

AERIAL PRODUCTS, INC. and UNITED GAS, COKE AND CHEMICAL WORKERS OF AMERICA, CIO, PETITIONER. *Case No. 5-RC-1506. January 28, 1955*

### 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 Robert W. Knadler, 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 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 Petitioner seeks to represent a unit of all production and maintenance employees, including truckdrivers. The Employer agrees generally as to the scope of the proposed unit but disagrees with certain of the Union's proposed exclusions from the unit. The Petitioner would exclude and the Employer would include all line leaders, employees Pope and Wiggins, timekeepers, plant clericals, project engineers, quality control inspectors, taxi drivers, the assistant purchasing agent,<sup>1</sup> and the draftsman. The Petitioner contends that the line leaders and employees Pope and Wiggins are supervisors within the meaning of the Act. It would exclude the other categories of employees on the ground that they have no community of interest with the production and maintenance employees.

*Line leaders:* The Employer is engaged in the production of explosives for the United States Government which necessitates its operating out of many small buildings rather than under one roof. It employs approximately 37 "salaried supervisors" who the parties agree are supervisors within the meaning of the Act. Although, because of the dispersed nature of the Employer's operations, one "salaried supervisor" may be responsible for certain supervision in more than one building the ratio of such supervisors to the production and maintenance employees is approximately 1 to 25.

The line leaders are assigned to the Employer's various production lines, located in most of the buildings of the plant, primarily to assure that such lines are supplied with necessary materials and to prevent any possible clogs in the movement of the lines due to the ac-

<sup>1</sup> As the evidence with respect to the assistant purchasing agent is not sufficient for us to make a determination concerning his position relative to the production and maintenance employees, we shall permit him to vote in the election hereinafter directed subject to challenge.

cumulation of materials. They are generally more experienced than the rank and file employees working on the lines and are required to assist new employees in developing work techniques; they substitute for workers who are absent or who must go to the restrooms and keep routine records for production reports. The line leaders spend approximately 50 percent of their time doing the same work as the ordinary line employees, are hourly paid, receiving 5 to 10 percent more than the other line workers, receive the same fringe benefits, and punch the same time clocks. The evidence further reveals that there is considerable interchange between the line leaders and the line employees and that certain lines have operated successfully without the services of a line leader as such.

While there is evidence that on several occasions certain line leaders issued passes to leave the plant to employees on their lines and transferred employees from one position to another on the lines, the record shows that in such cases the line leaders were following the specific routine instructions of "salaried supervisors." These instructions permitted line leaders to take such action in specific emergency situations on those occasions when the "salaried supervisors" could not be located. Ordinarily, these supervisors are stationed within the immediate vicinity of the lines or can be readily located to obtain instructions concerning personnel or production matters.

Although the record is replete with contradictory testimony, the preponderance of the evidence reveals that the line leaders have no authority to hire, discharge, layoff, promote, demote, or discipline employees; nor can they effectively recommend such action. The evidence further shows that their direction of the line employees is of a routine nature and does not require the use of independent judgment.

Upon the basis of the foregoing and upon all other relevant evidence, we find that the line leaders are not supervisors within the meaning of the Act, and shall, therefore include them within the unit hereinafter found appropriate.

*Pope:* Pope is a truckdriver with considerably more experience than the other drivers in the department in which he works. Although he is looked to for advice by the other drivers because of his experience, the record does not reveal that he possesses any supervisory authority. Accordingly, we shall include him in the unit.

*Wiggins:* Wiggins is employed in the machine shop as a "machinist." The Employer contends that the only supervisor located in the shop, in which there are employed some 50 employees, is the "machine shop supervisor." The record shows, however, that Wiggins, who is regarded by the employees as the "shop foreman," is responsible for the distribution of work orders, instructs employees in the performance of such orders, and works on machines only in emergency situations. We find that Wiggins responsibly directs the work of employ-

ees in the machine shop and is therefore a supervisor within the meaning of the Act. Accordingly, we shall exclude him from the unit.

*Timekeepers:* The timekeepers' duties are to record the hours worked by the production and maintenance employees by physically checking such employees and by checking their timecards, and also to record production. The figures so compiled are used for computing employee base and incentive pay and the Employer's general production costs. They work almost exclusively in the plant areas and are paid on the same basis, receive the same benefits, and are under the same supervision as the production and maintenance employees. They possess no supervisory authority. We find that the timekeepers have substantially the same interest and conditions of employment as the production and maintenance employees and shall, therefore, include them within the unit of those employees.

*Plant clericals:* The production plant clericals, receiving clerks, material control clerks, and property clerks fall within the general category of plant clericals. The employees in the above classifications perform those duties which are customarily performed by employees in the same or similar classifications in most manufacturing establishments. They work in close contact with, in the same area as, and under the same supervision as, the production and maintenance employees or the truckdrivers. They also punch the same time clock and receive substantially the same fringe benefits.

In view of these facts and in accordance with our customary practice, we shall include the production plant clericals, receiving clerks, material control clerks, and property clerks in the unit.

*Quality control inspectors:* The quality control inspectors are responsible for the inspection of the Employer's products at the various stages of production to assure that such products, when finished, meet with contract specifications and standards. They work in the production buildings in close proximity to the production employees, are hourly paid, and punch the same time clock as the production employees. No special training or education is required for the performance of their jobs and there is evidence that they are interchanged on occasion with production employees. There is no evidence that they possess supervisory authority.

Upon the above facts, we find that the quality control inspectors have substantially the same interests and conditions of employment as the production and maintenance employees and properly belong in the production and maintenance unit.

*Taxi driver:* The "taxi driver" drives a station wagon in which she transports personnel, mail, and materials from one building to another in the Employer's plant. She is hourly paid, receives time and one-

half for overtime, and works under the same supervision as other production and maintenance employees.

We find that the "taxi driver" has substantially the same interests and conditions of employment as the production and maintenance employees and shall include her within the unit.

*Project engineers:* The Employer employs five project engineers. It is their duty, on general instructions from the production manager, to work out the initial technical and engineering problems in production under Government contracts received by the Employer. They work in the production areas primarily, until the production on a particular item is functioning properly. It appears, however, that their contact with production and maintenance employees is quite limited. They are paid a guaranteed weekly wage.

As the duties of the project engineers are primarily of a technical nature and as their interests and conditions of employment substantially differ from those of the production and maintenance employees, we shall exclude them from the unit.

*Draftsman:* The term draftsman does not appear to adequately describe the duties of the employee bearing the title. This employee is an 18-year-old youth recently graduated from high school. He spends a major portion of his time running errands in the plant and performing simple plant clerical functions. He is paid on an hourly basis and punches the same time clock as the production and maintenance employees. Although on occasion he prepares simple sketches of machine parts in need of repair, he is not qualified to do any original blueprint work.

As his interests and conditions of employment appear to be substantially the same as the production and maintenance employees, we shall include him within the unit.

Upon the entire record we find that the following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All production and maintenance employees employed at the Employer's plant in Elkton, Maryland, including all line leaders, employee Pope, timekeepers, plant clericals, quality control inspectors, the taxi driver, and the draftsman; but excluding employee Wiggins, all project engineers, office clerical employees, guards, watchmen, and all supervisors as defined in the Act.

5. At the time of the hearing, a number of employees were in a laid-off status. The record shows that the reemployment of these employees is highly speculative and dependent upon improved business conditions. As they have no reasonable expectancy of reemployment, we find that they are permanently laid off and therefore not eligible to vote in the election.

[Text of Direction of Election omitted from publication.]