

such circumstances, finds to be appropriate for purposes of collective bargaining. In the event a majority do not vote for the Petitioner, these employees shall remain a part of the existing unit and the Regional Director will issue a certification of results of election to such effect.

[Text of Direction of Election omitted from publication.]

Bugle Coat, Apron & Linen Service, Inc.; Industrial Laundry Corporation; National Coat, Apron & Linen Service, Inc.; Standard Coat, Apron & Linen Service, Inc.; and Atlas Coat, Apron & Linen Service, Inc.¹ and Local 285, AFL-CIO, Laundry & Dry Cleaning International Union and Truck Drivers and Helpers Local Union No. 355, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Petitioners. Cases Nos. 5-RC-3182 and 5-RC-3202. August 18, 1961

DECISION AND DIRECTION OF ELECTIONS

Upon separate petitions duly filed under Section 9(c) of the National Labor Relations Act, a consolidated hearing was held² before Robert K. Knadler, 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 delegated its powers in connection with this case to a three-member panel [Chairman McCulloch and Members Fanning and Brown].

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.
3. A question affecting commerce exists concerning the representation of the employees of the Employer within the meaning of Section 9(c) and Section 2(6) and (7) of the Act.³

¹ The name of the Employer is amended to conform with the evidence and our findings herein.

² The cases were consolidated for hearing by order of the Regional Director dated August 5, 1960.

³ The Employer's motion to dismiss on the grounds of inadequate showing of interest and extent of organization is denied. The sufficiency of a Petitioner's showing of interest is an administrative matter not subject to litigation. Moreover, we are administratively satisfied that the Petitioner's showing is inadequate. *O. D. Jennings & Company*, 68 NLRB 516. The extent of organization contention is rendered moot by the Board's unit findings herein.

4. The appropriate unit: The Laundry Union seeks a production and maintenance unit excluding truckdrivers and driver-salesmen, limited to Bugle and Industrial Laundry; the Teamsters seeks a unit of truckdrivers and driver-salesmen at Bugle and National. The Employer urges an overall unit or, in the alternative, the units sought by the Petitioners on an overall basis.

The Employer is engaged in the rental of linen supplies to commercial establishments. It is composed of five corporations (which are commonly owned and have the same officers and board of directors) operating as an integrated business—Industrial Laundry Corporation; Bugle Coat, Apron & Linen Service, Inc.; National Coat, Apron & Linen Service, Inc. (all at Baltimore, Maryland); Standard Coat, Apron & Linen Service, Inc., at Waldorf and Hagerstown, Maryland; and Atlas Coat, Apron & Linen Service, Inc., at Blades, Delaware. Industrial processes the laundry received from the other four corporations. Bugle also receives clean laundry from Industrial, folds, sorts, and stores it, fills orders of the other corporations, and maintains a central purchasing, administrative, and clerical office for all the corporations. The other three corporations which serve as distribution points, together with Bugle, secure and service the customers. In view of all the foregoing and as the latter four companies are not self-sustained operations, but are adjuncts to the processing plant of Industrial, we conclude that all five corporations constitute a single employer and that the units found appropriate hereinafter should be coextensive with the operations of all five corporations.⁴

The Laundry Union would exclude the engineers and certain clericals whom the Employer would include. As the engineers operate and maintain the plant boilers and as no union seeks to represent them separately, we shall, in accordance with Board policy, include them in the production and maintenance unit.⁵

The clericals, who the Employer contends are production clericals, are located in the same office, have the same benefits, and are under the same supervision as the admitted office clericals. The disputed clericals compute earning records for payroll purposes and maintain records involving driver-salesmen's commissions, sales volume, type of sales, sales summaries, and replacement information. As these clericals are, in fact, office clerical employees, we shall exclude them from the unit.

The Teamsters would exclude from the unit it seeks the sales supervisors and the canvasser; the Employer urges their inclusion.

The driver-salesmen deliver linen to customers and pick up their soiled supplies. The truckdrivers pick up linen from Industrial Corporation and deliver it to the other corporations. The record

⁴ Cf. *Independent Linen Service Company of Mississippi*, 122 NLRB 1002.

