

terstate operations on the basis of its combined direct outflow, which undoubtedly exceeds \$250,000.¹⁶ If jurisdiction can be asserted over Monterey on such basis, then the Employer's services to Monterey, would satisfy all the requirements for indirect outflow, i. e., they are performed for an enterprise over whom the Board would assert jurisdiction on the basis of its direct outflow. The majority's attempted comparison of this case to the *New Jersey* case (see footnote 4 of the majority opinion) is poorly drawn. That case involved sales to units of a retail chain and the decision, that sales to units of multistate chains will not be regarded as indirect outflow, unless the unit of the multistate chain itself meets the Board's direct outflow standard, was clearly limited to sales to retail enterprises. And with good reason. The retail standards, unlike the nonretail standards, do not provide for assertion of jurisdiction over a multistate enterprise on the basis of the total direct outflow of the enterprise.

In summary then, I would first find that jurisdiction should be asserted because the Employer's operations satisfy the Board's indirect outflow jurisdictional standard, for the reasons discussed in the first part of this opinion. However, in the absence of a majority in support of that view, I think it is imperative that the Board remand the proceeding to develop complete evidence on the other possible bases for the assertion of jurisdiction suggested above. I think the Board is under an obligation to so act in this matter, particularly in view of the program of the Federal Government concerning the shortage of oil in world commerce caused by the interruption of the movement of oil from the Middle East. I know of no possible justification for refusing to take that action which is what this Board has done in other less important cases where commerce data was incomplete and it appeared that a reopened record with more complete information would permit the assertion of jurisdiction.

For the foregoing reasons, I dissent from the action taken by my colleagues dismissing the petition in this case.

¹⁶ Monterey's gross revenues from such operations approximate \$6,000,000.

Wm. R. Whittaker Co., Ltd. and International Union, Allied Industrial Workers of America, AFL-CIO, Amalgamated Local 400, Petitioner. Case No. 21-RC-4408. February 8, 1957

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 Arthur Hailey, hearing 117 NLRB No. 38.

officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

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. 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 designs and manufactures aircraft valves and accessories at its plant 1, in Hollywood, California, and at its plant 2, some 20 miles away, in Lynwood, California. The Petitioner and the Intervenor, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, AFL-CIO, agree that the production and maintenance employees at the Lynwood plant alone constitute an appropriate bargaining unit. The Employer contends that the petition should be dismissed on the ground that the only appropriate unit is a two-plant unit which includes the employees at plant 1 and plant 2.

Plant No. 1 generally works on fuel and air valves, the largest production item, while plant 2 generally works on hydraulic valves. With respect to production, a considerable degree of interdependence exists between the plants. Thus, orders and designs originate at plant 1, while fabrication, inspection, and assembly are carried on at both plants. Approximately half of the total value of the end products is made up of parts purchases from outside firms. The major portion of finished parts is handled at plant 2, and three-quarters of these are shipped to plant 1 for further processing and final shipment. Up to 10 percent of the shipments from plant 2 to plant 1 return again to plant 2 for further processing and final shipment. Few if any valves go from plant 1 to customers without being assembled with purchased or finished parts from plant 2, and all of the valves emanating from plant 2 are subject to accounting and engineering processing at plant 1.

In 1951, the Employer took steps to integrate the management and operation of the two plants. As a result, they are now under the single management of a president and a board of directors. Administrative headquarters for both plants is at plant 1, at which point the Em-

¹ The hearing officer referred to the Board the Petitioner's motion to amend its petition by substituting the designation by which it is herein set forth for "International Union, United Automobile Workers of America, AFL-CIO," the name which appears on its petition. We find without merit the Employer's objection to the motion on the ground that the Petitioner has failed to make a sufficient showing of interest or to achieve compliance with the filing requirements of the Act under its new designation, as it appears that the change was one in name only. The motion is therefore granted, and the petition and other formal papers are hereby amended to reflect the Petitioner's correct name.

