such unit. If a majority of the employees in only one of the voting groups votes for the Petitioner or a majority of the employees in either voting group votes for the Intervenor,[17] the employees in each voting group shall constitute a separate unit, which, under the circumstances, we likewise find to be appropriate. In the event that a majority of the employees in either of the voting groups votes for no labor organization, they shall be unrepresented. The Regional Director is instructed to issue the appropriate certification or certifications of representatives or results dependent on the outcome of the elections.

[Text of Direction of Elections omitted from publication.]

[17] The Intervenor has indicated its desire to appear on the ballot in any unit or units found appropriate.

Reynolds Electrical & Engineering Company, Inc., Petitioner *and* Teamsters, Chauffeurs, Warehousemen & Helpers Local Union 631, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. *Case No. 20–RM–368. September 13, 1961*

DECISION AND DIRECTION OF ELECTIONS

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before Joseph L. Meagher, hearing officer. 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 commerce within the meaning of the Act.

2. The labor organization involved claims 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 Employer performs construction work and provides various services for the Atomic Energy Commission at test sites in Nevada. The Employer's medical division, a subdivision of its department of health, welfare and safety, maintains, on one site, a dispensary and five outlying first-aid stations 30 to 50 miles distant, and on a neighboring site, a sixth first-aid station, 150 miles distant. In addition to a resident physician, who is head of the medical division, there are in this division 20 employees, including 2 registered nurses, a pharmacist, a laboratory technician, an X-ray technician, and 15 first-aid attendants.

The Union demanded recognition for the 15 first-aid attendants. The Employer filed the instant RM petition, specifying all "first-aid attendants" as the unit. The Union contends that this unit is appropriate as a distinct and homogeneous departmental unit entitled to be established as a separate unit. The Union also claims that the first-aid attendants constitute an appropriate craft unit. It would exclude the laboratory technician and the X-ray technician on the ground that their work is different and more difficult and could not be done by the attendants without additional training. Alternatively, in case the Board finds they may not constitute a separate unit, the Union contends that there should be an election to permit the first-aid attendants to be added to a unit of drivers, including drivers of ambulances and other vehicles, already represented by the Union. The Union concedes that it has organized only the first-aid attendants in the medical division.

The Employer actually claims that the unit demanded by the Union and petitioned for by the Employer is inappropriate. The Employer contends that the attendants are professional employees, and that the unit is inappropriate because it excludes the nurses, the pharmacist, and the technicians in the medical division, who it claims are also professional employees. Thus, the Employer requests a finding that the only appropriate unit is one which includes all of the employees of the medical division, and that there should be an election in this unit, or the petition should be dismissed.

We find no merit in the Union's unit contentions. As the training and duties of the first-aid attendants, more fully described below, are of a medical nature, rather than of a type ordinarily associated with journeymen craftsmen or other manual workers, and as they constitute but a segment of an administrative department, they do not constitute an appropriate craft or departmental unit. Nor are they eligible for inclusion in the existing unit of drivers, in view of their diverse interests and the fact that driving is not a part of their regular duties.

We turn now to the Employer's contention that a unit of all its medical division employees is alone appropriate. All these employees work in close collaboration as a team, as evidenced by the fact that the first-aid attendants rotate in their jobs between the first-aid stations and the dispensary and refer sick and injured persons from the first-aid stations to the dispensary whenever necessary. In addition, all dispensary personnel, including the first-aid attendants, work closely together as a team in the performance of certain medical duties, under the supervision of the resident physician. In these circumstances, we find that the medical division employees constitute a homogeneous, clearly identifiable group with distinctive work interests, and that they may constitute an appropriate unit. However, as Section 9(b)(1) of the Act precludes the Board from including professional

and nonprofessional employees in a single bargaining unit, without according the former an opportunity of separately expressing their desires respecting such inclusion, the question remains as to whether or not the medical division unit herein found appropriate is entirely composed of professional employees, as the Employer contends.[1]

