States & Canada, Local No. 533, AFL–CIO admits that it is not lawfully entitled to force or require the Kansas City Power & Light Company to assign the work of tying in steam pipe to members of this Organization rather than to members of any other craft or class of employees.

This Organization advises you that it will not induce or encourage the employees of any employer to engage in a strike or a concerted refusal to work where an object thereof is to cause the Kansas City Power & Light Company to assign the work of tying in of steam pipe to members of this Organization rather than to members of any other craft or class of employees.

We wish to further advise you that any inducement which allegedly had such a purpose or effect has long since ceased. We respectfully urge that no further action be taken in this matter and that the charges heretofore filed be withdrawn or dismissed.

Yours truly,

CHICK HUMPHREY,
Bus Mgr. Local 533.

Westinghouse Electric Corporation *and* Buffalo Section, Westinghouse Engineers Association, Engineers and Scientists of America,[1] Petitioner. *Case No. 3–RC–1634. May 28, 1956*

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 Bernard Marcus, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.[2]

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 organizations involved claim to represent certain employees of the Employer.[3]

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[1] The name of the Petitioner appears as amended at the hearing.

[2] The hearing officer referred to the Board the motions to dismiss made at the hearing by the Intervenor. For the reasons set forth below, these motions and the motions to dismiss made in the Employer's brief are hereby denied.

[3] Buffalo Salaried Employees Association, Incorporated, herein called the Intervenor, was permitted to intervene in this proceeding on the basis of its contractual interest in the employees whom the Petitioner seeks to represent. The motion to intervene was granted without objection, but the Petitioner, later in the hearing and in its brief filed after the hearing, contended that the Intervenor had no standing as its most recent contract failed to reflect a change in its name. We find this contention without merit. Accordingly, the Intervenor's petition to reopen hearing, filed on April 30, 1956, to take evidence as to its change in name, is hereby denied.

The Petitioner and the Intervenor refused to stipulate that each was a labor organization within the meaning of the Act. We find that as both the Petitioner and the Intervenor

3. The hearing officer referred to the Board the Petitioner's motion made at the hearing to amend the unit set forth in the petition.

The Employer and the Intervenor contend that the unit described in the petition is inappropriate, that the Petitioner's amendment of the proposed unit at the hearing was so substantial as to constitute a new petition, and that the contract entered into after the filing of the petition but before the amendment was therefore a bar.

The Petitioner's original proposed unit sought 5 categories of engineers, totaling 166 employees. The amendment to the petition would add 5 more categories of engineers, totaling 67 employees. The parties stipulated that all the employees sought by the Petitioner are professional engineering employees. Under these circumstances, we find that the amendment did not constitute a new petition or affect the timeliness of the original filing.[4] The Petitioner's motion to amend the unit set forth in the petition is hereby granted. We find therefore that the contract is not a bar and the motions to dismiss on this ground are denied. Accordingly, we find that 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 unit, as set forth in the petition, sought employees in the following job descriptions: Engineer assistant, engineer associate, engineer, engineer senior, and engineer fellow. The unit, as amended at the hearing, sought all professional employees including, in addition to the categories named in the petition, manufacturing engineer, manufacturing engineer senior, plant layout engineer, methods engineer (formerly time and motion analyst), and purchasing engineer.

As stated above, the parties stipulated that employees in all the categories set forth in the amended unit are professional employees within the meaning of Section 2 (12) of the Act. None of the parties disputed the appropriateness of a unit of professional employees nor the inclusion in such unit of all the categories in the amended unit.[5] The parties were in disagreement, however, as to the unit placement of five additional categories: Engineer order service, engineer test record, engineer contact, order correspondent master, and safety

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are organizations which exist for the purpose of representing employees for collective-bargaining purposes, they are labor organizations within the meaning of Section 2 (5) of the Act

[4] *Hyster Company*, 106 NLRB 347, 348.

[5] Following a consent election in 1946 (3–R–1388, not reported in printed volumes of Board Decisions and Orders), the Intervenor was selected by two voting groups of professional employees and of salaried nonprofessional employees. The parties in that proceeding having agreed that in such event the two groups would be combined in a single unit, the Intervenor was certified as the bargaining representative for such unit. The parties herein stipulated at the hearing that the Employer, the Intervenor, and another labor organization, which is not a party in the present proceeding, have entered into an agreement (3–RC–1595, not reported in printed volumes of Board Decisions and Orders) for a consent election in a unit of the salaried nonprofessional employees.

inspector.[6] The Intervenor maintained that the employees in these categories have professional status and should be included in the unit of agreed professional employees. The Petitioner maintained that the employees in these five categories are not professional employees as defined in Section 2 (12) of the Act, and should therefore be excluded. The Employer took no position at the hearing with respect to the unit placement of these disputed categories, which are not classified as professional by the Employer. In its brief filed after the hearing, however, the Employer maintained that employees in four of the disputed categories should be included in the unit because they "are so closely allied with and integrated in the engineering operations at the plant . . .," but that the fifth category, safety inspectors, "are rather administrative, and probably should be excluded from any unit."

