

newspaper headlines and reports purportedly substantiating the history of racketeering and violence referred to in the letter of February 20. The Petitioner replied with a renewal of its challenge to debate.

There is no claim that the newspaper headlines and articles were forged or that the letters were factually false. The claim is that by reviving the record of violence and murder not associated with the present administration of the Petitioner, the Employer falsely stimulated a fear of violence among the employees and instilled a threat of physical harm which prevented the free choice of a bargaining agent. We do not agree. As in the *Merck* case,² the statements complained of are obvious propaganda, clearly recognizable as such by employees free and competent to evaluate it. In the *Gummed Products*³ and *Comfort Slipper*⁴ cases the Board reiterated the principle that campaign propaganda which includes exaggerations, inaccuracies, partial truths, name-calling, and falsehoods, while not condoned, may be excused provided it is not so misleading as to prevent the exercise of a free choice by employees in the election of their bargaining representative.

We accordingly adopt the Regional Director's recommendations and overrule the objections. As the Petitioner did not receive a majority of the votes cast, we shall certify the results of the election.

[The Board certified that a majority of the valid votes was not cast for Production and Miscellaneous Workers Union of Chicago and Vicinity, Local 705, and that this labor organization is not the exclusive representative of the employees in the unit found appropriate.]

² *Merck & Company, Inc.*, 104 NLRB 891.

³ *The Gummed Products Company*, 112 NLRB 1092.

⁴ *Comfort Slipper Corporation*, 112 NLRB 183.

Westbrook Manufacturing Company and United Brotherhood of Carpenters and Joiners of America, AFL-CIO, Petitioner. Case No. 15-RC-1540. June 12, 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 Loren P. Jones, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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 Rodgers].

Upon the entire record in this case, the Board finds:

1. The Employer is a Mississippi corporation with its only plant located in Jackson, Mississippi. During the past 12-month period, the sales of the Employer exceeded \$500,000. During the same period, the Employer shipped directly out of the State merchandise valued in excess of \$50,000, and received from outside the State merchandise valued in excess of \$100,000. We find 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.

2. The labor organization involved claims to represent the 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 is engaged in the manufacture and sale of custom-made fixtures for commercial establishments at its plant in Jackson, Mississippi. The Petitioner seeks a unit of all production and maintenance employees, including the truckdrivers. Evidence was taken as to whether the following individuals should be included in the unit.

There is an employee referred to in the record as a female clerical who works under the supervision of the factory superintendent in a factory office adjacent to both the main office and the production area. She classifies the orders that come in from the field salesmen for certain pieces of equipment, makes a tabulation of the equipment, and forwards the information to the detail men. She works the same hours as the detail men which is approximately 5 hours less than the production employees. She receives the same benefits as the production employees, punches a time clock, and is hourly paid. We find on the evidence in the record that she is a plant clerical and include her in the unit.¹

There are five detail men who work in a factory office under the supervision of the factory superintendent. It is their function to break down the sales orders into component parts and to prepare material lists, job tickets, and cutting instructions. To facilitate and explain these job tickets, they sometimes prepare freehand drawings of a rough nature to illustrate the requirements of the job ticket. They consult daily with the craftsmen to explain any ticket or cutting instruction that is not immediately clear. They have no supervisory authority, are hourly paid, punch a time clock, and receive the same employee benefits as other employees. Their pay is comparable to the average craftsman. They are not required to have technical training or special schooling of any kind. We find, contrary to the

¹ The Employer, although urging her inclusion at the hearing, states in its brief that she should be excluded as an office clerical. We do not find that the record supports this conclusion. The Union took no position.

Petitioner's contentions, that the detail men are not technical employees and shall include them in the unit.

The factory maintenance man works immediately under the factory superintendent and does all factory maintenance as well as maintenance of the clubhouse. He has a helper to whom he issues directions but has no authority to discipline, hire, or discharge. We disagree with the Petitioner's contention that the factory maintenance man is a supervisor. We find that the relationship between him and his helper is that of a craftsman to a less skilled employee. We include the factory maintenance man in the unit.

The outside serviceman is under the supervision of the foreman of the shipping and supply department. The major part of his duties is the servicing of the Employer's equipment and helping to make installations. However, when not occupied with these duties, he works in the stockroom. The parties took no position on the unit placement of this employee. We find that he has interests in common with the other employees in this department and include him in the unit.

The Employer has two salesmen—a city salesman and an outside salesman. Both are under the supervision of the foreman of the shipping and supply department, and work part of their time in the stockroom of that department. The city salesman works regularly 2 days a week in the stockroom. His travel is limited to within the city, he uses a company car, and, in addition to selling, makes up and delivers small replacement orders. One of the owners of the Employer testified that he "presumed" the city salesman was hourly paid; however, the Employer's brief states that he is salaried, as is the outside salesman. The outside salesman spends less time working in the stockroom than does the city salesman; he uses his own car and is paid mileage and reimbursed for actual expenses. Otherwise, his duties are similar except that his sales activity is outside the city in northern Mississippi. As these salesmen are under the supervision of the foreman of the shipping department, and spend a portion of their time each week working in the department with the other employees, we find that they have a sufficient community of interest with the employees of this department to warrant their inclusion in the unit.

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

All production and maintenance employees of the Employer's plant located at Jackson, Mississippi, including the factory maintenance man, the detail men, the outside serviceman, the city salesman and the outside salesman, and the plant clerical, but excluding the office clerical, employees, guards, and supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]