

**Anheuser-Busch, Inc.<sup>1</sup> and Locals 925, 925A, 925B, and 925C of the International Union of Operating Engineers, AFL-CIO,<sup>2</sup> Petitioner**

**Anheuser-Busch, Inc. and American Federation of Labor-Congress of Industrial Organizations and International Union of United Brewery Workers, Local 169; International Association of Machinists; International Brotherhood of Electrical Workers, Local 108; United Brotherhood of Carpenters, and Joiners, Millwrights Local 1510,<sup>3</sup> Joint Petitioners**

**Anheuser-Busch, Inc. and Brewery Workers, Bottlers, Drivers and Helpers, Soft Drink Workers, Drivers, and Helpers, Local Union No. 388, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America,<sup>4</sup> Petitioner.**  
*Cases Nos. 12-RC-567, 12-RC-590, and 12-RC-592. August 19, 1959*

### DECISION AND DIRECTION OF ELECTIONS

Upon separate petitions duly filed under Section 9(c) of the National Labor Relations Act, a consolidated hearing was held before Henry L. Jalette, 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 Rodgers and Jenkins].

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.<sup>5</sup>
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.

<sup>1</sup> The name of the Employer appears as amended at the hearing.

<sup>2</sup> Herein called the Operating Engineers. This Petitioner's name appears as amended at the hearing.

<sup>3</sup> Herein called AFL-CIO Joint Petitioners.

<sup>4</sup> Herein called the Teamsters.

<sup>5</sup> The Employer contends that if the AFL-CIO Joint Petitioners are certified herein, it will be required improperly to bargain with more than one labor organization. We find no merit in this contention. The Board has consistently held that it is appropriate for two or more labor organizations to act jointly as the bargaining representative for a single group of employees. If the AFL-CIO Joint Petitioners are successful in the election directed herein, they will be certified jointly and the Employer may insist that they bargain jointly for all of the employees in the unit. *Vanadium Corporation of America*, 117 NLRB 1390.

4. The AFL-CIO Joint Petitioners seek a unit of production and maintenance employees at the Employer's new Tampa, Florida, brewery. The Operating Engineers seeks a unit of mechanical maintenance employees and stationary engineers at the same plant. The Teamsters seeks a unit of production, warehousing, and packaging employees at the same operation. The Employer contends that the separate units sought by the Teamsters and the Operating Engineers are the only appropriate units, asserting that there is no justification for joining its production and its mechanical maintenance employees in an overall unit. There is no history of collective bargaining.

The Employer employs 11 licensed stationary engineers and 8 mechanical maintenance employees. Eight of the engineers are assigned to work in the powerhouse. The remaining three engineers work with the maintenance employees. In addition to maintaining, repairing, and operating the powerhouse equipment, the engineers stationed in the powerhouse spend a small portion of their time inspecting the powerhouse lines throughout the plant. The maintenance employees, including the three licensed engineers, perform all the major plant repair and maintenance work. The engineers in the powerhouse are under the direct supervision of Boyd, the chief of the utilities and maintenance engineering department. The maintenance employees, including the three engineers assigned to the maintenance group, are under the supervision of the maintenance foreman who, in turn, is responsible to Boyd. All the maintenance employees, including the stationary engineers, were hired because of their general mechanical ability, and several of them have a proficiency in at least one mechanical skill.

The Employer employs 40 production employees who are engaged in the brewing operation. At the time of the May 13, 1959, hearing, it also employed 12 employees in the packaging and warehousing department who were in training to operate the packaging equipment, which was scheduled to begin production operations on or about May 25, 1959. The production employees are under the supervision of the brewmaster. The packaging employees are under the supervision of the packaging and shipping manager. The production and packaging employees perform no major repair or maintenance work but are required to perform minor "running maintenance" on their respective machinery and equipment.

The Board has consistently held that, in the absence of a bargaining history on a broader scale, maintenance employees may constitute a separate unit.<sup>6</sup> The Board has customarily included powerhouse employees in maintenance units where no other labor organization sought to represent such employees separately. As no other labor organiza-

<sup>6</sup> *U.S. Oil and Refining Company*, 120 NLRB 863, 865, 866; *The American Brass Company*, 120 NLRB 1276, 1279.

tion is seeking to represent these employees separately, we shall include them in the maintenance unit.<sup>7</sup> We find, contrary to the AFL-CIO Joint Petitioners' contention, that the integrated nature of the Employer's operation does not preclude finding that a separate unit of maintenance employees may be appropriate in the absence of a bargaining history on a broader basis.<sup>8</sup> In the event the maintenance employees desire separate representation, as determined in the elections directed herein, we likewise find that the production unit, including the packaging and the warehousing employees sought by the Teamsters, may also be appropriate.<sup>9</sup> Accordingly, we find that the production employees and the maintenance employees each may constitute separate units. As the production and maintenance, or plant-wide, unit sought by the AFL-CIO Joint Petitioners is presumptively appropriate,<sup>10</sup> we likewise find that the latter unit also may be appropriate. We shall make no final unit determinations at this time but shall direct self-determination elections in the voting groups described below.

