

priate unit. If, on the other hand, a majority of the professional employees in voting group (B) vote against inclusion in the technical unit, they will not be included with the technical employees and their votes on the second question will then be counter to decide whether or not they wish to be represented by the Petitioner in a separate professional unit.

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

ACME ELECTRIC CORPORATION *and* INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS, CIO, PETITIONER

ACME ELECTRIC CORPORATION *and* INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL, PETITIONER. *Cases Nos. 3-RC-1109 and 3-RC-1125. February 10, 1953*

Decision, Order, and Direction of Election

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

2. The labor organizations named below claim to represent certain employees of the Employer.

3. A question affecting commerce exists concerning the representation of certain employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The International Brotherhood of Electrical Workers, AFL, hereinafter called IBEW, seeks a unit consisting of all production and maintenance employees at the Employer's 3 plants—1 in Allegheny, New York, and 2 in Cuba, New York. The International Union of Electrical, Radio and Machine Workers, CIO, hereinafter called IUE, seeks a unit consisting of the production and maintenance employees at the two Cuba plants only, contending that these plants,

on the one hand, and the plant in Allegany, on the other, constitute separate appropriate units. The Employer and IBEW contend that only an employerwide unit is appropriate.

There has been no history of collective bargaining for the Employer's plants. Two consent elections, one in 1946 and the other in 1951, were held for the Cuba plants as a single unit, but the majority of the votes at both elections were cast for no union.

The Employer's plants in Cuba are located within 1½ blocks of each other. The main plant on Water Street has approximately 600 employees. At the adjacent plant, which is called the Air Cool plant, there are about 60 employees. The Employer has approximately 200 employees at the Allegany plant.

The Allegany plant is approximately 20 miles from the other 2 plants. There is no regular interchange or transfer of employees between the Cuba plants and the Allegany plant. Although hiring for the latter plant is done locally, all other matters pertaining to labor relations at the three plants are handled by the industrial relations department at the Allegany plant.

At the Water Street plant the Employer manufactures battery chargers and various types of transformers. Forty percent of the coils used at that plant for assembly into transformers are "wound" at the Allegany plant and shipped to the Water Street plant. The Allegany plant, in addition to these coils, manufactures two items for military use—ignition coils for aircraft engines and radio interference filters for tanks and jeeps. The Air Cool plant in Cuba manufactures only air-cool transformers. Products manufactured at the Air Cool and Allegany plants are shipped to and from the Water Street plant at different stages of production for various processing operations which can be performed only at the Water Street plant.

Over 80 percent of the raw material purchased by the Employer is first delivered to the Water Street plant and later distributed, as needed, to the other two plants. The shipping department at the Water Street plant ships the finished products from all three plants to the Employer's customers, with the exception of the two military items which are shipped directly from the Allegany plant. All records of purchases and, with the exception of the military items, all records of shipment are maintained on an employerwide basis.

All general office services for the three plants are performed at the Water Street plant, where the Employer's main offices are located. All time-study work, major maintenance work, designing and engineering, accounting, payroll, and sales functions for the three plants are performed by the Water Street staff. A plant superintendent is in charge of the manufacturing operations for all the plants, with plant managers at each plant under his supervision. The employees

at the three plants have the same working conditions, including seniority, transfer, and grievance provisions, vacation benefits, and holidays.

In view of the foregoing, particularly the integration of the operations of all three plants, the centralized control of labor relations, and the uniformity of working conditions, we find that a unit consisting of the production and maintenance employees at the Employer's three plants is alone appropriate for the purposes of collective bargaining within the meaning of Section 9 (c) of the Act.¹ We shall, therefore, dismiss the petition filed by IUE and direct an election in the following unit:

All production and maintenance employees at the Employer's three plants at Cuba and Allegany, New York, including production recorders, timekeepers, factory clericals, and stock-control clerks, but excluding all office and clerical employees, professional employees, administrative employees, watchmen, foremen, and all other supervisors as defined in the Act.²

Order

IT IS HEREBY ORDERED that the petition in Case No. 3-RC-1109 be dismissed.

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

¹ *Riegal Paper Corporation*, 96 NLRB 779; *Phillips-Jones Corporation*, 96 NLRB 153.

² IUE contends that "assistant supervisors" and "general utility operators" should be excluded as supervisors. The Employer and IBEW contend that they are not supervisors and should be included.

The record is clear, and we find, that only three of the assistant supervisors—Roeske, McClay, and Hameister—have authority to hire and discharge employees or effectively to recommend such action. We find, therefore, that they are supervisors and will exclude them. As to the remaining assistant supervisors, about 32 in number, the record shows that they spend 80 to 85 percent of their time in production work. While there was some testimony indicating that most of them direct the work of other employees, there is no basis in the record for determining the extent or nature of such direction. Under these circumstances, we will permit the assistant supervisors, other than the three named above, to vote subject to challenge.

As to the general utility operators, the only evidence bearing on their status as supervisors is that some of them direct the work of other employees. Accordingly, we shall permit the general utility operators, as well, to vote subject to challenge. IBEW sought to include in the unit "group leaders" and "working supervisors." The record shows that no employees are presently classified as group leaders or working supervisors and that these terms have reference to the assistant supervisors and general utility operators discussed above. Accordingly, we will omit from the unit description any reference to group leaders and working supervisors.

The parties agreed to exclude "foremen" and "supervisors." As to the foremen, the record shows that they do no production work, devoting all their time to directing the work of from 20 to 200 employees. Under these circumstances, and upon the entire record, we find that they are supervisors and will exclude them. As the employees classified as supervisors do no production work and have power effectively to recommend hiring and discharge of employees, we will exclude them, also, as supervisors within the meaning of the Act.