

Allan U. Bevier, Inc. and United Electrical, Radio and Machine Workers of America (UE). *Case No. 5-RC-2211. September 10, 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 Sidney Smith, 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 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 engaged in commerce within the meaning of the Act.

2. The labor organization involved claims 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 is engaged in the manufacture and sale of steel storage tanks and petroleum-handling equipment. The Petitioner seeks a plantwide unit. The Employer agrees with the proposed unit, except that it would include, and the Petitioner would exclude, the categories discussed below.

Outside salesmen: The Employer employs four salaried salesmen who spend the majority of their time in the field in contacting customers and promoting the sale of the Employer's products. While in the field, they make minor repairs to products which they have previously sold. They also spend some time in the plant performing mechanical adjustments on company products. During this time, they may work with production employees. From the above it is clear that although there is some contact with plant workers, the outside salesmen work primarily under different conditions and have no substantial community of interest with production and maintenance employees. We shall exclude them.¹

Inside salesman: This employee, Horz, works in the stockroom adjacent to the production area, where he receives orders for the Employer's products. In addition, he purchases supplies, dispatches and loads the Employer's and customer's trucks, issues tools and

¹ *Dependable Parts, Inc.*, 112 NLRB 581; *Ozark Manufacturing and Supply Co.*, 108 NLRB 1476, 1477.

equipment to production workers, and, on occasion, performs manual tasks in the production area. He may not order supplies valued at more than \$25 without the approval of higher management. As the inside salesman spends a substantial part of his time in the plant, and is essentially a plant employee, we shall include him in the production and maintenance unit.²

Storeroom clerk and material control clerk: These employees work in the storeroom adjacent to the production area, where they receive and distribute supplies to production workers. Each also spends a substantial part of his time in production work. We find that these employees have a substantial community of interest with production workers and we shall include them in the unit.

Meter mechanic: This individual, assisted by a helper, repairs customer's meters at their place of business or in the plant. Only 5 to 10 percent of his time is spent in work outside the plant. He consults with the vice president of the Employer on service problems about 1 percent of this time. He has no authority to hire, discharge, or discipline his helper. The Petitioner would exclude him as a direct representative of management; however, we find that he is not so closely allied with management as to warrant his exclusion. Accordingly, we shall include him.

Alleged supervisors: The Petitioner would exclude as supervisors, Joseph Kaplan, George Revere, Archie Saby, Richard Bowser, and M. D. Tice. The record shows that these employees have conferences with the plant superintendent and receive instructions which they transmit to the men with whom they work. They perform manual tasks virtually all of their time, are hourly paid at a slightly higher rate than their coworkers and have no authority to hire, discharge, discipline, or otherwise affect the status of other employees or effectively to recommend changes in such status. We find that they are not supervisors and we shall include them.³

We find the following employees at the Employer's Baltimore, Maryland, plant, comprise a unit appropriate for purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All production and maintenance employees, including the inside salesman, the storeroom clerk, the material control clerk, and the meter mechanic, but excluding the outside salesmen, office clerical employees, and supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

² *Segari & Co.*, 114 NLRB 1159, 1160.

³ The parties disagree as to the unit placement of the draftsman. As, at the time of the hearing, the Employer had no employees in this category, we find it unnecessary to pass upon this issue.