

rector recommended. Accordingly, the Petitioner's objections to conduct allegedly affecting the results of the election are hereby overruled.

However, as the challenged ballots in this case are sufficient in number to affect the results of the election, we shall direct that the Regional Director investigate such challenges and prepare and cause to be served upon the parties a report on challenged ballots, setting forth the facts revealed by the investigation and his recommendation thereon.

[The Board directed that, as part of the investigation to ascertain representatives for the purpose of collective bargaining with the Employer, the Regional Director for the Fourth Region shall investigate these challenged ballots and serve upon the parties a report on challenged ballots.]

Member Murdock took no part in the consideration of the above Supplemental Decision and Direction.

WESTINGHOUSE ELECTRIC CORPORATION *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL, Petitioner.
Case No. 6-RC-1330. September 29, 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 Sidney Lawrence, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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.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 parties are in general agreement that the production and maintenance unit which is presently represented by the UE is appropriate for the purposes of collective bargaining. The Petitioner and the UE oppose any change in that unit. The IUE

¹ The hearing officer properly granted motions to intervene which were made by Local 601, United Electrical, Radio & Machine Workers of America (UE), herein called the UE, the presently certified bargaining representative, and by Federation of Westinghouse Independent Salaried Unions, herein called the Federation, and International Union of Electrical, Radio & Machine Workers, CIO, herein called the IUE. Although the UE and the Federation are parties to current collective-bargaining agreements covering the employees involved in this proceeding, none of the parties has asserted that either of these contracts constitutes a bar to a present determination of representatives.

would add to it 18 salaried clerical employees who work in the plant proper. The Employer on the other hand would exclude them as well as salaried inspectors, salaried clerks in the shipping and receiving department, and salaried cafeteria employees, which categories are included in the present bargaining unit.

In the 1950 Board proceeding, which resulted in the outstanding certification of the UE, the Board considered and rejected the Employer's present contention that salaried employees, as such, should be excluded from the bargaining unit.² As there is no showing that the duties of salaried inspectors, salaried clerks in the shipping and receiving department, and salaried cafeteria employees have changed in any respect since the earlier proceeding, we perceive no reason for altering the contractual unit.³

The IUE seeks to add to the existing bargaining unit the following plant employees whom the parties to the earlier proceeding agreed to exclude: The 11 production clerks, the 2 record clerks, the material expediter, the time clerk, the general duty clerk, the plant stenographer, and the plant typist. The production clerks, the record clerks, and the material expediter are supervised by the production supervisor. The time clerk is supervised by the accounting department in the Employer's main office but works in the plant proper collecting timecards on production jobs for piece-rate operations. The plant typist, who is supervised by the industrial engineer, performs routine clerical duties in the production area office. The general duty clerk and the plant stenographer also work in that office. The former keeps files and daily records and runs errands for the plant foreman. The latter does routine stenographic work for the foreman and the plant manager. There is no showing on the record that any of the employees whom the IUE seeks to add to the bargaining unit exercise supervisory authority or perform other than the routine duties of the usual plant clerical employees. As their working conditions associate them closely with the production employees, we shall, in accordance with established policy, include them in the production and maintenance unit.⁴

In view of the foregoing we find that the following employees employed by the Employer at its Nuttall plant, 200 McCandless Avenue, Pittsburgh, Pennsylvania, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act: All production and maintenance employees, including group leaders, shipping and receiving em-

² Westinghouse Electric Corporation, 89 NLRB 8.

³ The cafeteria employees, who have been covered by the UE's contracts since 1950, were not specifically mentioned in the Board's unit finding in the earlier proceeding. However, as we reject the only reason advanced for the exclusion of any of the employees the Employer seeks to remove from the existing contractual unit, namely, their mode of payment, we shall follow the established unit in this respect and include all nonsupervisory cafeteria employees in the unit herein found appropriate.

⁴ See General Electric Company, 106 NLRB 364, and the cases cited therein.

ployees, cafeteria employees, testers, truckdrivers, inspectors, plant production clerks, plant record clerks, material expeditors, plant time clerks, plant general duty clerks, and plant stenographers, but excluding office clerical employees, engineers, salaried employees other than inspectors and employees in the cafeteria and shipping and receiving department, guards, professional employees, and supervisors as defined in the Act.

[Text of Direction of Election⁵ omitted from publication.]

⁵ Federation of Westinghouse Independent Salaried Unions has not been included in the Direction of Election as it indicated at the hearing that it did not wish a place on the ballot.

McKESSON & ROBBINS, INCORPORATED *and* RETAIL,
WHOLESALE & DEPARTMENT STORE UNION, CIO, Petitioner. Case No. 9-RC-1955. September 29, 1953

SUPPLEMENTAL DECISION, ORDER, AND DIRECTION OF SECOND ELECTION

Pursuant to a Decision and Direction of Election issued herein on June 30, 1953,¹ an election by secret ballot was conducted on July 23, 1953, under the direction and supervision of the Regional Director for the Ninth Region, among employees in the unit found appropriate by the Board. Following the election, a tally of ballots was furnished the parties. The tally shows that of 21 eligible voters, 20 cast ballots, of which 4 were for the Petitioner and 16 were against the Petitioner.

On July 27, the Petitioner filed timely objections to the election. The Acting Regional Director investigated the objections, and on August 12, 1953, issued and duly served upon the parties his report on objections to election, in which he recommended that the objections be sustained and that the Board set aside the election. The Employer filed timely exceptions to the Acting Regional Director's report on objections to election.

Having duly considered the matter, the Board finds as follows:

On July 15, 1953, the Regional Office mailed standard notices of election to the Employer. Because the Employer did not receive these notices, it posted notices of election which it had from a previous Board election. The sample ballot which was posted as a part of the notice of election, however, was the standard sample ballot used in union-authorization elections.

We find that under these circumstances the employees were not properly apprised of the issue in the election, and that there is substantial doubt as to whether proper election

¹ Not reported in printed volumes of Board Decisions.