The Employer's request for an oral argument is denied, as in our opinion the record sufficiently presents the positions of the parties and the issues.

ployer's companywide records are kept. There is centralized responsibility for engineering, production, finance, purchasing, sales, accounting, personnel, industrial relations, and payroll tabulating. The Employer uses standardized production and payroll forms which primarily reflect the Employer's operations on the basis of a breakdown of its operations into the four main subdivisions of manufacturing, engineering, general, and administrative, rather than by plant. A shuttle system of trucks and other vehicles operates between the plants. Personnel and industrial relations are centrally formulated and uniformly applied at both plants.

On the other hand, there is no history of collective bargaining for the production and maintenance employees, and no labor organization seeks a unit of broader scope at the two plants. Plant 1 and plant 2 are geographically separated by some 20 miles and are situated in different industrial communities. There is virtually no interchange of production and maintenance employees between the two plants. Although personnel and industrial relations policies are uniform for the two plants, the interplant manager of personnel and industrial relations has an office and staff headed by an assistant at each of the plants to administer such policy. Each plant is located in a separate and distinct community, and although employment advertisements are placed in the same newspapers, hiring is done locally, subject to the general authority of the interplant manager of personnel and industrial relations. A substantial number of departments at each plant have no counterpart at the other plant. Department managers and foremen at each plant also approve discharges, promotions, leaves of absence and sick leave, and handle grievances, subject to the general authority of the interplant manager. With respect to military termination pay and profit-sharing retirement pay, there is one seniority list for both plants; with respect to layoffs, however, there are separate lists for each plant. Other things being equal, seniority is a factor in discharges.

In these circumstances, in view of the geographic separation, the lack of employee interchange, the degree of local plant autonomy, the absence of bargaining history for the production and maintenance employees, and the fact that no other labor organization seeks a broader unit, we find, notwithstanding the considerable degree of integration which exists between the two plants, that a unit confined to the production and maintenance employees at plant 2 is appropriate.²

The Disputed Categories

The parties generally agree that a production and maintenance unit is appropriate. They disagree, however, with respect to certain employee classifications, herein below found to be office clerical, plant

² *Schwien Engineering Co.*, 114 NLRB 173

clerical, or technical, and with respect to certain alleged supervisory classifications. The Employer would include, and the Petitioner and the Intervenor would exclude, all of these classifications.

(a) *Office clerical employees and related categories*

Cost clerks, file clerks, general office clerks, Kardex clerks, and the mail clerk: The cost clerks, in the cost estimating department, calculate labor and material costs, overhead expenditures, and general costs. The file clerks, the majority of whom are in production control, perform the customary office work of their calling, including the handling of the Employer's accounting forms. The general office clerks, in various departments in the area of production control, perform a variety of office work, frequently overlapping the functions of the file and Kardex clerks. Kardex clerks, in the production control department, run the Kardex machine, preparing inventory control cards. The mail clerk picks up and delivers mail.

Clerk-typists, clerk-typists-shop, and clerk-typists-department: The clerk-typists work in personnel, production control, billing, engineering, liaison, purchasing, cost estimating, tool and design, technical records, maintenance, metal finishing, receiving, transportation, and inspection, performing a variety of typing duties.

Microfilm operators, multilith operators, and key punch operators: Microfilm operators and multilith operators in the technical records department preserve and reproduce the Employer's records on their respective machines. Key punch operators, under the tabulating manager, record numerical data.

Production control planners, production control schedulers, and material control planners: Production control planners, reporting to the production manager, initiate shop orders and purchase requisitions and maintain record controls over parts on order and against requirements. Production control schedulers, reporting to the production manager, work in the production control office, performing work of a primarily clerical nature, including the compilation of backlogs from master schedules and the preparation of work orders so as to maintain shipment schedules. Material control planners in the production control department office initiate requisitions for raw materials and parts, schedule incoming material, and request disposition of obsolete or excess materials and parts.

Secretaries and stenographers: Secretaries, in various departments, and stenographers, in the production control and technical records departments, perform the usual duties of their calling, including typing.

