

plant, constitute separate units appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act, excluding from each unit all other employees and supervisors as defined in the Act.

Unit 1: All toolroom employees, including the machine tool setup man and instructor and the tool-crib attendant.

Unit 2: All millwrights.¹⁴

[Text of Direction of Elections omitted from publication.]

¹⁴In its brief, the Employer contends, in substance, that a finding that toolroom employees and millwrights constitute separate appropriate bargaining units would rest solely upon the extent of the Petitioner's organization among the Employer's employees and is therefore prohibited by Section 9 (c) (5) of the amended Act. However, as indicated above, we have relied on factors other than extent of organization in finding that such units are appropriate

HILTON HOTELS INTERNATIONAL, INC. *and* UNION INDEPENDIENTE DE EMPLEADOS DEL HOTEL CARIBE HILTON, Petitioner. Case No. 24-RC-612. October 27, 1953

DECISION AND ORDER

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Vincent M. Rotolo, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

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 organization involved claims to represent certain employees of the Employer.
3. No 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, for the following reasons:

Pursuant to a consent election conducted on September 21, 1952, the Board, on November 21, 1952, certified the Petitioner as representative of a unit of service employees at the Employer's Hotel Caribe Hilton in San Juan, Puerto Rico, excluding "office and clerical employees," supervisors, and various other categories not here relevant. The Petitioner now desires to establish its right to bargain collectively for 9 persons (assistant stewards, head dishwashers, linen room supervisors, and linen room attendant) whom the Employer contends are and should be excluded from the unit. It is the Employer's

¹For the reasons given *infra*, the Employer's motion to dismiss the petition is hereby granted

position that 6 of these persons are supervisors and that 3 are clericals.²

The assistant stewards: In the Employer's steward department about 30 persons are normally employed. Next in rank to Chief Steward Dreier and Assistant Chief Steward Corin (who are both admitted to be supervisors) are 3 assistant stewards (Crespo, Caban, and Figueroa), whose supervisory status is at issue. Crespo oversees at least 8 dishwashers, icemen, and cleaners; Caban, 4; and Figueroa, 11.³ The views of the assistant stewards are sought by Chief Steward Dreier when employees are being selected for promotion. Moreover, Assistant Steward Crespo is in full charge of the entire steward department from 5 or 5:30 a. m. until 9 a. m. every day. Similarly, Assistant Steward Figueroa regularly substitutes for Assistant Chief Steward Corin every Thursday night. We therefore find that both Crespo and Figueroa are supervisors as defined in the Act.⁴ With respect to Assistant Steward Caban, the only evidence was that his authority and duties were the same as the other assistant stewards. Accordingly, we find that he too is a supervisor.

The head dishwashers: Subordinate to the assistant stewards are two employees, Hermidas and Delgado, who are classified as head dishwashers and whom the Employer would exclude as supervisory. Hermidas oversees and assists a crew of at least 3; Delgado oversees and assists a crew of at least 7.⁵ They are expected to report inefficiencies to Chief Steward Dreier or Assistant Chief Steward Corin. Before Dreier permits probationary dishwashers to become permanent, he always consults with the head dishwashers. In addition, Head Dishwasher Hermidas regularly assumes full charge of the entire steward department from 2 p. m. until 5 p. m. every day, a time when neither Dreier, Corin, nor any of the assistant stewards are present. We find that the head dishwashers are supervisors and that they are excluded from the unit.

The linen room supervisors: In the linen room there are 3 workers who are classified as linen room supervisors. One of these, Isabel Rodriguez, is in full charge of the other 2 "supervisors" and of the 2 or 3 seamstresses in the linen room. She reports directly to Executive Housekeeper Faye, who is in charge of 50 to 60 employees. Faye never hires a seamstress without first having Rodriguez interview and test the applicant and tell Faye whether she is competent. We find that Rodriguez is a supervisor.

As for the other two "supervisors" in the linen room, Iris Toledo and Celenia Lopez, no one contends that they have

²It is the Employer's further contention that the Board and the Petitioner are estopped from raising any unit issues at this time. Because we herein sustain the Employer's unit contentions, it is unnecessary to consider the estoppel issue.

³These are the numbers as of the date of the hearing, which was held in the off-season. At busier times Figueroa oversees about 14, and others probably a few more each.

⁴Pure Oil Company, 90 NLRB 1661.

⁵These are off-season figures. During the season, Delgado oversees about 10.

actual supervisory authority. They stand at the phone all day, receiving requests for service, lost-and-found inquiries, breakage reports, and check-out reports, all of which they relay to the proper destinations. They make a record of all such messages. The Employer regards them as clericals and would exclude them even though they work in a service area under the direction of service supervisors, and are therefore plant clericals rather than office clericals.⁶ Although plant clericals as a group will usually be given an opportunity to join a production or service unit at the request of any party, the Petitioner is not now making such a request. There are other plant clericals (such as the cafeteria and dining room cashiers and the secretary in the laundry) who are not sought by the Petitioner in the present proceeding. We therefore find that Toledo and Lopez are excluded from the unit.⁷ The proposal to include them is denied because they constitute only a segment of the plant clerical group.

The linen room attendant, Herminio Resto, separates linens into bundles to be taken to the various maids, helps deliver linen directly to rooms on special requests, and constantly checks the supply of linens in all linen storage areas. In addition to this physical work, he directs the work of the linen room boy and keeps a few records. When Executive Housekeeper Faye is faced with a decision whether to retain or dismiss a linen room boy, she consults Resto and relies heavily on his opinion; for it was Resto who originally set up the Employer's linen room system when it first opened in San Juan. We find that he is a supervisor and that he is excluded from the unit.

As no question affecting commerce exists concerning the representation of the Employer's employees, we shall dismiss the petition.

[The Board dismissed the petition.]

⁶ The unit description appears to exclude all clericals, not just office clericals.

⁷ See Rath Packing Company, 101 NLRB 96.

HELEN H. DIETZE, JULIE EARL AND RUDOLPH HALM,
PARTNERS, d/b/a HINCHER MANUFACTURING COMPANY,
Petitioner *and* LOCAL 671, UPHOLSTERERS' INTERNA-
TIONAL UNION OF NORTH AMERICA, AFL. Case No. 35-
RM-56. October 27, 1953

DECISION AND CERTIFICATION OF REPRESENTATIVES

On August 31, 1953, pursuant to a stipulation for certification upon consent election, an election by secret ballot was conducted under the direction and supervision of the Regional Director for the Ninth Region, among the employees in the