

perience. It also shows that all production and maintenance employees are employed by, and are under the direct immediate supervision of, the plant superintendent. Further, except when the anodizing department is run on more than one shift, all employees work the same hours, punch the same time clock, and are subject to the same personnel policies such as those relating to vacations and holidays.

The Petitioner contends that the requested employees may constitute a craft unit, even though they use only a segment of alleged craft skills in the performance of their work. The record shows, however, that these employees are not hired as craftsmen and that they do not exercise true craft skills in their work. Indeed, they are sometimes hired without any training, learn their tasks in a very short period, and perform work of a repetitive nature on one type of metal only. In addition, moldings requiring certain finishes which a craftsman could perform are sent to other firms to be polished, and employees performing the anodizing operation are not engaged in the type of plating process which requires the exercise of true craft skills. Accordingly, as employees in the proposed unit are not employed as craftsmen, we find that they do not constitute an appropriate unit for purposes of collective bargaining on a craft basis.⁶

Nor does this group constitute an appropriate unit upon any other basis. As noted above, the anodizers work separately from the polishers and perform entirely different work. The polishers are frequently transferred on a temporary basis to other duties, while the anodizers are never transferred. Further, all employees use the same time clock, work the same hours, have the same immediate supervision, are centrally hired and discharged, and receive the same benefits.

Accordingly, as the unit petitioned for does not constitute a craft grouping or a functionally distinct department and is not appropriate on any other basis, we find that no 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. We shall, therefore, dismiss the instant petition.

[The Board dismissed the petition.]

⁶ *Industrial Stamping and Manufacturing Company, Division of Vinco Corporation*, 111 NLRB 1038, *Metco Plating Company*, 110 NLRB 615.

Westinghouse Electric Corporation (Elevator Division) and Association of Westinghouse Engineers, Elevator Division, Petitioner. *Case No. 2-RC-7257. May 4, 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 Clement P. Cull, 112 NLRB No. 81.

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.¹

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 a professional unit which consists of all engineers in the engineering department known as associate engineers, senior engineers, and fellow engineers; all engineers in the new sales department, known as application engineers I and II; all engineers in the service sales department known as headquarters and service engineers I and II; and works engineering design and layout engineers.²

The Petitioner does not, however, seek to include certain engineering and professional categories hereinafter noted. The Employer contends that the unit is inappropriate upon the ground that it would include only a part of the Employer's professional employees at its Jersey City plant.

The Scope of the Requested Unit

As noted above, the Employer's objection to the requested unit is that the unit is too narrow in scope in that it does not include all professional employees at the plant herein concerned. However, apart from the exclusions considered below, it appears that the requested unit comprises the residue of all unrepresented similar professional employees of the Employer at its Jersey City plant. The incumbent union which represents some of the professional employees does not desire to represent the professional employees sought by the Petitioner herein. We, therefore, find no merit in the Employer's contention that the unit is inappropriate on the ground that it does not include all the professional employees at the Jersey City plant.³

¹ Contrary to the contention of the Employer, we find that the Association of Westinghouse Engineers, Electric Division, the purpose of which is to represent employees of the Employer in matters regarding wages and hours and other conditions of employment and which has duly elected officers and a constitution, is a labor organization within the meaning of the Act. *Elgin National Watch Company, Wadsworth Division*, 109 NLRB 273

² It is stipulated that all employees in the engineering categories sought by the Petitioner are professional employees

³ See *Western Electric Company, Incorporated*, 98 NLRB 1018, 1039, see also *Standard Oil Company*, 107 NLRB 1524. The case of *Westinghouse Electric Corporation*, 110 NLRB 387, which is relied upon by the Employer, is distinguishable from the instant case because in the case relied upon the Petitioner sought both the represented and unrepresented engineers, the former being covered by contract which was a bar; and it did not, as here, indicate that it would represent a lesser residual unit of such engineers.

The Exclusions from the Requested Unit

The Petitioner seeks to exclude from the requested unit employees listed in the categories of methods engineers, junior engineers, the nurse, application engineers in the order service department, and the traffic analyst. The methods engineers and junior engineers, although concededly professional employees, are presently represented in a certified unit by a union whose contract would bar a representation proceeding with respect to those categories. Accordingly, they will be excluded from the unit.⁴ The next category listed by the Petitioner, namely, the nurse, we shall exclude upon the ground that her interests are dissimilar from those of the other professional employees in the unit here sought.⁵ As regards the application engineers in the order service department together with the traffic analysts, it does not appear from the record that the employees in these categories are professional employees; accordingly, they will be excluded from the unit.⁶

We find that all engineers in the engineering department known as associate engineers, senior and fellow engineers; all engineers in the new sales department known as application engineers I and II; all engineers in the service sales department known as headquarters and service engineers I and II; and works engineering design and layout engineers at the Employer's Jersey City plant, New Jersey, excluding method engineers, junior engineers, application engineers in the order service department, traffic analysts, nurses, all other employees, guards, and supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

[Text of Direction of Election omitted from publication.]

MEMBER LEEDOM took no part in the consideration of the above Decision and Direction of Election.

⁴ *American Cable and Radio Corporation*, 101 NLRB 1759, 1762

⁵ *Standard Oil Company, supra*

⁶ Although under some circumstances they might, as technical employees, be included in a larger professional group (see *Standard Oil Company, supra*) no labor organization here seeks their inclusion in what is otherwise a residual unit of professional engineers

O. W. Burke Company and Loy Gittings

Local 25, International Association of Bridge, Structural and Ornamental Iron Workers, AFL and Loy Gittings. *Cases Nos. 7-CA-1064 and 7-CB-192. May 5, 1955*

DECISION AND ORDER

On December 27, 1954, Trial Examiner Robert E. Mullin issued his Intermediate Report in the above-entitled proceeding, finding that the