Tabulator analysts and tabulator setup men: The tabulator analysts study problems submitted by department heads regarding placing systems on tabulating equipment, plan new accounting methods, de-

sign tab cards and forms for new clerical processes, and estimate the cost of conversions to tabulating systems. The tabulating setup men wire and set up tabulating machines.

We find that the employees set forth above have the usual duties of office clerical employees or perform work closely allied with that of office clerical employees. Under these circumstances, we shall exclude them from the unit.³

(b) *Plant clerical employees and related categories*

Buyers, buyers—purchasing or outside production, and buyers—raw material: The buyers report to the director of purchasing and outside production. They contact distributors, jobbers, and factory warehouses for the purpose of purchasing raw material stock and miscellaneous items. They have desks in factory areas and frequently contact employees in the plant proper, checking on purchasing needs. They do not pledge the Employer's credit.

Bond room clerks, inventory control clerks, receiving clerks, and stock clerks: Bond room clerks receive packages and physically prepare the Employer's product for final shipment. Inventory control clerks, under the internal auditor, work in the stockroom, taking physical inventory of stock. Receiving clerks, under the assistant to the production manager, physically handle all smaller parts and supplies received at the receiving room and transport them to their destination. Stock clerks, under the stockroom manager, physically handle and record materials in the stockroom.

Production control coordinators, followup men—purchasing, outside production followup men: Production control coordinators, working in the production control department, check on shortages due on past-due schedules, follow up on changes which curtail shipping schedules, maintain up-to-date information on parts number changes, and issue weekly past-due reports giving reasons for past-due conditions; they spend considerable portions of their time in factory areas. Followup men—purchasing and production followup men, attached to the purchasing department office, contact vendors and suppliers for deliveries of parts and materials.

Traffic coordinators, stock dispatchers, inside expeditors, and shop expeditors: Traffic coordinators, working in an office in the shipping area, dispatch and maintain records of the movement of company vehicles. The stock dispatchers prepare the necessary paperwork for, and maintain a log relative to, parts dispatched from their station. Inside expeditors, in the production control department, check on all phases of work from the time a unit is received for servicing until it is returned to the customer. Shop expeditors, in the production con-

³ *International Smelting and Refining Company, 106 NLRB 223; Northrop Aircraft, Inc., 110 NLRB 1349.*

trol department, process requirements on shortage sheets, check on production, report production problems, and check on the flow of parts through manufacturing to shipping.

Timekeepers: Timekeepers extend all timecards, compare them with shop cards, enter time on weekly absentee reports, enter jobs on shop cards, and clock employees in and out of jobs; they work at desks in factory areas and are supervised by the tabulating department manager.

Tool control coordinators: These employees work in an office in the tool coordinating department, maintaining record controls on requests for new tools and the reworking of tools and on the movement of tools in and out of tool cribs; they also list and enter tool scheduling orders.

We find that the clerical employees described above perform work which is closely allied to that of the production and maintenance employees, and we shall therefore, in accordance with established policy, include them in the unit.⁴

(c) *Technical employees*

Engineering coordinators: Engineering coordinators supply the production departments with production drawings and assist liaison engineers, design engineers, and technical writers in transmitting technical data to the production departments.

Cost estimators: Cost estimators, under the cost estimating manager, analyze engineering drawings to determine the cost of manufacture of parts and valves.

Draftsmen: Draftsmen work in maintenance or on the chief production engineer's staff, performing routine drafting work.

Production engineers, quality control engineers, tool engineers, and tool design engineers: Production engineers determine the operation sequence of production processes. Quality control engineers work in the inspection department, setting up and maintaining standards and records for quality control. Tool engineers and tool design engineers, in the tool design and processing department, determine the type of tooling to be used in production.

Tool designers and tool designers checkers, tool liaison engineers, and tool planners: Tool designers and tool designers checkers, working at drafting boards, prepare layouts and designs of assemblies, jigs and attachments, tools, dies, and fixtures. Tool liaison engineers assure continuous production by handling problems arising in the

⁴ *A. O. Smith Corporation, Air Frame Component Division*, 102 NLRB 1116; *Northrop Aircraft, Inc.*, 110 NLRB 1349; *Buzza-Cardozo Company*, 99 NLRB 40.

