

sified production workers at the plant doing the various jobs assigned to them under the temporary present working conditions. When renovation and installation work is completed, the Employer plans to increase the work complement to approximately 100 employees in 6 to 8 months and to 150 to 200 employees in about 18 months. The Employer, however, does not contemplate that the Barnhart plant will operate independently of the St. Louis plant. So far as the instant record discloses, employees at the St. Louis plant are not presently represented by any labor organization.

In view of the expected increase in the number of employees at the Barnhart plant in the near future, the present training status of employees at the plant and their lack of work classification, and the temporary uncertainty and dependent nature of the plant's present operations, an immediate election among employees presently working at the Barnhart plant would be premature.¹ Furthermore, it does not clearly appear that employees at the Barnhart plant may properly constitute an appropriate unit apart from employees at the St. Louis plant, concerning which there is little in the instant record from which any satisfactory conclusion with respect to the scope of the appropriate unit for Barnhart plant employees can be drawn. For these reasons, we dismiss the petition.

[The Board dismissed the petition.]

¹ Individual Drinking Cup Company; 101 NLRB 1751; A. O. Smith Corporation, 97 NLRB 1570.

WESTINGHOUSE ELECTRIC CORPORATION *and* INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS, CIO, Petitioner

WESTINGHOUSE ELECTRIC CORPORATION *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL, Petitioner. Cases Nos. 4-RC-2073 *and* 4-RC-2074. December 15, 1953.

DECISION AND DIRECTION OF ELECTION

Upon petitions duly filed under Section 9 (c) of the National Labor Relations Act, a consolidated hearing was held before Julius Topol, 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 the 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. On August 7, 1953, International Union of Electrical, Radio and Machine Workers, CIO, herein called the IUE, and International Association of Machinists, AFL, herein called the Machinists, filed separate petitions seeking to represent certain employees at the Employer's South Philadelphia Works. The IUE's petition seeks an election among the plant's hourly paid production and maintenance employees. The Machinists seeks to represent all nonsupervisory employees at the plant in a single bargaining unit, but ask for separate elections among the production and maintenance employees and the salaried, clerical, and technical employees if the Board finds the overall unit inappropriate.¹ The Employer and the Intervenor, United Electrical, Radio and Machine Workers of America, herein called the UE, contend that no elections should be held at this time among the salaried employees because, among other reasons, their contract of November 1, 1950, as amended, constitutes a bar to a present determination of representatives. We agree with this contention.

In 1950, following a Board-directed election, the UE was certified as the bargaining representative for the salaried employees and the production and maintenance employees at the South Philadelphia Works in two separate bargaining units.² On November 24, 1952, following a consent election, the UE was again certified as bargaining representative for the salaried unit.³ Thereafter, on July 10, 1953, the Employer and the UE executed supplement V to their contract of November 1, 1950, extending their agreement until June 30, 1954. Clearly supplement V bars a determination of representatives in the salaried unit at this time as it is well established that any contract of reasonable duration made during the year following a certification precludes a new investigation of representatives during its regular term.⁴ However, as none of the parties has asserted a contract bar to an election in the hourly paid production and maintenance unit hereinafter found appropriate, we find that a question affecting commerce exists concerning the representation of such employees within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.⁵

4. We find that the following employees of the Employer constitute a unit appropriate within the meaning of Section 9 (b) of the Act: All hourly paid production and maintenance employees of the Employer at its South Philadelphia Works, Tincum Township, Delaware County, Pennsylvania, including

¹ At the hearing the Machinists also requested that a self-determination election be conducted among the Employer's professional employees. In view of the fact that the Machinists made no showing of interest among these employees, its request is denied.

² Westinghouse Electric Corporation, 89 NLRB 8.

³ Case No. 4-RC-1679 (not reported in printed volumes of Board Decisions.)

⁴ See Bath Iron Works Corp., 101 NLRB 849.

⁵ We find no merit in the several grounds for dismissal of one or both petitions advanced by the UE during the hearing. Accordingly, its various motions to dismiss are hereby denied.

group leaders, but excluding guards, professional employees, and supervisors as defined in the Act.⁶

[Text of Direction of Election⁷ omitted from publication.]

⁶This is the identical bargaining unit which the Board found appropriate in the 1950 proceeding.

⁷On January 14, 1953, the Board in Westinghouse Electric Corporation, 102 NLRB 270, directed that a self-determination election be conducted among the patternmakers at the South Philadelphia Works to determine whether they desired to be represented as a separate bargaining unit or remain a part of the existing hourly paid production and maintenance unit represented by the UE. In the subsequent election they indicated that they desired to remain in the overall unit, and on February 11, 1953, the Regional Director issued a certification of results of election to such effect. The UE here contends that under the provisions of Section 9 (c) (3) no election affecting these employees can be directed at this time. We reject this contention as the election herein directed is not in the unit or a subdivision of the unit in which that election was held. See Robertson Brothers Department Store, 95 NLRB 21.

On September 18, 1953, the IUE moved that the name of the UE be excluded from the ballot on the ground that the record establishes that the UE will not represent in the presentation and processing of grievances any employees who are not members of the UE. We do not find that the record supports this contention. Accordingly the motion is hereby denied.

RETAIL EMPLOYEE RELATIONS COMMISSION, Petitioner
and BUILDING SERVICE EMPLOYEES' UNION, LOCAL NO.
 64, A. F. OF L. *and* RETAIL CLERKS' UNION, LOCAL NO.
 2, A. F. OF L. Case No. 18-RM-139. December 15, 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 Richard P. O'Connell, 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 organizations involved claim to represent certain employees of the Employer.
3. The question concerning representation:

Building Service Employee's Union, Local No. 64, A. F. of L., herein called Local 64, has represented employees of the Employer in the classifications involved herein since 1939. The most recent contract between the Employer and Local 64 expired on April 30, 1953. In June 1953 Retail Clerks' Union,

¹At the hearing, Local 64 moved to dismiss the petition on the ground that the Employer is attempting to establish a "multiple employer" unit for which there is no history of direct collective bargaining between all of the members of the Employer's Association and Local 64. For the reasons indicated in the text below, the motion to dismiss is hereby denied.