The two registered nurses, who are graduates of accredited nursing schools, assist the resident physician in connection with operations, give physical examinations, and perform other duties customarily associated with their calling. We find that they are professional employees.[2] We likewise find that the pharmacist, a licensed graduate of a pharmacy school who performs the customary duties of a pharmaceutical chemist, is a professional employee.[3] The 15 first-aid attendants, when working at the first-aid stations, perform duties generally limited to the treatment and application of medicants to patients with minor complaints, such as upper respiratory ailments, allergies, minor stomach difficulties, and lacerations. Complaints diagnosed as major, or as requiring surgery, are referred to the dispensary. The first-aid attendants also make recommendations as to whether patients should return to work. In emergencies, they may be called on to give blood transfusions, tie off blood vessels, immobilize fractures with splints, apply shock treatment, and administer prescribed drugs in accord with written instructions from the resident doctor. When working at the dispensary, they assist the resident doctor and the nurses in minor surgical operations and physical examinations. They are generally ex-military personnel who have been trained by the Armed Forces as medical corpsmen or pharmacist mates. They have no degrees from either medical or nursing schools or other institutions of higher learning, are unlicensed and unregistered, and do not progress in the Employer's employ beyond their present classifications. The preferred qualifications for their jobs include the completion of a 12-week course in basic medical sciences and either 2 years of practical experience as hospital corpsmen without the direct supervision of a medical officer, or 3 years of practical training in a service hospital, or dispensary, as a hospital corpsman under the direct supervision of a medical officer. However, if applicants with these preferred qualifications are unavailable, the Employer will accept applicants whose only medical background consists of 3 years or less of on-the-job training in medical treatment at a medical facility. In these circumstances,

[1] We find, contrary to the Employer, that the medical department personnel in the voting groups hereinafter established are not managerial employees or supervisors. They do not formulate, determine, and effectuate management policies *American Federation of Labor and Congress of Industrial Organizations,* 120 NLRB 969, at 973. Nor do they have any of the attributes of supervisors, as defined in the Act, with respect to the employees in their department, or stand in any supervisory relationship to the Employer's other employees.

[2] *Westinghouse Air Brake Company,* 121 NLRB 636, 638

[3] *Longs Stores, Inc, a California Corporation,* 129 NLRB 1495

we find that the first-aid attendants do not fall within the definition of a professional employee, as set forth in Section 2(12) of the Act, but that they are technical rather than professional employees.[4] We likewise find that the laboratory technician and the X-ray technician who perform laboratory work and who have been trained as hospital corpsmen with a minimum of 2 years of experience in their respective fields, are technical employees.[5]

As the medical division unit herein found appropriate thus includes both professional and technical employees, we shall direct separate elections in the following voting groups at the Employer's medical division at Mercury, Nevada, excluding all other employees, the resident doctor, and all other supervisors as defined in the Act: (a) All professional employees, including the pharmacist and the 2 nurses; and (b) all technical employees, including the 15 first-aid attendants, the laboratory technician, and the X-ray technician.

The professional employees in voting group (a) will be asked two questions on their ballot:

1. Do you desire to be included with the technical employees in a unit composed of all employees at the Employer's medical division at Mercury, Nevada?

2. Do you desire to be represented for the purposes of collective bargaining by Teamsters, Chauffeurs, Warehousemen & Helpers Local Union 631, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, or by no union?

If a majority of the professional employees in voting group (a) vote "Yes" to the first question, indicating their wish to be included in a unit with the technical employees, they will be so included. Their votes on the second question will then be counted together with the votes of the technical group (b), to decide whether the employees desire to be represented by the Teamsters in a unit of professional and technical employees of the Employer's medical division. If, on the other hand, a majority of the professional employees in voting group (a) vote "No" to the question, they will not be included with the technical employees in voting group (b).

Our unit determination respecting the medical division employees is based in part, then, upon the results of the elections. However, we now make the following findings:

(1) If a majority of the professional employees vote for inclusion in a unit with the technical employees, and a majority of the employees in groups (a) and (b) vote for representation, we find that the following employees will constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act.

[4] *Difco Laboratories, Inc.*, 129 NLRB 887.
[5] *Difco Laboratories, Inc., supra.*

All professional and technical employees of the Employer's medical division at Mercury, Nevada, excluding all other employees, the resident doctor, and all other supervisors as defined in the Act.

(2) If a majority of the professional employees do not vote for inclusion in a unit with the technical employees, we find that the following will constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

All technical employees of the Employer's medical division at Mercury, Nevada, excluding all other employees and all supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

MEMBERS LEEDOM and BROWN took no part in the consideration of the above Decision and Direction of Elections.

Shreveport Garment Manufacturers *and* Amalgamated Clothing Workers of America, AFL–CIO. *Case No. 15–CA–1853. September 14, 1961*

DECISION AND ORDER

On April 14, 1960, Trial Examiner Thomas N. Kessel 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 herein be dismissed, as set forth in the Intermediate Report attached hereto. Thereafter, the General Counsel filed exceptions to the Intermediate Report and supporting brief.

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 Rodgers and Fanning].

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 hereby affirmed. The Board has considered the Intermediate Report, the exceptions and brief, and the entire record in this case, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner.[1]

[The Board dismissed the complaint.]

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[1] In concurring in the result in this case, Chairman McCulloch relies particularly on the Trial Examiner's determination (footnote 2, Intermediate Report) that the complaint was not amended to raise the issue of the Respondent's good faith and this issue was not litigated at the hearing.