Even in the absence of a bargaining history, the Board customarily includes plant clerical employees in units of plant employees, where, as here, inclusion is in issue. See *The American News Company*, 93 NLRB 1566, footnote 3; *Yale and Towne Manufacturing Company*, 112 NLRB 1268, at 1270

course of production processing, production, or inspection tests. Tool planners determine tool, fixtures, and equipment required for specific operations for the production of parts by studying engineering blueprints and using knowledge of the functions and procedures of various departments and the capacities of machines.

Tool liaison employees and liaison, tool design, and processing employees: These two classifications of employees under the chief production engineer, spend all of their working time in the shop coordinating tooling problems between production and production engineering; determine whether tooling specified in operation order is adequate; help setup men; and make recommendations for the redesign of worn tools or fixtures.

Assembly and test technicians: Assembly and test technicians assemble and test assemblies, on prototype and experimental jobs and on new production jobs; they also repair and rebuild damaged precision assemblies and make setups.

We find that all of the employees described above are technical employees, and as there is a dispute as to their inclusion in the unit, we shall exclude them from the unit.⁵

(d) *The alleged supervisors*

Group leaders: Group leaders are paid up to 10 cents an hour more, if hourly paid, or \$20 a month more, if salaried, than the highest paid employee under them. They are charged to the same account as the employees they lead. They work on production and lead fewer employees than do the leadmen, discussed below. They spend substantial portions of their working time in the transmittal of orders and work instructions received from their supervisors or leadmen to the employees in their charge, and correct these employees when necessary. They also perform the same kind of work as those under them. They do not hire or discharge or effectively recommend changes in employee status. We find that their powers of direction are merely routine and that they are therefore not supervisors.⁶ Accordingly, we shall include group leaders in the unit.

Leadmen: Leadmen work in various departments. They are paid in the same manner as, and up to 20 cents an hour or \$35 a month above, the highest paid employees under them, exclusive of group leaders. They transmit orders from their supervisors and work instructions, working with their groups to see that the work is properly done, and spending a major portion of their working time in work similar to that performed by the group. They average 40 to 50 percent of their time in production work. Their work requires thorough familiarity with tools and operations and a considerable degree of skill.

⁵ *Lamson Corporation*, 100 NLRB 667.

⁶ *Legion Utensils Company*, 109 NLRB 1327.

Their production time is charged to the same account as that of the employees in their charge, but their instruction time is charged to special leadmen accounts.

Although leadmen take charge of their departments during the absences of their foremen, they do not at such times exercise the foremen's supervisory authority.⁷ We find that the leadmen are not supervisors, and we shall therefore include them in the unit herein found appropriate.⁸

We find that all production and maintenance employees at the Employer's valve and valve accessories manufacturing plant No. 2, at Lynwood, California, including group leaders, leadmen, and the employees in Appendix A attached hereto, but excluding the employees in Appendix B attached hereto and department managers, foremen, and other 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.]

⁷ Although the testimony of one of the Petitioner's witnesses tended to indicate the exercise of supervisory authority during those occasions when the leadmen substitute for their foremen, this testimony appears to be based on hearsay and was directly contradicted by the interplant manager and a department supervisor who testified that the leadmen at no time made effective recommendations or possessed or exercised any supervisory authority.

⁸ *Douglas Eaton Manufacturing Company*, 110 NLRB 192.

