

Westbrook states another employee, John Farkus, told him he probably would get a raise if the Union got in; that all employees would probably get one and that he would also. This can hardly be construed as a promise of benefit, but even assuming, *arguendo*, that such a promise was made, no evidence was adduced during the investigation to establish that Farkus was other than a rank-and-file employee; there is no evidence that he was even a nominal union representative.

J. E. White, now employed elsewhere, himself denies that he was ever threatened by any union representative. He states he prepared the affidavit for Westbrook to sign in advance of the meeting, based on statements Westbrook allegedly made to him at the store; all of these statements are, of course, denied by Westbrook in his affidavit given the Board agent.

White states that John Farkus was a "leader in the Union" but knows of no official connection he has with the Union. He claims Farkus told him if he did not vote for the Union, and the store was unionized, that he (White) would not get any pay increase as a result of the said unionization. While this might be construed as a threat, in any event, as pointed out above, Farkus lacked the authority to bind the Union, even by any bona fide threat or promise of benefit. *Electric Wheel Company, Division of the Firestone Tire & Rubber Company*, 120 NLRB 1644.

John Farkus denies under oath that he held any union office and that he was even a committeeman of some sort as suggested by White. He denies the alleged threat of loss of pay attributed to him by White, or that he threatened any other employee.

On September 24, 1958, by letter, the Employer alleged that the Union had filed a wage assignment with Callahan at New York City involving a debt owed by a Callahan employee in New York City to the District 65 credit union in that city; and that this is evidence of coercion. These allegations are untimely filed; further, they do not involve employees in the unit involved in this proceeding and cannot therefore be considered.

The Regional Director concludes that the objections are not supported by the evidence adduced in the course of the investigation, and it is therefore recommended that they be overruled and that the Union be certified.

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**Westinghouse Electric Corporation and United Electrical, Radio and Machine Workers of America, International Union of Electrical, Radio and Machine Workers, CIO, et al.<sup>1</sup>**

**Westinghouse Electric Corporation and Westinghouse Salaried Employees Association at South Philadelphia, affiliated with Federation of Westinghouse Independent Salaried Unions, Petitioner. Cases Nos. 5-RM-64 and 4-RC-1293. December 11, 1958**

**SUPPLEMENTAL DECISION AND CLARIFICATION  
OF UNIT**

Pursuant to a Board certification on June 29, 1950,<sup>2</sup> Petitioner, hereinafter called the Association, became the bargaining representative of a unit of professional employees, including time-study men, at the Employer's South Philadelphia plant, and thereafter the parties entered into collective-bargaining agreements covering this unit. In 1957, the Employer created a position entitled "methods analyst," and the Association sought to bargain for the employees in that clas-

<sup>1</sup> The name of the Union appears as in the original hearing.

<sup>2</sup> See *Westinghouse Electric Corporation*, 89 NLRB 8, 11; 98 NLRB 463.

sification. The Employer took the position that methods analysts were managerial or confidential employees who should not be included in the unit.

On April 4, 1958, the Association filed a motion with the Board for clarification of the certification, contending that the classification of methods analyst comes within the scope of the term "time-study men" as used in the Board's certification, and moved the Board to hold a hearing on the issue. On May 21, 1958, the Board issued a notice to show cause why the Board should or should not clarify the certification by including methods analysts within the scope of the unit. On June 13 and 16 the Employer and the Association filed responses thereto. On July 18, 1958, the Board issued an order remanding the proceeding to the Regional Director for the Fourth Region for the purpose of holding a hearing, which was held on August 19 and 20, 1958, before Eugene M. Levine, 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 proceeding to a three-member panel [Chairman Leedom and Members Jenkins and Fanning].

The job of methods analyst was created for the purpose of making a study of some 3,000 salaried employees including clerical, technical, and professional, with the ultimate purpose of reducing costs. These analysts work under their own supervisors. Their method of work is to go into a department and through the use of various timing devices and other means gather data indicating how long it takes for certain work to flow through that department. On the basis of this data, the analyst is expected to be able to determine how many employees it should take to do a given amount of work and what standard of performance should be required from a given employee. The analyst also considers the number of supervisors in the department and whether the supervision is efficient. The analyst makes his report which may contain recommendations for eliminating certain jobs, combining others or realigning the duties of some jobs. The report and recommendations are discussed with the supervisor of the department studied. If he does not agree with the analyst, the latter may take up the report with higher echelons of supervision. It is clear that the methods analyst does not himself have the power and authority to put his recommendations into effect.

