

others. Upon the entire record, we find that he is not a supervisor and we will include him in the unit.

We find that all employees in the electrical-maintenance department at the Employer's South Gate, California, plant, including maintenance electricians, apprentices, helpers, and the leadman, but excluding all other employees, guards, and 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.]

AMERICAN SMELTING AND REFINING COMPANY *and* LOCAL NO. 314, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL, Petitioner. Case No. 21-RC-3069. July 24, 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 L. A. Gordon, 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 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 employees of the Employer.¹
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 Employer is engaged in the smelting and converting of copper and other nonferrous metals at its plant at Hayden, Arizona. The Petitioner seeks to sever a unit of powerplant employees from the existing production and maintenance unit.² The Smelter Workers contends that a unit of powerplant employees is inappropriate because they are not craftsmen and because bargaining has been conducted at the plant for the past 6 years on a broader basis. The Employer takes no position.

¹Local 886, Hayden Smeltermen's Union, International Union of Mine, Mill and Smelter Workers, hereafter referred to as Smelter Workers, intervened on the basis of a current contractual interest.

²A unit of electricians was severed from the production and maintenance unit 4 years ago, and is presently represented by the Petitioner herein.

The equipment and machinery constituting the powerplant are located at one end of the large building where the smelting and converting operations for the entire plant are performed. Steam is generated in boilers which are part of the smelter furnaces, for use in turbines and air compressor machinery. The turbines are used in the generation of electric power. The 4 powerplant operators and 1 utility man who constitute the proposed powerplant unit operate and maintain the turbines and air compressor machinery under the supervision of their own foreman.

In Case No. 21-RC-932 (1951) the Petitioner and the Smelter Workers were parties to a consent election for determination of a bargaining representative for a powerhouse unit, identical with that petitioned for here. The Smelter Workers was certified as a result of winning that election, and has represented the powerhouse unit as part of the larger unit which it represents under its contract. We find, in accordance with our usual policy, that powerhouse employees, operating under the conditions described above, constitute a departmental group which is functionally unified and homogeneous. Despite the 6-year period of bargaining on a broader basis we find that the powerhouse employees may constitute a separate appropriate unit, or may continue, as in the past, to be represented as part of the production and maintenance unit.³

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

All employees in the powerplant of the Employer's smelter at Hayden, Arizona, excluding supervisors as defined in the Act.

If a majority of the employees in this group vote for the Petitioner, they will be taken to have indicated their desire to be represented in a separate unit, and the Regional Director conducting the election directed herein is instructed to issue a certification of representatives to the Petitioner for such a unit, which the Board under such circumstances, finds to be appropriate for the purposes of collective bargaining. If, however, a majority of the employees in the group vote for the Smelter Workers, they will be taken to have indicated their desire to remain part of the existing production and maintenance unit, and the Regional Director is instructed to issue a certification of results to that effect.

[Text of Direction of Election omitted from publication.]

Member Peterson, dissenting:

In view of the collective-bargaining history on a plantwide basis since 1947, and in the absence of any factors warranting their severance from the established unit other than their alleged craft status, I would not accord the powerplant employees separate representation. See my dissenting opinion in W. C. Hamilton and Sons, 104 NLRB 627.

³St. Regis Paper Company, 104 NLRB 411.