

Carpenters for such unit, which unit the Board, under such circumstances, finds to be appropriate for purposes of collective bargaining. If a majority of voters in voting group (2) vote for the Boilermakers, they will have indicated their desire to constitute a separate appropriate unit and the Regional Director will issue a certification of representatives to the Boilermakers for such unit, which unit the Board, under such circumstances, finds to be appropriate for purposes of collective bargaining. If a majority of the voters in both voting groups vote for the Boilermakers they will have indicated their desire to be represented by the Boilermakers in a single unit and the Regional Director will issue a certification of representatives to the Boilermakers for such unit, which unit the Board, under such circumstances, finds to be appropriate for purposes of collective bargaining.

[Text of Direction of Election omitted from publication.]

AIRBORNE INSTRUMENTS LABORATORY, INCORPORATED
and LOCAL 807, INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELP-
ERS OF AMERICA, AFL, Petitioner. Case No. 2-RC-5381.
April 24, 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 Arthur Goldberg, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Murdock and Peterson].

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. 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 appropriate unit:

The Petitioner seeks to represent unit of the Employer's drivers and shipping and receiving employees. Alternate unit requests by the Petitioner include (a) drivers, shipping, receiving, and mailroom employees; (b) drivers, shipping, receiving, and mailroom employees, and spare parts clerks in the packaging section; and (c) drivers. The Employer maintains that only an overall unit of all employees is appropriate.

The Employer is engaged in research, design, and development work for the armed services under the national-defense program. Its final products are research reports, prototype models of its research and development work, and spare parts for such prototypes.

The operations of the Employer are divided into four principal divisions: (1) Financial--performing the usual financial and general business services; (2) research and engineering--performing theoretical research and embodying such research into written reports, from which prototype models are, on occasion, constructed; (3) engineering and production--performing production work in constructing prototypes and spare parts and making practical application of the theoretical work of the research and engineering division; and (4) engineering services--performing general services for all other divisions, including janitors, maintenance men, guards, receptionists, shipping and receiving employees, mailroom employees, telephone operators, drivers, property custody clerks, library employees, publications employees, and others. A further breakdown shows that the engineering services division has four departments: Procurement, publications, a miscellaneous grouping,¹ and plant services.

With the exception of the spare parts clerks in the packaging section,² all the employees whom the Petitioner seeks to represent work in two sections of the plant services department,³ namely, the transportation and communications section and the shipping, receiving, and mail section. The two sections are considered in the order named above.

Transportation and Communication⁴

The Employer hires 4 drivers to operate its vehicles, 1 truck, 2 suburbans, and 1 sedan. Although the drivers have other duties, they are primarily engaged in the actual operation of these vehicles, while making pickups and deliveries.⁵ The drivers receive their assignments from the plant services supervisor, Person,⁶ although the latter's instructions are usually relayed to the drivers through his assistant. On occasion, the drivers apparently receive their instructions from other departments of the Employer's plant.

¹ This department is not specifically labeled on the Employer's operational chart (Employer's Exhibit No. 1), but it consists of the following sections: Research, instrument room, library, and property custody.

² This section is part of the services department of the engineering and production division.

³ The other sections of the plant services department are guard service and building and grounds. In the latter section, there are, among others, 11 maintenance employees, 3 or 4 of whom substitute for drivers who are either absent or on vacation. Moreover, some maintenance employees assist drivers in loading and unloading on the average of once a day.

⁴ The communications section is composed solely of two telephone operators.

⁵ The drivers pick up from and deliver to both of the Employer's shipping and receiving locations and the mailroom.

⁶ As shown by Employer's Exhibit No. 1, Person has ultimate supervision over three sections, besides transportation and communication.

Shipping, Receiving, and Mail

There are 8 employees in the Employer's shipping and receiving section of whom 5⁷ work at its Old County Road installation while the remaining 3 employees work 3 miles away at its Stewart Avenue location. These employees check all incoming mail and materials and wrap, pack, and crate all outgoing materials.⁸ The shipping and receiving supervisor, Boyling, is in overall charge of this section, while the assistant shipping and receiving supervisor, Terrano,⁹ apparently is "in charge" of the 3 employees at the Stewart Avenue location.