Accordingly, we shall direct that separate elections be conducted for the following groups at the Employer's Tampa, Florida, brewery, excluding all other employees, checkers, groundkeepers, office clerical employees, laboratory, technical, professional, administrative, merchandising, promotional, and sales employees, guards, executives, and supervisors as defined in the Act:

(a) All maintenance employees and stationary engineers including the porters.<sup>11</sup>

(b) All production employees including warehousing and packaging employees and the storeroom clerk.<sup>12</sup>

If a majority of the employees in voting group (a) select the labor organization (Operating Engineers) seeking to represent them separately, these employees will be taken to have indicated their desire to constitute a separate bargaining unit, and the Regional Director conducting the election is instructed to issue a certification of representa-

<sup>7</sup> See *Mississippi River Chemical Co.*, 119 NLRB 1371, 1373.

<sup>8</sup> *National Gypsum Company*, 116 NLRB 1005, 1008; and *United States Gypsum Company*, 116 NLRB 1939, 1941.

<sup>9</sup> See *American Forest Products Corporation*, 114 NLRB 1200.

<sup>10</sup> *Supra* at 1202, and *Beaumont Forging Company*, 110 NLRB 2200, 2202.

<sup>11</sup> The Employer, Operating Engineers, and Teamsters contend that the two porters should be excluded from the unit or units found appropriate herein. The Employer contracts out its principal janitorial work which is done at night. It employs two porters to keep the restrooms, hallways, and fire escapes clean during the day working hours. As the porters' work is exclusively maintenance, we shall include them in the maintenance voting group. See *Heublein, Inc.*, 119 NLRB 1337, 1339; and *United States Gypsum Company*, 116 NLRB 1939, 1941.

<sup>12</sup> The Employer, Operating Engineers, and Teamsters would exclude the storeroom clerk from any unit or units found appropriate herein. The storeroom clerk works in the store-room which is located in the packaging area. He receives stores, and distributes supplies to both production and maintenance employees. We find that he is a plant clerical employee and shall include him in the production voting group. See *Dierks Paper Company*, 120 NLRB 290, 293.

tives to that labor organization, which the Board in such circumstances finds to be an appropriate unit for the purposes of collective bargaining. In the event that a majority of the employees in voting group (a) select the Operating Engineers and if a majority of the employees in voting group (b) select either the Teamsters or the Joint Petitioners, the Regional Director is instructed to issue a certification of representatives to that labor organization for a unit of production employees, which the Board, in these circumstances, finds to be appropriate for collective bargaining. However, if a majority of the employees in voting group (a) do not vote for the Operating Engineers, the votes of both groups will be pooled,<sup>13</sup> and the Regional Director conducting the election is instructed to issue a certification of representatives to the Joint Petitioners, if this organization is selected by a majority of the employees in the pooled production and maintenance group, which the Board, in such circumstances, finds to be appropriate for the purposes of collective bargaining.<sup>14</sup>

[Text of Direction of Elections omitted from publication.]

---

<sup>13</sup> If the votes are pooled, they are to be tallied in the following manner: The votes for the labor organizations seeking separate units shall be counted as valid votes but neither for nor against the labor organization seeking to represent the more comprehensive production and maintenance unit; all other votes are to be accorded their face value, whether for representation by the union seeking the more comprehensive group or for no union.

<sup>14</sup> See *Dierks Paper Company*, 120 NLRB 290, 294.

---

**United Hatters, Cap and Millinery Workers Union, AFL-CIO  
and Korber Hats, Inc. Case No. 5-CC-107. August 20, 1959**

**DECISION AND ORDER**

On May 20, 1959, Trial Examiner Vincent M. Rotolo issued his Intermediate Report in the above-entitled proceeding, finding that the Respondent had engaged in and was engaging in certain unfair labor practices, and recommending that it cease and desist therefrom and take certain affirmative action, as set forth in the copy of the Intermediate Report attached hereto. Thereafter, the Respondent filed exceptions to the Intermediate Report and a supporting brief.

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 Bean and Jenkins].

The Board has reviewed the rulings made by the Trial Examiner at the hearing and finds that no prejudicial error was committed. The rulings are affirmed. The Board has considered the Intermediate Report, the exceptions and brief, and the entire record in the case and