

In the Matter of W. A. HALLER Co., INC. and UNITED DISTILLERY  
WORKERS OF NORTH AMERICA, C. I. O.

*Case No. 6-R-1275.—Decided February 1, 1946*

*Mr. Joseph Kaplan*, of Philadelphia, Pa., for the Company.  
*Mr. Dominick Spasbo*, of Pittsburgh, Pa., for the Union.  
*Mr. Warren H. Leland*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Distillery Workers of North America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of W. A. Haller Co., Inc., Pittsburgh, Pennsylvania, herein called the Company,<sup>1</sup> the National Labor Relations Board provided for an appropriate hearing upon due notice before Joseph Lepie, Trial Examiner. The hearing was held at Pittsburgh, Pennsylvania, on November 16, 1945. The Company and Union appeared and participated. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

W. A. Haller Co., Inc., is a Pennsylvania corporation, operating plants in Elverson and Pittsburgh, Pennsylvania. This proceeding concerns the employees in the Pittsburgh plant, where the Company is engaged in the manufacture of whiskey, blends, and cordials. Dur-

<sup>1</sup> The petition and other formal papers were amended at the hearing to show the correct name of the Company.

ing the past 12 months the Company purchased raw materials and supplies in excess of \$300,000 in value, of which approximately 10 percent was shipped to the Company from points outside the Commonwealth of Pennsylvania. During the same period the Company manufactured products valued in excess of \$1,500,000, of which approximately 10 percent was shipped to points outside the Commonwealth of Pennsylvania.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

#### II. THE ORGANIZATION INVOLVED

United Distillery Workers of North America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

#### III. THE QUESTION CONCERNING REPRESENTATION

On September 13, 1945, the Union requested recognition as bargaining representative of the Company's production and maintenance employees, including watchmen and charwomen. The Company refused to accord such recognition unless the Union is certified by the Board.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>2</sup>

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

#### IV. THE APPROPRIATE UNIT

The Company and the Union agree that production and maintenance employees, including charwomen, but excluding clerical and supervisory employees, constitute an appropriate unit. However, the Union would include and the Company would exclude watchmen.

The Company employs two watchmen, who are neither militarized, deputized, armed, nor uniformed. They perform typical duties of watchmen, going the rounds, punching stations, observing for fires or conditions likely to cause fires, and generally protecting the premises in the interests of the Company. In addition, they fire the furnace and occasionally help unload and load merchandise. Contrary to the Company's contention, we find that they are not monitorial

<sup>2</sup> The Field Examiner reported that the Union submitted 19 authorization cards, and that there are approximately 27 employees in the appropriate unit.

employees in the accepted sense of the term. We shall, therefore, include the watchmen in the unit hereinafter found appropriate.<sup>3</sup>

We find that all production and maintenance employees engaged at the Company's Pittsburgh, Pennsylvania, plant, including charwomen and watchmen, but excluding clerical employees and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

#### DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with W. A. Haller Co., Inc., Pittsburgh, Pennsylvania, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Sixth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by United Distillery Workers of North America, C. I. O., for the purposes of collective bargaining.

<sup>3</sup> See *Matter of Champion Sheet Metal Company, Inc.*, 61 N. L. R. B. 511; *Matter of Palmer-Bee Company, Plant #5*, 60 N. L. R. B. 972.