

**Hancock Electronics Corp., Petitioner and International Brotherhood of Electrical Workers, Local 892, AFL-CIO<sup>1</sup> and International Association of Machinists, Local Lodge 1327, AFL-CIO.** *Case No. 20-RM-195. August 3, 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 L. D. Mathews, Jr., 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, organized in 1953 as a retail establishment selling sound systems and equipment, has since April 1955 been engaged in the distribution and sale of closed-circuit television. In addition, in November 1955, the Employer commenced the manufacture and assembly of closed-circuit television equipment. The record shows that as an incident of this latter change in its operations, the Employer secured Government contracts for the manufacture of electronics equipment for use in national defense. The goods supplied and services performed under these contracts from April 1, 1955, to April 1, 1956, totalled \$23,785.41. The record further shows that in March 1956, the Employer entered into a contract to furnish goods and services directly related to national defense, totalling \$118,195.60. At the hearing on March 30, 1956, the Employer testified that it had commenced work on this contract and that the work would be completed by the June 30, 1956, contract completion date. The Employer further testified that it had signed a national defense contract totalling \$6,000 and is negotiating other such contracts totalling in excess of \$320,000. Under the circumstances we find that the Employer is engaged in commerce within the meaning of the Act and that it will effectuate the policies of the Act to assert jurisdiction in this proceeding.<sup>2</sup>

2. The labor organizations herein involved claim to represent certain employees of the Employer.<sup>3</sup>

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 Employer, IBEW, and IAM agree that the appropriate unit should include the production workers and production technicians employed at the Employer's Redwood City, California, establishment.

<sup>1</sup> The designation of the IBEW appears as amended at the hearing.

<sup>2</sup> *Maytag Aircraft Corporation*, 110 NLRB 594; see also *General Seat & Back Mfg. Co.*, 93 NLRB 1511.

<sup>3</sup> The International Association of Machinists was permitted to intervene on the basis of its claim to represent employees in the unit alleged as appropriate in the petition.

However, the IBEW and IAM contend that the development technicians should also be included in the unit. In addition the IAM would include the draftsman detailer B in the unit. The Employer objects to the inclusion in the unit of the two latter classifications.

The record shows that the development technicians work in the separately supervised electronics engineering department directly assisting engineers, admittedly professional employees, in testing and making modifications in development and design of electronics equipment. In addition, they independently do simple electronics designing. The development technicians are more highly skilled than the production workers and production technician and perform no production work. Unlike production employees they are salaried. Although not required to have college training, these employees must have a thorough knowledge of basic electronics and be able to read schematics with proficiency. As the record indicates that the nature of the work performed by these employees requires a high degree of technical competence, we find that these employees are technical employees within the meaning usually accorded that term by the Board.<sup>4</sup>

The salaried draftsman detailer B works in the separate electronics engineering department under the supervision of the chief engineer, a professional employee. Under the direction of the chief engineer, he makes detailed drawings of electronics apparatus. He is required to have a high school education, to have a thorough knowledge of mechanical drawing, and to have prior experience in drafting. In these circumstances, we find that the draftsman detailer B is a technical employee.<sup>5</sup>

As the Employer objects to the inclusion in the unit of the development technicians and the draftsman detailer B, and as it is well-established Board policy that technical employees may not be joined with production and maintenance employees when any party objects to their inclusion, we shall exclude the development technicians and the draftsman detailer B from the instant production union.<sup>6</sup>

We find that the following employees constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All production workers and production technicians employed by the Employer at its Redwood City, California, establishment,<sup>7</sup> but excluding development technicians, the draftsman detailer B, clerical

<sup>4</sup> *Le Roi Division, Westinghouse Airbrake Co.*, 113 NLRB 271, 273; *The Firestone Tire & Rubber Company*, 112 NLRB 571, 572.

<sup>5</sup> *International Minerals & Chemical Corporation*, 104 NLRB 1069, 1070; *General Foods Corporation, Northland Dairy Division*, 115 NLRB 283; *Bell Aircraft Corporation*, 98 NLRB 1277.

<sup>6</sup> *Gerber Plastics Company*, 108 NLRB 403, 405, at footnote 3.

<sup>7</sup> The record shows that the Employer does not employ or contemplate employing maintenance employees.

employees, guards, professional employees, and supervisors as defined in the Act.

5. Contrary to the Employer and IBEW, the IAM contends that the petition is premature because the Employer's operations are in the process of expansion.

The record shows that there are at present 7 employees in 2 classifications in the production department which is comprised entirely of employees who constitute the unit found appropriate herein. The record testimony indicates that dependent upon the number and type of contracts secured, the Employer expects an increase of from 50 to 100 percent in the number of employees to be employed in the production department in the next 6 months. However, no new employee classifications are contemplated and it appears that the present work force is sufficient to handle the volume of business necessary to meet the Board's jurisdictional standards. As it is clear from the record that the present work force is representative and the extent of expansion is purely speculative, we find no merit in the contention of the IAM. We shall therefore direct an immediate election.

[Text of Direction of Election omitted from publication.]

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

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**Shaw-Randall Company, Inc. and New England Joint Board, affiliated with Retail, Wholesale & Department Store Union, AFL-CIO, Petitioner.** *Case No. 1-RC-4470. August 3, 1956*

#### SUPPLEMENTAL DECISION AND CERTIFICATION OF RESULTS OF ELECTION

Pursuant to a Decision and Direction of Election<sup>1</sup> issued by the Board on May 1, 1956, an election by secret ballot was conducted on May 23, 1956, under the direction and supervision of the Regional Director for the First Region, among certain employees of the Employer. The tally of ballots issued after the election showed that of the approximately 34 eligible voters, 28 cast valid ballots, of which 14 were for the Petitioner, 14 were against the Petitioner, and 3 were challenged.

As the challenged ballots were sufficient in number to affect the results of the election, the Regional Director conducted an investigation and, on June 18, 1956, duly served upon the parties his report on chal-

<sup>1</sup> Not reported in printed volumes of Board Decisions and Orders.