

ANHEUSER-BUSCH, INC. *and* LOCAL 68, INTERNATIONAL UNION OF OPERATING ENGINEERS, AFL, PETITIONER. *Case No. 4-RC-1728. March 25, 1953*

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 Alan Zurlnick, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.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 [Members Houston, 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 labor organizations involved claim 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 to sever, in effect, a powerhouse unit composed of 7 regular and 2 standby engineers at the Employer's Yeast Plant No. 2, Old Bridge, New Jersey. The Employer and the Intervenor, Bakery Drivers and Salesmen, Local 194, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL, contend that the unit sought is inappropriate principally because of (1) the past bargaining history on a more comprehensive basis, (2) the integration of these employees with the production process, and (3) their lack of separate, identifiable interests.

The Employer, at Yeast Plant No. 2, is engaged primarily in the manufacture of bakers' yeast.² Since 1937, the Employer has had contracts covering the production and maintenance employees, including the engineers, in a single plantwide unit. From 1937 to 1942, the bargaining representative was an independent union known as "The Employees' Association at Old Bridge, New Jersey." Since that time the employees have been represented by the Intervenor, except for the year 1945 when United Gas, Coke and Chemical Workers of America, CIO, was designated as the bargaining representative but did not execute an agreement.

¹ The motion of the Employer to dismiss the petition on the ground that the requested unit is inappropriate is denied for the reasons set forth in section 4, *infra*.

² Approximately 95 percent of all yeast shipped from this plant of the Employer is bakers' yeast. The remaining 5 percent consists of active bakers' dry yeast and pharmaceutical yeast which are manufactured by reducing the 70-percent water content of bakers' yeast and by additional processing.

The engineers sought by the Petitioner perform the functions of generating steam, furnishing refrigeration, compressed air, and water for uses in connection with the manufacturing process, and operating related auxiliary equipment. These employees are stationed in, and work out of, the boilerhouse, blowerhouse, and wellhouse, which are separate structures located at the rear of the manufacturing building. In general, the steam generated in the boilerhouse, the water pumped initially by the blowerhouse, and the air from the blowerhouse become ingredients in the Employer's finished products. The steam, air, water and refrigerants also have numerous other uses related to the processing operations.

However, the engineers' duties are generally confined to the powerhouse buildings³ and they alone are licensed by the State of New Jersey to operate the boilers and ammonia compressors and for their duties involving refrigerants. While the engineers have generally been subject to conditions of employment similar to those of other plant employees under past contracts, such as plantwide seniority, insurance benefits, common time clock, and uniform shift, and a minor part of their duties are analogous to some functions performed in the plant,⁴ the engineers for the most part work under separate immediate supervision from plant employees,⁵ have their own locker room, receive the highest wages, and are obliged to work on weekends and 3 holidays, unlike plant employees who generally are not so required. Moreover, although other employees occasionally perform certain duties in the boilerhouse and blowerhouse,⁶ and vacancies as standby engineer have in the past been filled by qualified personnel from the

³ The engineers' duties are performed in the powerhouse buildings except during each 8-hour shift when the engineer on duty in the blowerhouse spends about 2 hours in the manufacturing building performing such work as the checking and control of temperatures where refrigerants are used, defrosting refrigeration equipment, and checking the volume of water in the various storage tanks. In so doing the engineer discusses necessary adjustments with production foremen.

⁴ The starting and stopping of the blower motor in the blowerhouse is similar to the operation of the exhaust blower in the warehouse which is operated by production employees in the production of active bakers' dry yeast. Also, the operation of the steam and electric pumps, both in the powerhouse and manufacturing building, are similar.

⁵ The engineers are supervised by the utilities supervisor while production and maintenance employees are supervised by the production supervisor and foremen, and the maintenance supervisor, respectively. During the absence of the utilities supervisor the engineers are supervised by the maintenance supervisor. At night the engineers report to whoever is in charge of the plant at the time.

⁶ Crews of maintenance or production employees are periodically assigned to clean the powerhouse buildings or tear down equipment and while so doing are under the joint supervision of their supervisor and the utilities supervisor. The plant oiler daily oils equipment used by the engineers as well as other equipment throughout the plant. The electrician, in addition to his general duties as plant electrician, regularly inspects the electric panel and electrical equipment in the blowerhouse. However, none of these employees does the work routinely done by the engineers and all of them are under different general supervision from the engineers and normally located elsewhere.

plant,⁷ there is no interchange between plant employees and engineers, nor have engineers been transferred to plant duties.

Under all the circumstances, we are of the opinion that the engineers constitute an identifiable, functionally coherent group who have a separate community of interest and are of a type we have generally held may, if they so desire, constitute a unit appropriate for the purposes of collective bargaining.⁸ The history of bargaining on a more comprehensive basis in which the engineers participated and from which they received benefits does not preclude such separate representation.⁹ Nor is the integration between the production process and the engineers such as to render the requested unit inappropriate.¹⁰

Accordingly, we shall direct an election in the following voting group:

All engineers¹¹ at Employer's Yeast Plant No. 2, Old Bridge, New Jersey, excluding office and clerical employees, professional employees, guards, and all supervisors as defined in the Act.

However, we shall make no final unit determination at this time, but shall first ascertain the desires of these employees as expressed in the election hereinafter directed. If a majority vote for the Petitioner, they will be taken to have indicated that they desire to constitute a separate appropriate unit, and the Regional Director conducting the election directed herein is instructed to issue a certification of representatives to the Petitioner for the unit described above, which the Board, under such circumstances, finds to be appropriate for purposes of collective bargaining. In the event a majority vote for the Intervenor, they may continue to be represented as a part of the existing production and maintenance unit and the Regional Director will issue a certification of results of election to such effect.

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

⁷ Whenever an engineer's position has been vacated, the normal procedure has been for a standby engineer to move up to regular engineer and the standby position to be filled by posting in the plant. Only employees with an engineer's license are eligible for consideration.

⁸ *Blatz Brewing Company*, 94 NLRB 1277; *Baugh and Sons Company*, 82 NLRB 1399.

⁹ *The Reliance Electric & Engineering Company*, 98 NLRB 488.

¹⁰ *Blatz Brewing Company*, *supra*; *Baugh and Sons Company*, *supra*; *Ralston Purina Company*, 86 NLRB 107. The Board's decision in cases such as *Corn Products Refining Co.*, 80 NLRB 362, and *Union Starch and Refining Co.*, 91 NLRB 3, involving the "wet-milling" industry and cited by the Employer and Intervenor in their briefs, are clearly not controlling herein. Among other things, unlike in those cases, the record here does not show any established pattern of bargaining on a production and maintenance basis in this industry.

¹¹ The Employer and Intervenor would exclude one of the standby engineers from the unit. However, since this employee regularly works as an engineer, subject to the same conditions of employment as other engineers, 2 days per week for 6 months each year, we shall include him in the unit along with the other standby engineer concerning whom there is no dispute.