APPENDIX A

I. PRODUCTION AND MAINTENANCE EMPLOYEES

Assembler	Inspector, Receiving
Burrer	Inspector, Tool and Prototype
Carpenter, Maintenance or Finish	Janitor
Electrician, Maintenance	Janitress
Expediter, Parts Mover	Laborer
Gage Crib Attendant	Machinist, Production
Grinder, Production	Machinist, Prototype
Grinder, Tool and Cutter	Mechanic, Automotive
Inspector, Assembly Floor	Millwright, Maintenance
Inspector, Bench	Operator, Bench Lathe
Inspector, Central	Operator, Borematic
Inspector, Drill and Mill	Operator, Drill Press
Inspector, Floor	Operator, Engine Lathe, Produc- tion
Inspector, Gage	Operator, Engine Lathe, Proto- type
Inspector, Line (Turrets, Auto- matics, Grinders)	Operator, Engine Lathe, Har- dinge
Inspector, Outside Production	

Operator, Honing	Polisher and Buffer
Operator, Jig Bore Setup	Technician, Burring
Operator, Lapping	Technician, Honing and Lapping
Operator, Milling	Tester (Hydraulic, Solenoids,
Operator, Milling Prototype	Valves)
Operator, Punch Press	Tool Crib Man
Operator, Turret Lathe	Tool and Die Maker
Operator, Automatic Screw Ma-	Tool Maker
chine, Brown & Sharpe	Truckdriver and Driver
Painter, Production or Mainte-	Welder, Combination Certified
nance	Welder, Maintenance
Plater	Welder
Plumber, Maintenance	

II. PLANT CLERICAL EMPLOYEES

Buyer	Coordinator, Traffic
Buyer, Purchasing or Outside	Dispatcher, Stock
Production	Expediter, Inside
Buyer, Raw Material	Expediter, Shop
Clerk, Bond Room	Followup Man, Purchasing
Clerk, Inventory Control	Outside Production Followup
Clerk, Receiving	Man
Clerk, Stock	Timekeeper
Coordinator, Production Control	Tool Control Coordinator

APPENDIX B

I. MANAGERIAL AND PROFESSIONAL EMPLOYEES AND SUPERVISORS

Acting Supervisor	Manager, Tabulating and Pay-
Assistant Foreman, Maintenance	roll
Assistant Supervisor, Honing	Manager, Tool Control
Assistant Tabulating Manager	Manager, Traffic
Assistant, Personnel	Matron
Assistant to Plant Engineer	Nurse, Industrial
Cook	Outside Production Agent
Foreman, Maintenance	PBX Relief, General Office
Foreman, Assembly	PBX Receptionist
Guard	Plant Security Administrator
Helper, Cook	Purchasing Agent
Interviewer, Employment	Secretary, Executive
Leadman, Plant Security	Special Assignments, CMP
Manager, Special Packaging	Special Assignments, Outside
Section	Production
Manager, Stock Room	Supervisor, Burring

Supervisor, Central Dispatch	Supervisor, Punch Press
Supervisor, Drill and Mill	Supervisor, Subcontract Buyers
Supervisor, Inspection	Supervisor, Technical Records
Supervisor, Material Control	Tool Designer, Chief
Supervisor, Metal Finishing	

II. CLERICAL EMPLOYEES

Clerk, Cost	Operator, Key Punch
Clerk, File	Operator, Microfilm
Clerk, General Office	Operator, Multilith
Clerk, Kardex	Production Control Planner
Clerk, Mail	Production Control Scheduler
Clerk-Typist	Secretary
Clerk-Typist-Shop	Stenographer
Clerk-Typist-Dept.	Tabulator, Analyst
Material Control Planner	Tabulator, Setup Man

III. TECHNICAL EMPLOYEES

Coordinator, Engineering	Liaison, Tool Design and Processing
Cost Estimator	Technician, Assembly and Test
Draftsman	Tool Designer
Engineer, Production	Tool Design Checker
Engineer, Quality Control	Tool Liaison Engineer
Engineer, Tool	Tool Planner
Engineer, Tool Design	
Liaison, Tool	

G. F. Lasater and Local 47, Chauffeurs, Teamsters & Helpers, affiliate of International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO.
Case No. 16-RC-1991. February 11, 1957

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 J. Howard Stark, 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 operates a trucking service in the State of Texas. During the last 12 months, the Employer received \$185,000 from Carter Publications, Inc., for hauling copies of its newspaper, the Fort Worth Star-Telegram, from Fort Worth to various points in Texas. The Fort Worth Star-Telegram publishes nationally syndi-