

gain jointly for the units found appropriate has found joint petitions proper.³ We shall deny the motion to dismiss. The names of the Petitioners will appear jointly on the ballot, and, if they are successful in the election hereinafter directed, they will be certified jointly as the bargaining representative of the employees in the appropriate units. The Employer may then insist that the Petitioners bargain jointly for such employees as separate units.

[Text of Direction of Elections omitted from publication.]

³ *Swift and Company*, 114 NLRB 159; *J. J. Morcau & Son, Inc.*, 107 NLRB 999; *Sonoco Products Company*, 107 NLRB 82.

WTOP, Inc. and Radio & Television Broadcast Engineers & Technicians, Local No. 1215, International Brotherhood of Electrical Workers, AFL-CIO, Petitioner. *Case No. 5-RC-1754. March 9, 1956*

SUPPLEMENTAL DECISION AND ORDER

On November 30, 1955, the Board issued a Decision and Order,¹ finding that assistant directors who comprise a majority of the requested unit of assistant directors and floor directors are supervisors, and dismissing the petition. Thereafter, on December 9, 1955, the Petitioner filed with the Board a motion for rehearing en banc. The Employer filed a brief in opposition to the Petitioner's motion, and the Petitioner submitted a memorandum in answer to the Employer's opposition.

In its motion the Petitioner requests, first, that the board en banc reconsider its determination that assistant directors are supervisors because of the fundamental character and far-reaching consequences of such a determination of supervisory status. The original decision in this case was made by a quorum of the Board, with 3 of the 4 members who then composed the Board participating. At that time the question of the supervisory status of assistant directors was fully examined and the matters raised by the Petitioner's first request were thoroughly considered. No basis appears for a reconsideration of the supervisory issue by all five present members of the Board. The request for reconsideration en banc is denied. Similarly, a majority of the members who participated in the original decision (Chairman Leedom and Member Rodgers) find no basis for granting the request for reconsideration of the merits of that decision and hereby deny it.

The Petitioner asks, alternatively, for a unit of floor directors, should the Board adhere to its former determination that assistant directors are supervisors. The floor directors, like the assistant di-

¹ 114 NLRB 1236.

115 NLRB No. 117.

rectors, are participants in a training program for the supervisory position of director. The training program is described in detail in the original decision as are the duties of the floor directors. Recruitment for the program is largely of young men from colleges and universities, drama schools, and little theater groups—those who have had some experience in visual presentation. The training period covers 2½ years' time. During the first 12 months the trainee bears the title of floor director and performs duties which give him a knowledge of the basic groundwork of a show and the relation of the control room to the activities on the floor. Then, the trainee, if he has proven his adaptability to the medium of television, begins the second stage of training under the title of assistant director. It is these assistant directors that the Board has found to have supervisory duties and responsibilities. After the trainee completes 6 months at this second stage, he is either hired by the Employer as a director, or the Employer helps him to find a like position elsewhere. He does not continue with the Employer with less than a director's position.

It thus appears that the Employer hires floor directors with special background experience for the purpose of training them to become supervisors. After only 12 months' service, during which time they are engaged exclusively in learning the duties and responsibilities of the supervisory position of director for which they are being prepared, the floor directors enter the second stage of their training and thereupon become supervisors. In view of the particular facts of this case, including the planned supervisory training program covering a definite period of time, the selectiveness exercised by the Employer in the acceptance of applicants for this program, and the fact that trainees do not continue with the Employer after completion of the training program unless retained as a supervisor, we find that these floor directors have the interest of supervisors and stand in the position of such under the Act. We therefore find that the floor directors, participating in a training program designed to prepare them to assume the responsibilities and duties of supervisors, are not employees within the meaning of the Act. It follows that a unit of these floor directors is inappropriate.² Accordingly, the Petitioner's alternative request is denied.

[The Board denied the motion.]

MEMBER PETERSON, dissenting:

For the detailed reasons which I expressed in my dissent to the original Decision in this case,³ I do not believe that the assistant directors

² Members Murdock and Bean, who did not participate in the original decision, join in this decision only to the extent that it denies the request for an en banc reconsideration of the merits of the original decision and that it denies the alternative request for a separate unit of floor directors.

³ See footnote 1, *supra*.

are supervisors within the meaning of the Act and I would, of course, grant the Petitioner's request for Board reconsideration of this issue. As the floor directors are merely trainees who receive instructions with respect to their duties from the assistant directors, *a fortiori*, I would not find them to be supervisors.

However, even if I accepted the view of my majority colleagues as to the supervisory status of the assistant directors, an examination of the nature of the duties of the floor directors and a consideration of their rather remote possibilities of becoming directors prevents me from agreeing with my colleagues that "floor directors have the interest of supervisors and stand in the position of such under the Act." Thus, the record clearly discloses that the floor directors perform two principal functions both of which are strictly routine and nondiscretionary in character. First, they sweep the studio floor and physically move the sets, furniture, and property of a particular television show to their proper places on the floor. In many television studios such work is done by porters. Secondly, they also cue performers while a show is on the air, which merely consists of relaying the specific instructions of the directors to the performers.

Moreover, excluding the 8 assistant directors and floor directors presently employed, there have been 27 employees who have occupied these positions and only 6 of them have been retained by the Employer (5 as directors and 1 as program director). In my opinion, where, as here, an employee has about a 1 in 5 chance that he may become a supervisor, it can hardly be said that his interests are allied with management. It has been pointed out that an employee's prospects for promotion are among the conditions of employment which the Act is designed to protect⁴ and I am not apprised of any persuasive reason for denying him present protection merely because he could conceivably advance to a position in which he would not be entitled to such protection.⁵

In view of the foregoing, I would at least grant the Petitioner's alternative request for a unit of floor directors and would direct an election therein.

⁴ *N. L. R. B. v. Bell Aircraft Corporation*, 206 F. 2d 235, 237 (C. A. 2).

⁵ See *The Peal Manufacturing Company*, 80 NLRB 827, 829.

Paul M. O'Neill International Detective Agency, Inc.¹ and New Jersey Guards' Union, Local 100, International Guards Union of America, Petitioner. *Case No. 2-RC-7785. March 12, 1956*

DECISION AND ORDER

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before I. L. Broadwin, hearing

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