⁵ *Bachman Uxbridge Worsted Corporation*, 109 NLRB 868.

shows that the driver-salesmen and truckdrivers have regularly assigned routes and that they regularly spend almost all of their time at their truckdriving duties. As there is no dispute as to the inclusion of the driver-salesmen in the truckdriver unit and the record indicates that these employees perform job functions that are substantially similar to those performed by the employees classified as truckdrivers, we shall include them in a single overall unit of truckdrivers and driver-salesmen. Accordingly, we find that these employees comprise a functionally distinct group which the Board has frequently found are entitled to separate representation and, therefore, constitute an appropriate unit.⁶

The sales supervisors at Bugle, National, and Industrial are under the supervision of the assistant general manager in charge of sales and his two assistants. The sales supervisors at Blades, Delaware, and Hagerstown, Maryland, are supervised by the branch managers who in turn are responsible to the assistant general manager in charge of sales. The sales supervisors were formerly driver-salesmen and they substitute for driver-salesmen, and direct and teach new driver-salesmen in a routine pattern established by the assistant general manager in charge of sales. They are not permitted to deviate from the pattern. They cannot hire, discharge, or discipline driver-salesmen. They do, however, report orally on the progress of the new driver-salesmen which information is used by the assistant general manager together with other information to determine whether or not a new driver-salesman shall be kept or let go. Sales supervisors spend in excess of 50 percent of their time driving trucks themselves and actually performing the duties of driver-salesmen for whom they substitute. It appears that the control which the sales supervisors exercise over the driver-salesmen is derived from their experience in the type of work involved rather than the responsible direction of the driver-salesmen. Accordingly, we find that they are not supervisors and shall include them in the unit.

The canvasser performs essentially the same duties as the driver-salesmen who are included in the unit with the truckdrivers. They drive trucks and secure and serve customers. Accordingly, we shall include them in the unit with the truckdrivers and driver-salesmen. We shall direct separate elections in the following appropriate units of the Employer's employees at its five corporations, namely, Bugle, Industrial, National, and Standard in Maryland and Atlas in Delaware,⁷ excluding office clerical employees, watchmen, guards, and all supervisors as defined in the Act:

⁶ *Maule Industries, Inc.*, 117 NLRB 1710, 1713; *Interchemical Corporation*, 116 NLRB 1443

⁷ As the production and maintenance employees (voting group B) appear to be employed at the plants of Bugle and Industrial, this voting group is coextensive with the unit sought by Local 285. However, if such employees are located at other plants, they

(A) All truckdrivers, helpers, relay drivers, driver-salesmen, garage employees,⁸ canvassers, and sales supervisors, but excluding production and maintenance employees.

(B) All production and maintenance employees and engineers, excluding truckdrivers, helpers, relay drivers, driver-salesmen, garage employees, canvassers, and sales supervisors.

[Text of Direction of Elections omitted from publication.]

are also included in the unit. The drivers voting group (voting group A), is broader in scope than that sought by the Teamsters. However, as the Teamsters has made an adequate showing of interest in the broader group, we shall direct an election therein.

⁸The parties stipulated to the inclusion of the garage employees.

Local 317, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America and Iroquois Door Company. Case No. 3-CC-122. August 18, 1961

DECISION AND ORDER

On February 23, 1961, Trial Examiner Thomas S. Wilson issued his Intermediate Report in the above-entitled proceeding, finding that the Respondent had not engaged in the unfair labor practices alleged in the complaint and recommending that the complaint be dismissed in its entirety, as set forth in the Intermediate Report attached hereto. Thereafter the General Counsel filed exceptions to the Intermediate Report and a supporting brief.

The Board 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, and the entire record in this case, including the exceptions and the brief, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner, to the extent consistent with our Decision herein.¹

[The Board dismissed the complaint.]

MEMBER RODGERS took no part in the consideration of the above Decision and Order.

¹We agree with the Trial Examiner that the picketing conducted on Kuhn Road, a dead-end street, in front of Iroquois property was primary in character and protected by the Act, without reaching the question concerning applicability of "common situs" rules to the facts here involved. Even assuming that such rules are applicable in the circumstances, as urged by the General Counsel, there is no showing on this record of an 8(b)(4)(B) objective in the temporary stopping on Kuhn Road of trucks bound for Chappel and Eastern.

We find it unnecessary to pass upon the two incidents which occurred early in the strike, on September 22 and 23, at the premises of secondary employers Goetzman & Newman and Pascarella, as we consider these too isolated to form the basis of a finding.