

New employees are assigned first to a general utility classification for training and then assigned to a regular classification. Approximately 100 will be permanently assigned in May. The record indicates that production employees are interchangeable because of a similarity of job requirements in the various departments.

In its brief the Employer contends that an election earlier than June 1958 would be premature because of the expected expansion in work force. However, no testimony was taken as to what the work complement would be in that particular month except that it would increase at the rate of about nine a month. The record does show that at least one-fourth of the work force will be employed in May 1958, utilizing the skills of, or in training to utilize the skills of, the full employee complement. In the circumstances we see no reason to depart from our usual rule in directing an election. We believe that the working force which will be employed when the election directed herein is held, will be a substantial and representative segment of the employees to be employed in the unit.<sup>8</sup>

[The Board dismissed the petition in Case No. 21-RC-5091.]

[Text of Direction of Elections omitted from publication.]

<sup>8</sup> See *General Motors Corporation*, 111 NLRB 841, 844; *Walton-Young Corp.*, 117 NLRB 51.

**West Virginia Pulp and Paper Co. and International Brotherhood of Electrical Workers, Local Union No. 1753, AFL-CIO. Case No. 11-RM-52. June 3, 1958**

**DECISION, ORDER, AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act in Case No. 11-RM-52, and thereafter consolidated for hearing with the motion of the Employer for clarification of the certifications in Cases Nos. 11-R-1167 and 1357, a hearing was held before Jerold B. Sindler, hearing officer.<sup>1</sup> The hearing officer's rulings.

<sup>1</sup> The motion to amend and clarify concerns two 1944 certifications of the Board in cases originally numbered 10-R-1167 and 10-R-1357. The earlier case involves the International Association of Machinists, and the later the International Brotherhood of Paper Makers and the International Brotherhood of Pulp, Sulphite and Paper Mill Workers. The Employer's motion included a similar clarification request concerning the contract unit represented by the IBEW. This unit has never been certified by the Board. Because of the lack of certification for that unit, the Board, by order of January 17, 1958, denied that portion of the motion to amend and clarify which had to do with the contract unit of the IBEW, without prejudice to the filing of a petition for representation by the Employer. The Employer then filed the petition herein covering the unit represented by the IBEW. As the contract between the Employer and the IBEW is about to expire, and as the Employer desires that this unit be certified before further bargaining negotiations, thus requiring that an election be held, we shall sever the RM petition from its consoli-

made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in this proceeding, the Board<sup>2</sup> 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 Union has represented a unit of electricians at the Employer's Charleston, South Carolina, plant for approximately 20 years. This unit has never been certified by the Board although the current bargaining contract which expires June 30, 1958, refers to a certified unit. Over the years the contract unit has been expanded by the parties until it now includes the powerhouse and instrument department employees as well as the electricians. It includes approximately 84 employees. The parties disagree only as to the supervisory authority of 4 shift engineers in the powerhouse group and 2 electrician leadmen. The group of approximately 14 instrument men includes no leadmen, and the parties agree that this group is supervised by an instrument supervisor and a foreman.

The electrical group consists of 32 journeymen electricians and 10 helpers, with an electrical supervisor in charge. Currently there is no assistant electrical supervisor as there has been in the past. Like the supervisor, the two leadmen work on the day shift. One of them is responsible for the electrical work in the pulp mill section, and the other, who uses a bicycle to get around, for the electrical work in the remainder of the mill. Two electricians are assigned to the electrical shop. The supervisor also assigns electricians to work under the leadmen, and the leadmen in turn assign work to the electricians and their helpers. They direct the work being done, report on its progress to the supervisor, and may themselves require that work be done over if necessary. They also suggest needed repairs.

Journeymen electricians receive \$2.75 an hour. The 2 leadmen are paid 30 cents an hour more. They spend less than 5 percent of their time working as journeymen, mostly in connection with emergencies and with the training of new employees. The leadmen meet with the supervisor each day but attend general supervisory meetings only when they are substituting for a supervisor, as they do from time to time. They make oral recommendations for the employee rating cards which are filled out by the supervisor, and may grant employees time off not exceeding 1 day. After applicants are interviewed by the

tion with the clarification motion, and issue this decision limited to the problems concerning the electrical unit

<sup>2</sup> 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 [Members Rodgers, Jenkins, and Fanning].

supervisor, the leadmen also interview them and discuss their qualifications with the supervisor. For those electricians working on the second and third shifts, when leadmen are not present, work assignments are left by the supervisor. If an emergency develops on one of those shifts, the electricians who are working will call the supervisor, who may in turn call the leadmen.