There are 5 employees in the engineer order service category, 1 in class A, 2 in B, and 2 in C. These employees progress on the basis of training and education from C to A, which is the highest classification. All five do similar work but handle proportionately more difficult assignments in the higher classifications. Their work requires electrical or mechanical knowledge and experience. They check customers' orders to determine the extent to which standard or special products are called for, and estimate the amount of engineering required in order to determine when delivery to the customer can be made. In some instances they develop variations in standard designs themselves and then put the orders through the factory for production, but they refer more complicated problems to the admittedly professional design engineers. They work in the same room as the design engineers, and are in constant contact with them. They report to an engineering manager, as do the employees sought by the Petitioner. Although the Employer does not require, it prefers, engineering degrees for these jobs, and some men in this category have such degrees. Men have been transferred from this category to that of engineer.

There are 3 employees in the engineer test record category, 1 in class A and 2 in class B. They compile data received from the test floor on such matters as currents, voltages, watts, and temperatures, into prescribed forms. Using higher mathematics, they plot the data into curves which express torques and efficiencies, power factors, losses, and regulation. They are also responsible for preparing data on curves and other forms which go to the Employer's customers.

Their work brings them into frequent contact with design engineers. They work in the same section and under the same supervision as some

[6] The parties stipulated that employees in the category of machine designer are not professional, and no contention was made that they should be included. Accordingly, they are excluded from the unit.

of the design engineers. Although not required, some of these men have engineering degrees. A few men in this category have been transferred to jobs in the engineer assistant category.

There is one man in the engineer contact category, who is the liaison man between the design engineering department and the shop. He makes on-the-spot diagnoses of trouble in manufacturing or tests, can authorize some changes in design or material, and refers others to the design engineers. He also allocates the cost of a correction to the section responsible for the error. He works frequently with design engineers, is located in the same office, and reports to the same supervisor. His job does not require an engineering degree, but the work requires some engineering skill plus considerable experience with the Employer's products. Men have moved from this work to jobs in categories stipulated to be professional.

There are three employees in the category of order correspondent master. They coordinate customer orders, which may run as large as 100 carloads in shipment. Their work requires familiarity with apparatus built at the plant here involved, at other Westinghouse plants, and at plants of other companies. They handle order service papers, obtain data as to availability of equipment from engineers and from Westinghouse district offices, and relay this information to the customers. They work in the same building as the engineering sections but in a separate office. Their work is under the supervision of the order service supervisor, who also supervises a number of order service correspondents and another group which handles renewal orders.

There are two employees in the category of safety inspector. They are responsible for maintaining safety in the plant. When necessary, they design safety devices for machines. There are no formal educational requirements for these jobs. The office of the inspectors is in the industrial relations department, in the same building as the engineering department but on a different floor. They work under a supervisor of safety, who reports to the head of the industrial relations department.

We find, upon the basis of the entire record, that the employees in the five disputed categories are not professional employees within the meaning of Section 2 (12) of the Act. We find further, however, that employees in the three categories of engineer order service, engineer test record, and engineer contact, have had considerable education and experience in the engineering field, are occasionally transferred to the professional engineering categories, work in the same general area and under common supervision with the admittedly professional engineering employees, spend much of their time collaborating and consulting with these professional employees, and share a close community of employment interests with them. Furthermore, employees in these three categories were included with the admittedly profes-

sional engineers in the voting group in the 1946 election. Also, it does not appear that the addition of the 9 employees in these categories to the unit of 233 employees stipulated to be professional would destroy the predominantly professional character of such a unit. Under all the circumstances, we shall include these employees in the professional unit.[7] We do not, however, find that the order correspondent masters and safety inspectors share this mutuality of employment interests with those in the unit. They were not included with the engineers in the 1946 election, and we shall exclude them from the unit here found appropriate.

Accordingly, we find that the following employees at the Employer's Cheektowaga, New York, plant constitute an appropriate unit for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act: All professional employees, including the categories of engineer assistant, engineer associate, engineer, engineer senior, engineer fellow, manufacturing engineer, manufacturing engineer senior, plant layout engineer, methods engineer (formerly time and motion analyst), purchasing engineer, engineer order service, engineer test record, and engineer contact, but excluding the categories of machine designer, order correspondent master, and safety inspector, all other employees, guards, and supervisors as defined in the Act.[8]

[Text of Direction of Election omitted from publication.]

[7] *Westinghouse Electric Corporation*, 111 NLRB 497, 501; *Westinghouse Electric Corporation*, 80 NLRB 591, 594.

[8] In view of our unit finding above, which corresponds substantially to the unit in the amended petition, we deny the motion to dismiss on the grounds (1) that the unit set forth in the original petition is too limited, and (2) that the unit set forth in the amended petition is not comprehensive enough.

General Electric Company, Apparatus Service Shop, Petitioner *and* United Electrical, Radio and Machine Workers of America, Local 1412. *Case No. 20–RM–188. May 29, 1956*

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 Shirley N. Bingham, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.[1]

[1] United Electrical, Radio and Machine Workers of America, Local 1412, herein called UE Local 1412, moved to dismiss the petition because of the pendency of *General Electric Company (Apparatus Sales Division, Service Shop)*, Cases Nos. 20–RC–2969 and 2970. We deny this motion because the above consolidated cases were issued March 28, 1956. (Not reported in printed volumes of Board Decisions and Orders.) Further, insofar as they are relevant, the Board has taken judicial notice of the cases and has applied them to the present case.