

results of the election, a hearing be held to determine the issues raised by the Employer's exceptions to the Regional Director's supplemental report.

[The Board directed that the Regional Director for the First Region shall, within ten (10) days from the date of this Direction, open and count the ballots of Edward Hassell and Percy R. Garbett and serve upon the parties a revised tally of ballots.]

[The Board ordered that, in the event the ballots of Edward Hassell and Percy R. Garbett do not determine the results of the election, a hearing be held to determine the issues raised by the Employer's exceptions to the Regional Director's supplemental report on challenged ballots and further ordered that, in the event a hearing is held, the hearing officer serve upon the parties a report containing resolutions of the credibility of witnesses, findings of fact, and recommendations to the Board as to the disposition of said exceptions. Within ten (10) days of receipt of such report, any party may file with the Board in Washington, D. C, an original and six copies of exceptions thereto. Immediately upon the filing of such exceptions, the party filing shall serve a copy thereof upon each of the other parties, and shall file a copy with the Regional Director. If no exceptions are filed thereto, the Board will adopt the recommendations of the hearing officer. The Board also ordered that the above-entitled matter be, and it hereby is, referred to the Regional Director for the First Region for disposition as provided for herein, and in the event a hearing is held, the Regional Director is hereby authorized to issue early notice thereof.]

MEMBERS MURDOCK and BEAN took no part in the consideration of the above Decision, Direction, and Order.

G. Washington and Burnetts Division of American Home Foods, Inc.¹ and Local 68, International Union of Operating Engineers, AFL-CIO,² Petitioner. Case No. 4-RC-2824. December 13, 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 Alan Zurlnick, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.³

¹ The name of the Employer appears as amended at the hearing.

² The AFL and CIO having merged after the hearing in the case, we are amending the identification of the affiliation of the Unions.

³ Oil, Chemical and Atomic Workers International Union, CIO, and Local 13-272 were permitted to intervene on the basis of their contractual interest.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Leedom 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 National Labor Relations Act.

2. The labor organization named below claims to represent certain employees of the Employer.

3. A question affecting commerce exists concerning the representation of certain employees of the Employer, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

4. The Petitioner seeks to sever from the existing production and maintenance unit represented by the Intervenor a unit of four full-time firemen. The Employer opposes severance on the ground that the firemen do not constitute a craft and have duties which are closely integrated with those carried on in the rest of the plant. The Intervenor also contends that the proposed unit is inappropriate. The firemen sought by the Petitioner—Henry Nurge, Charles Lojum, John Lynch, Woodrow W. Byram—are licensed under State law and work principally in the boilerroom where they perform the typical powerhouse functions required to maintain steam in a plant. While there is conflicting evidence as to whether the relief fireman, Frank Denike, serves in this capacity only in emergencies and during vacation periods or 1 day a week, the record reveals that he spends most of his time at general maintenance tasks in the plant. One other employee, Anthony Cornell, appears to devote all of his time to the job of boilerroom helper. Although the four full-time firemen are under the general direction of a plant supervisor on each shift, it is clear that they constitute a functionally distinct group with related duties and interests and are entitled to a self-determination election despite a history of bargaining on a broader basis. Moreover, the Petitioner is affiliated with a union which historically represents such powerhouse units. *Baldwinville Products, Inc.*, 111 NLRB 752. The fact that the firemen prepare steam for use in the Employer's production processes does not militate against the propriety of this unit. *General Electric Company (Fitchburg Works)*, 110 NLRB 744, 745-746. As Cornell's boilerroom duties link him with the full-time firemen, we shall include him in the unit. However, we shall exclude Denike from the unit because we find that his interests are substantially allied with the maintenance employees rather than the full-time firemen.

The following employees of the Employer may constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All boilerroom employees at the Employer's Morris Plains, New Jersey, plant, including full-time firemen and boilerroom helper, but excluding relief fireman, all other employees, and supervisors as defined in the Act.

5. If a majority vote for the Petitioner they will be taken to have indicated their desire to constitute a separate appropriate unit, and the Regional Director conducting the election directed herein is instructed to issue a certification of representatives to the Petitioner for the unit described in paragraph numbered 4, which the Board, under such circumstances, finds to be appropriate for purposes of collective bargaining. In the event a majority vote for the Intervenor, the Board finds the existing unit to be appropriate and the Regional Director will issue a certification of results of election to such effect.

[Text of Direction of Election omitted from publication.]

MEMBERS RODGERS and BEAN took no part in the consideration of the above Decision and Direction of Election.

Radio & Television Broadcast Engineers Union, Local 1212, International Brotherhood of Electrical Workers, AFL-CIO¹ and Columbia Broadcasting System, Inc. *Case No. 2-CD-102.*
December 14, 1955

DECISION AND DETERMINATION OF DISPUTE

This proceeding arises under Section 10 (k) of the Act, which provides that "Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph 4 (D) of Section 8 (b), the Board is empowered and directed to hear and determine the dispute out of which such unfair labor practice shall have arisen. . . ."

On April 18, 1955, Columbia Broadcasting System, Inc., herein called CBS or Employer, filed with the Regional Director for the Second Region a charge against Radio & Television Broadcast Engineers Union, Local 1212, International Brotherhood of Electrical Workers, AFL-CIO, herein called IBEW or Respondent, alleging that the latter had engaged in and was engaging in certain activities proscribed by Section 8 (b) (4) (D) of the amended Act. It was charged, in substance, that IBEW had induced and encouraged employees of CBS to engage in a strike or a concerted refusal to work in the course of their employment with an object of forcing or requiring CBS to assign par-

¹ The AFL and CIO having merged, we are amending the identification of the Unions affiliations.