The record is uncontradicted that the methods analysts, eight in number, are all graduate engineers who do not possess outstanding experience. Two of the eight were taken from the time-study group which is within the unit, two were graduate students, one came

from the Employer's student course at another plant, and one was hired from the Navy.

In the original proceeding,<sup>3</sup> the Board held, contrary to the Employer's contentions, that the time-study employees were not managerial employees. We found that the

. . . time-study employees make time and motion studies in the production areas, and then, by applying certain standard modifying data, set a base rate for the particular operation. In large part, many operations do not require an actual time study on the floor, as the accumulated data of the Time-Study Department furnishes sufficient information upon which to base a rate. The time-study employees must have the skill and training necessary to correlate complicated statistical data and the results of their own observation of the operation under study. The time values established by these employees are not reviewable by production foremen. In actual practice, although the values are subject to review by the time-study supervisor, such values as established by the time-study employees are final. When a study becomes the subject of a grievance, the Employer relies in large part on the factual data compiled by the time-study employees.

The time-study employees were therefore included in a professional unit.

We find no material or substantial difference between the time-study men and the methods analysts except that the former deal with production employees and the latter with clerical, technical, or professional employees. The main function of each is to make a critical survey of procedures, methods, equipment, and personnel with a view of recommending efficient operation of office or plant. Both make recommendations which they themselves may not put into effect without approval by high echelons of managerial authority. The fact that all professional employees are expected to make recommendations to management does not mean they are part of management.<sup>4</sup> Nor do we find that time-study employees or methods analysts are confidential employees, so as to require their exclusion from the unit. It is well-established Board policy that the Board's definition of the term "confidential" is limited so as to embrace only those employees who, unlike the methods analysts, assist and act in a confidential capacity to persons who formulate, determine, and effectuate management policies in the field of labor relations.<sup>5</sup>

Accordingly, we find that the classification of methods analysts is included within the term "time-study men" in the certification. Ac-

<sup>3</sup> See footnote 2.

<sup>4</sup> *Westinghouse Electric Corporation*, 113 NLRB 337, 339.

<sup>5</sup> *The B. F. Goodrich Company*, 115 NLRB 722, 724.

cordingly, we shall amend our certification of representatives with respect to the classifications of employees included in the unit by specifically including the methods analysts.

[The Board amended the certification of representatives issued to the Westinghouse Salaried Employees Association at South Philadelphia, affiliated with Federation of Westinghouse Independent Salaries Unions, in Case No. 5-RM-64 and Case No. 4-RC-1293, specifically to include in the certified unit the methods analysts.]

**H P O Service, Inc. and Sollie Walker, Petitioner and Chauffeurs, Teamsters and Helpers Local Union 175, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.** *Case No. 9-RD-205. December 11, 1958*

#### 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 P. West, hearing officer.<sup>1</sup> 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 is engaged in the transportation of mail pursuant to contracts with the United States Post Office. It transports mail by bus on regular routes between the city of Charleston, W. Va. and the cities of Bluefield, Welch, and Buckhannon, all in West Virginia, and between Buckhannon, W. Va., and Connellsville, Pa. The mail transported by the Employer originates within and without the State of West Virginia. During the past year, the Employer's gross revenues from such operations exceeded \$100,000, of which over \$50,000 was received for the transportation of mail which was destined for delivery in States other than the State of its origin.

Ever since the enactment of the National Labor Relations Act in 1935 the Board has consistently held to the position that it better effectuates the policies of the Act and promotes the prompt handling of cases not to exercise its jurisdiction to the fullest possible extent under the authority delegated to it by Congress. For the first 15 years the Board exercised its discretion in this area on a case-by-case basis. In 1950 the Board first adopted certain jurisdictional standards designed to aid it in determining where to draw the dividing line between exercised and unexercised jurisdiction. In 1954 the Board reexamined its jurisdictional policies in the light of its experience under the 1950 standards and revised its jurisdictional standards. At

<sup>1</sup> The name of the Union appears in the caption as corrected at the hearing. The Union did not appear at the hearing, although served with adequate notice thereof.