

4. The Petitioner seeks a unit essentially composed of the production and maintenance employees employed at the Employer's packingshed. The Intervenor contends that two separate units, one of chauffeurs, maintenance employees, and warehousemen and the other of packers, graders, loaders, and unloaders, are appropriate. As we have found the maintenance man to be covered by an existing valid contract and therefore excluded from the unit, and, as the record is devoid of any evidence that Doroski employs any chauffeurs or warehousemen in connection with the operation of the packingshed, we find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(c) of the Act:

All packers, graders, loaders, and unloaders employed at the Employer's larger packingshed at North Road, Southold, Long Island, New York, excluding the bookkeeper, maintenance employee, and supervisors within the meaning of the Act.

5. The Employer's packingshed operations are conducted during the period from mid-July to the end of November. In accordance with our usual practice in seasonal industries we shall direct that an election be held at or about the peak of the season, on a date to be determined by the Regional Director, among the employees in the appropriate unit who are employed during the payroll period immediately preceding the date of the issuance of notice of election by the Regional Director.

[Text of Direction of Election omitted from publication.]

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**Tele-Dynamics Division, American Bosch Arma Corp. and American Federation of Technical Engineers, AFL-CIO, Petitioner.** *Case No. 4-RC-4470. August 4, 1961*

#### 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 William Draper Lewis, Jr., hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.<sup>1</sup>

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.

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<sup>1</sup> The Employer's request for oral argument is denied as the record, including the briefs, adequately sets forth the issues and the positions of the parties.

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 Petitioner seeks to represent a unit of technical employees at the Employer's Philadelphia, Pennsylvania, plant. The Employer and the Intervenor, International Union of Electrical, Radio & Machine Workers of America, AFL-CIO, stipulated that employees in the job classifications sought by the Petitioner are technical employees. However, the Employer contends that field engineers should also be included in the unit.<sup>2</sup> The Intervenor would include, whereas the Petitioner and Employer would exclude, engineering expeditors, reproduction room employees, keypunch operators, tabulating machine operators, a photographer, and test technicians with the classifications of instrument technician, systems technicians, and technicians X, A, B, and C. The Intervenor also contends that the professional employees should be included; the Petitioner and the Employer would exclude them.

The Employer is engaged in engineering and manufacturing telemetering equipment for guided missiles, and electrostatic recorders and switchboards for U.S. Navy missile ships. It designs, manufactures, and tests all its products, and provides maintenance services for them to its customers.

Field engineers work in the telemetry section and the weather section. The qualifications for employees in each group are a technical school education and a minimum of 3 years' practical experience.

The engineers in the telemetry section service, maintain, and repair equipment that has been sold by the Employer to companies throughout the United States. They must be able to read schematics, locate and repair faults, and report any discrepancies in the design of the equipment which hinder its proper functioning. In addition, they write technical reports with recommendations for improving the equipment. As the Employer contracts to provide field engineering service for the equipment it sells, the telemetry engineers are often away from the plant for periods of up to 3 years at a time.

The engineers in the weather section are sent out by the Employer to determine for its customers what locations are most suitable for the installation of weather sensors and other related equipment. They must be familiar with the functioning of this equipment and with what will be required of the equipment when it is in use. The weather engineers spend 25 percent of their time in the field and the remainder at their own desks in the engineering section of the plant.

In view of the technical background possessed by the field engineers

<sup>2</sup> At the hearing the Employer also contended that development technicians should be included as technical employees; the Petitioner opposed their inclusion. However, in its brief, Petitioner concedes that the development technicians are technical employees and should be included

and the use of independent judgment required in their work, we find that they are technical employees. However, as the engineers in the telemetry section often work for a period of years away from the plant, their interests and working conditions are different from those of technical employees, who work in the plant.<sup>3</sup> Accordingly, we shall include in the unit only field engineers in the weather section.

Engineering expeditors keep records in the engineering storeroom and chase parts which are identified by number. Reproduction room employees file blueprints and reproduce prints from tracings. Key-punch operators punch data which is given them onto cards. Tabulating machine operators process punched cards through various accounting machines. The photographer, classified by the Employer as a graphic arts coordinator, gathers material for publication purposes, does some composition and layout work, and contacts the printing houses. None of the above employees is required to have any technical training beyond the high school level. We find that they are not technical employees. We exclude them from the unit.

Instrument technicians certify, maintain, and repair the measuring equipment which is used by the other technicians in testing the performance of the Employer's products. They check the testing instruments against known standards to determine their accuracy before certifying them and refer to the manufacturer's manual for assistance whenever a defect in any instrument is discovered.

Systems technicians and technicians X, A, B, and C are supervised by the production test supervisor. They test component parts and/or complete systems which have been manufactured and assembled. Where there is a defect, they follow cataloged procedures which have been set up for each component and system. They do not repair equipment whose defects cannot be traced, but seek the assistance of a supervisor. Although the instrument technicians, the systems technicians, and X and A technicians are required to have a technical school education, their work does not involve the exercise of independent judgment.

All the test technicians were included in a unit of the Employer's production and maintenance employees which the Intervenor herein sought to represent in an election conducted on December 20, 1960.

We find that the instrument technicians, systems technicians, and technicians X, A, B, and C are not technical employees.<sup>4</sup> We exclude them.

The Intervenor would include the professional employees in the unit. The Petitioner, which does not seek their inclusion, has made no showing of interest among the employees in this group. In addition, the showing of interest made by the Intervenor is insufficient to justify

<sup>3</sup> *Dixie Spindle and Flyer Company, Inc.*, 84 NLRB 109.

<sup>4</sup> *Electro-Mechanical Research, Inc.*, 128 NLRB 111.

holding a separate election among them. We shall therefore not direct an election to determine whether they desire to become a part of the unit herein found appropriate.<sup>5</sup>

Accordingly, we find that the following employees of the Employer at its Philadelphia, Pennsylvania, plant, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All technical employees, including engineering aids, senior and junior engineering aids, design draftsmen A and B, detail draftsmen A and B, model shop employees, senior and junior technical writers, weather section field engineers, and development technicians, but excluding telemetry section field engineers, engineering expeditors, reproduction room employees, keypunch operators, tabulating machine operators, photographers, instrument technicians, system technicians, technicians X, A, B, and C, production and maintenance employees, office clerical employees, professional employees, guards, and supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

MEMBER LEEDOM took no part in the consideration of the above Decision and Direction of Election.

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<sup>5</sup> Cf. *Dierks Paper Company*, 120 NLRB 290

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**Spranger Spring Company and International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, AFL-CIO.** *Case No. 7-CA-2741. August 7, 1961*

DECISION AND ORDER

On February 27, 1961, Trial Examiner Earl S. Bellman 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 Intermediate Report attached hereto. Thereafter, the Respondent filed exceptions to the Intermediate Report, together with a supporting brief.

The Board<sup>1</sup> has reviewed the rulings of the Trial Examiner made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Intermediate Report, the exceptions and brief, and the entire record in the

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<sup>1</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 [Chairman McCulloch and Members Leedom and Brown].