The mailroom comprises a separate area adjacent to the shipping and receiving room at Old County Road. It is staffed by three employees whose work is supervised by Boyling. These employees are responsible for sorting and delivering incoming mail and for picking up and stamping outgoing mail.¹⁰ Each piece of mail must be accounted for pursuant to security regulations and accurate records must be kept.

Spare Parts Clerks in the Packaging Section

As noted above, the employees, five in number, in this section are part of the services department of the engineering and production division. This section is located in a separate wire-enclosed area adjacent to the Stewart Avenue shipping and receiving room. These employees prepack component parts for prototypes, following special wrapping instructions or specifications. After the parts have been prepacked, they are examined by the inspectors in the quality control section of the engineering and production division, and then passed to the shipping and receiving room where they are packed, crated, and made ready for shipment to their destination.¹¹

It is further noted that there are stock clerks and tool clerks in both the engineering services division and the engineering and production division. The Petitioner does not seek any of these employees in its unit requests, although both stock and tool clerks handle materials and supplies, as do the shipping and receiving employees and the spare parts clerks.

The record indicates that strict lines of demarcation in the Employer's operations are not followed; that personnel policies

⁷Of these 5 employees, 2 are concerned solely with typing, filing, and keeping records. The Petitioner would exclude these 2 employees from any unit found appropriate.

⁸They also assist the drivers in the loading and unloading of vehicles.

⁹The supervisory status of Terrano is in dispute. The parties were not prepared to produce evidence on that issue at the hearing.

¹⁰The Petitioner would exclude and the Employer include 1 of the 3 mailroom employees. The disputed employee spends 75 percent of her time in opening and sorting mail and 25 percent of her time in paper work in connection with registered mail.

¹¹The Petitioner does not seek the three spare parts clerks in the spare parts section, as their work is allegedly clerical in nature. They handle all the paper work for the packaging section.

have been uniform for all of the Employer's employees;¹² that, except for guards and one mailroom employee, all employees work the same hours and all enjoy the same facilities; and that there has been no employee interchange between the classifications in each of the units requested by the Petitioner.¹³

Under these circumstances, we find that the units sought by the Petitioner, including the principal unit and alternate units (a) and (b), are not proper departmental units, but constitute instead artificial groupings without sufficient homogeneity and cohesiveness to warrant representation in the separate units sought herein. In so finding, we note the integrated nature of the Employer's operations, the centralized management control, the similar employment conditions for all employees, and the lack of common supervision and a common working area between the employees within the units requested by the Petitioner. Moreover, it appears that the duties and interests of the requested employees are not otherwise so clearly distinguishable from those of other employees in this plant as to warrant a finding of appropriate units based upon either the principal or first two alternate unit contentions of the Petitioner. Such a finding would require the Board to accord controlling weight to the Petitioner's extent of organization among these employees. However, Section 9 (c) (5) of the Act forbids this result. Accordingly, we find the Petitioner's principal unit request and alternate requests (a) and (b) inappropriate.¹⁴

We find merit, however, in the third alternate unit contention (c) where the Petitioner seeks a unit limited to drivers alone. As the record shows that the duties of the drivers are materially distinct from those of other employees and as drivers are employees to whom the Board has traditionally granted the right of separate representation,¹⁵ we find that all drivers (transportation employees) at the Employer's Long Island, New York, plants, excluding supervisors within the meaning of the Act, constitute a separate appropriate unit for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

[Text of Direction of Election omitted from publication.]

¹²A wage and salary committee, composed of five of the Employer's officers, establishes uniform, plantwide personnel policies and administers a wage-rate review system for all employees.

¹³There have been, on the other hand, a substantial number of transfers by employees in or out of the requested units since January 1951.

¹⁴Engineering Research Associates, Inc., 77 NLRB 207; California Research & Development Co., 100 NLRB 1385; National Cylinder Gas Co., 100 NLRB 768; American Optical Co., 96 NLRB 233; Cannell & Chaffin, Inc., 85 NLRB 887. Although the record indicates that the larger unit proposed by the Employer could be appropriate, we shall not direct an election in such unit. To do so would require a major modification of the Petitioner's requested unit, unsupported by a sufficient showing of interest on the part of the Petitioner. Sidney Meyers, Inc., 92 NLRB 112.

¹⁵General Box Co., 93 NLRB 789; D. B. Thornton Co., 94 NLRB 1188; Sidney Meyers, Inc., supra.