

munity of interest with the other production and maintenance employees, we shall, notwithstanding his experimental duties, include him in the unit.⁸

The timekeepers: The Employer employs three timekeepers whose duties are to check and collect timecards and to record from them the piecework earnings of the production employees. The timekeepers are located in the factory area and are under the ultimate supervision of the chief accountant. We find that the timekeepers are plant clerical employees who may properly be included in a production and maintenance unit notwithstanding the fact that they are under different supervision than the other production and maintenance employees.⁹

We find that the following employees 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 of the Employer at its Faribault, Minnesota, plant, including the stock clerk, the shipping clerk, the receiving clerk, production control clerks, the maintenance department clerk, the methods man, timekeepers, setup men, and group leaders,¹⁰ but excluding the superintendent, the assistant superintendent, the chief inspector, office employees, the methods engineer, the resident engineer, professional employees, guards, and supervisors as defined in the Act.¹¹

[Text of Direction of Election omitted from publication.]

⁸J. I. Case Company, 105 NLRB 638.

⁹General Electric Company, 106 NLRB 364.

¹⁰The parties with the exception of the IBEW agreed that the setup men and group leaders are not supervisors within the meaning of the Act. The IBEW took no position as to these classifications. As the setup men and group leaders do not have the authority to hire, discharge, discipline, or effectively to recommend such action, we find that they are not supervisors within the meaning of the Act. Meier Electrical & Machine Co., Inc., 107 NLRB 143 Accordingly, we include them in the unit.

¹¹The Employer, the Petitioner, and the Minnesota Factory Workers' Union would exclude, and the IBEW would include, the three time-study men. As the record does not contain sufficient information to warrant a unit determination at this time, we shall allow the time-study employees to cast challenged ballots in the election hereinafter directed.

THOMAS-WIENER COMPANY *and* BAKERY & CONFECTION-
ERY WORKERS' UNION, LOCAL 149, AFL, Petitioner. Case
No. 32-RC-704. January 13, 1954

ORDER PERMITTING WITHDRAWAL OF PETITION WITH PREJUDICE

On November 30, 1953, the Board issued a Decision and Direction of Election in the above-entitled proceeding. By telegram dated December 17, 1953, the Board was administratively advised that the Petitioner has requested permission to withdraw its petition for certification of representatives pre-

viously filed herein and that the Employer has no objection thereto. The Board having duly considered the matter,

IT IS HEREBY ORDERED that the Petitioner's request to withdraw petition be, and it hereby is, granted with prejudice to its filing a new petition for a period of 6 months from the date of this Order, unless good cause is shown why the Board should entertain a new petition filed prior to the expiration of such period.

By direction of the Board:

Ogden W. Fields,
Associate Executive Secretary.

BAUSCH & LOMB OPTICAL COMPANY *and* INTERNATIONAL ASSOCIATION OF MACHINISTS. Case No. 3-CA-485. January 13, 1954

DECISION AND ORDER

On March 30, 1953, Trial Examiner Stephen S. Bean issued his Intermediate Report in the above-entitled proceeding, finding that the Respondent had engaged in and was engaging in certain unfair labor practices and recommending that it cease and desist therefrom and take certain affirmative action, as set forth in the copy of the Intermediate Report attached hereto. The Trial Examiner also found that the Respondent had not engaged in certain other unfair labor practices and recommended that the complaint be dismissed in that respect. Thereafter, the General Counsel and the Respondent filed exceptions to the Intermediate Report and supporting briefs. The Respondent's request for oral argument is hereby denied as the record and the exceptions and briefs adequately present the issues and positions of the parties.

The Board has reviewed the rulings made by the Trial Examiner at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Intermediate Report, the exceptions and briefs, and the entire record in the case, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner.

ORDER

Upon the entire record in the case, and pursuant to Section 10 (c) of the National Labor Relations Act, as amended, the National Labor Relations Board hereby orders that the Respondent, Bausch & Lomb Optical Company, Wellsville, New York, its officers, agents, successors, and assigns, shall: