the Carpenters; the Petitioner in Case No. 3-RC-1101; United Electrical, Radio and Machine Workers of America, UE, an intervenor; American Flint Glass Workers Union of North America, an intervenor, herein called the Flint Glass Workers; International Union of Electrical, Radio & Machine Workers, CIO, an intervenor; and International Brotherhood of Electrical Workers, AFL, an intervenor, are labor organizations claiming to represent 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.¹

4. The Employer and all labor organizations party to these proceedings, except the Carpenters, generally agree that a single unit of production and maintenance employees at the Employer's Horseheads, New York, plant is appropriate. The Carpenters seeks a separate unit for certain maintenance employees at the plant, including carpenters, pipefitters, electricians, mechanics, welders, painters, machinists, tool crib employees, and stockroom employees or, in the alternative, a craft unit of carpenters.² The Employer and the Flint Glass Workers would exclude plant clerical employees from any unit found appropriate.

The Employer manufactures electronic tubes at its Horseheads, New York, plant. Its maintenance department includes a machine shop, carpenter shop, and a general storeroom (in and out of which work carpenters, pipefitters, electricians, welders, painters, machinists, toolroom attendants, and stockroom employees), and powerhouse employees, and janitors. These skilled, semiskilled, and unskilled maintenance employees service the plant properties and repair and maintain production machinery throughout the plant. They do no productive work. Each group of maintenance employees works under its respective craft or group foreman, and all such foremen report to the maintenance superintendent. Working conditions are generally

¹ We find no merit in the contention of the Employer and the Flint Glass Workers that their union-shop contract executed on October 18, 1952, is a bar to these proceedings. The 1951 amendment to the Act requires, with respect to union-shop contracts, that a labor organization must have "at the time the agreement was made or within the preceding twelve months received from the Board a notice of compliance with sections 9 (f), (g), and (h). . . ." Local 1014 of Flint Glass Workers, a party to this contract, was not in compliance during the period required by the Statute, and did not effectuate compliance until November 18, 1952. We therefore find, without regard to any other considerations, that the contract is not a bar to these proceedings. *Feins Tin Can Co., Inc.*, 99 NLRB 158, and cases cited therein. Cf. *The D. M. Bare Paper Company*, 99 NLRB 1487.

² The Carpenters would include millwrights in its proposed craft unit. The Employer has no employees within this classification. We make no finding therefore with respect to the unit placement for millwrights.

uniform throughout the plant. There is no history of collective bargaining among the plant employees.

The Board has in the past, in the absence of bargaining history, set up for maintenance employees of various skills and duties a single bargaining unit.³ However, the Carpenters, in the instant case, wishes to exclude from its proposed maintenance unit, not only the powerhouse employees, but also all the building service employees who, like all other maintenance employees, are subject to maintenance supervision. We reject the unit initially sought by the Carpenters because it does not include all the maintenance employees. It is, however, clear that carpenters working at the plant are a distinct and traditional craft group to which we have accorded separate craft representation, despite normal integration of plant processes. We find, therefore, in accord with the Carpenters' alternate request, that carpenters at the plant may constitute a separate craft unit for bargaining purposes; on the other hand, they may constitute a part of a plantwide unit urged by the other parties herein, which is also appropriate.

We shall make no final unit determination for these employees at this time. We shall direct elections among the following voting groups of employees at the Employer's Horseheads, New York, plant:

(a) All carpenters and their apprentices, excluding all other employees and supervisors as defined in the Act.

(b) All production and maintenance employees, including plant clerical employees,⁴ but excluding carpenters and their apprentices, confidential employees, office clerical employees, laboratory technicians, professional employees, guards, and supervisors as defined in the Act.

If a majority of employees in voting group (a) select the Carpenters as their bargaining representative, they will be taken to have indicated their desire to constitute a separate bargaining unit, which the Board under these circumstances finds appropriate for bargaining purposes. If employees in voting group (a) and employees in voting group (b) select the same bargaining representative, the Board finds that all these employees, under these circumstances, constitute a single plantwide unit appropriate for bargaining purposes. If, however, employees in voting group (b) select a representative other than that chosen by employees in voting group (a), the Board finds that employees in voting group (b) constitute a residual unit appropriate for bargaining purposes.

³ *Westinghouse Electric Corporation*, 87 NLRB 463, and cases cited therein

⁴ We find no merit in the Employer's contention that employees who collect and tabulate production information for supervisors should be excluded from the unit. As plant clericals, we shall include them in the unit *Wilson & Co., Inc.*, 97 NLRB 1388; *Farrell-Cheek Steel Company*, 88 NLRB 303.

5. Flint Glass Workers contends in its brief that the petitions herein are premature because of contemplated expansion in the Employer's plant from 319 employees to an expected 800 employees within 1 year. The record, however, shows that the present number of employees constitutes a substantial and essentially representative proportion of the expected complement. Moreover, further expansion is entirely contingent upon increased sales of the Employer's product.

Under these circumstances, we see no reason for departing from our usual policy of directing immediate elections.⁵

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

⁵ *General Motors Corporation*, 82 NLRB 876.

GLOBE PRODUCTS CORPORATION *and* INTERNATIONAL UNION, UNITED
AUTOMOBILE WORKERS OF AMERICA, AFL. *Case No. 7-CA-578.*
January 15, 1953

Decision and Order

On June 18, 1952, Trial Examiner W. Gerard Ryan 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 and the General Counsel filed exceptions to the Intermediate Report, and briefs in support thereof.

The Board¹ has reviewed the rulings of the Trial Examiner and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Intermediate Report, the exceptions and briefs, and the entire record in this case, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner, with the following additions:

1. We agree with the Trial Examiner that Ripley and Little were discriminatorily discharged in violation of Section 8 (a) (3) of the Act. However, in addition to the findings, which we adopt, upon which the Trial Examiner based his conclusions, we rely upon the fact that Ripley and Little were selected as union representatives shortly after the Union was organized in the Respondent's plant. These two employees were thus identified to the Respondent as leaders in the

¹ Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Murdock and Peterson].