On this record it seems clear that the two electrician leadmen responsibly direct the work of electricians assigned to the day shift. Accordingly we find that they are supervisors within the meaning of Section 2 (12) of the Act.<sup>3</sup>

The powerhouse has a complement of approximately 29 employees headed by a power superintendent and a power and boiler supervisor, both of whom work the day shift. There are 4 shift engineers to provide around the clock duty 7 days a week, on a rotating basis. In addition, on each shift employees in the following five classifications work: powerhouse operator, power boiler operator, bark boiler operator, powerhouse helper and boilerhouse helper. The highest paid operator receives \$2.87 an hour. Shift engineers are paid 25 cents an hour more. The rest of the powerhouse group is made up of seven powerhouse repairmen who, however, are supervised by the mechanical supervisor. On the day shift the shift engineer goes throughout the plant inspecting the water supply system, as well as assigning work to a group of day laborers who unload coal, remove ashes, and do cleanup work. On the second and third shifts the shift engineers remain in the area of the powerhouse and boilerhouse to be on hand in case of emergency, and the powerhouse helper makes the water supply inspections. On these two shifts the shift engineers may grant time off. Together with the pulp mill foreman and boss machine tender, who are admittedly supervisors, the shift foreman on these two shifts have primary responsibility for the functioning of the plant.

There are also two technical assistants, not included in the unit, who report to the power superintendent. A shift engineers meeting is held once a month at which the two salaried supervisors and the technical assistants are also present.

Shift engineers spend about 5 percent of their time in performing the duties of an operator. Although they have no authority to hire or discharge, they make recommendations concerning the discipline and the assignment of operators and helpers, which may be acted upon by the supervisors. When a major piece of machinery such as a paper machine is not operating on the second or third shifts, and the demand for power is accordingly reduced, the shift engineer closely directs the operation of the power equipment and keeps the tour foreman and machine tender informed. Shift engineers make regular entries in the log book, which constitute about 90 percent of the notations.

<sup>3</sup> See *Ertel Manufacturing Corp.*, 118 NLRB 1338.

It seems clear on this record that the shift engineers, who rotate their schedules, are regularly in charge of a shift when working on the second and third shifts. Because of that fact we find that they responsibly direct the work of the powerhouse employees and are supervisors within the meaning of the Act.<sup>4</sup>

The parties agree that the existing contract unit in which an election is sought is appropriate. As this unit was established by collective bargaining, and is not repugnant to Board policy or so constituted as to hamper employees in fully exercising rights guaranteed by the Act, we shall not disturb it.<sup>5</sup>

Accordingly we find that all electricians, powerhouse and boilerhouse employees, and instrument department employees of the Employer at its Charleston, South Carolina plant, excluding electrician leadmen and shift engineers, all other production and maintenance employees, office clerical employees, plant clerical employees, professional employees, technical employees, guards, watchmen, and 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.

[The Board severed the petition from the current proceedings in Cases Nos. 11-R-1167 and 11-R-1357.]

[Text of Direction of Election omitted from publication.]

<sup>4</sup> See *Ford Motor Company*, 100 NLRB 813, 819, footnote 15, where shift engineers responsible to the chief engineer for the operation of the various shifts were excluded as supervisors; compare *International Plainfield Motor Company*, 67 NLRB 92, 94, where the three shift engineers in question were held not to be supervisors because one was not in charge of a shift at the time of hearing, another was in charge only in the absence of the chief engineer, and the third, although apparently in charge of the night shift, had never made any recommendation with respect to hire, discharge, or discipline of employees, or been told that he had such authority.

<sup>5</sup> See *H. A. Satin & Company, Inc.*, 97 NLRB 1001, 1002; see also *The Murray Company of Texas, Inc.*, 107 NLRB 1571, 1573.

**Atlantic Mills Servicing Corporation of Cleveland, Inc., et al. and Retail Store Employees Union Local 880, Retail Clerks International Association, AFL-CIO, Petitioner. Case No. 8-RC-2787. June 4, 1958**

## SECOND SUPPLEMENTAL DECISION AND ORDER DIRECTING HEARING

Pursuant to a Supplemental Decision, Order and Direction of Second Election<sup>1</sup> issued by the Board on July 2, 1957, which order was

<sup>1</sup> The first election on this petition was conducted on February 8, 1957. Upon objections filed by the Petitioner, the Board sustained the objections and set the first election aside because the Employer interfered with that election by calling employees in small