

of collective bargaining within the meaning of Section 9(b) of the Act:

All cutting department employees, including cutters and spreaders, and the stock clerk,<sup>5</sup> but excluding office clerical employees, professional employees, all other employees, guards, and supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

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<sup>5</sup> We include the stock clerk, Ross, as the record shows that he works only in the cutting department in constant contact with the cutters and spreaders, and occasionally does both cutting and spreading. We find that he has a community of interest with the other employees in the cutting department. See *Rothschild-Kaufman Co., Inc.*, *supra*, at page 354.

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**Great Bay Chemical & Plastics, Inc. and Local 626, International Chemical Workers' Union, AFL-CIO, Petitioner.** *Case No. 22-RC-1195. October 5, 1961*

#### SUPPLEMENTAL DECISION AND DIRECTION OF ELECTION

On September 6, 1961, the Board issued a Decision and Direction of Election<sup>1</sup> in the above-entitled proceeding in which it held that the employees employed at the time of the hearing constituted a substantial and representative segment of the complement to be employed in the future and that an election at this time would not be premature. Subsequently, the Employer made a request to delay the election until December 12, 1961, on the ground that the planned consolidation of the Employer and Regency Plastics, Inc.,<sup>2</sup> would not be completed until December 1, 1961. This request was concurred in by the Intervenor, Local 239, International Brotherhood of Teamsters, who had represented the employees of Regency Plastics, but was opposed by the Petitioner.

When the original hearing was held in this case, it appeared that the consolidation of the Employer and Regency Plastics, Inc., would be completed by October 1, 1961, and at the time of the original Decision and Direction of Election it appeared that many, if not most, of the former employees of Regency would be employed at the Employer's new plant at East Brunswick, New Jersey, on that date. It now appears that the work force at East Brunswick still is composed of only 35 to 40 employees, and that the 57 employees of Regency have been placed on "furlough" until the new East Brunswick plant is ready for operation. In view of the fact that the employees of

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<sup>1</sup> Not published in NLRB volumes.

<sup>2</sup> Regency Plastics, Inc., is a subsidiary of Cary Chemical Corporation which is also the parent corporation of the Employer in this case.

Regency are simply waiting completion of the new plant and have a reasonable expectancy of employment there, we shall treat them as temporarily laid-off employees and permit them, together with the employees now employed at East Brunswick, to vote in an election to be held within 45 days of the original Decision and Direction of Election.

[Text of Direction of Election omitted from publication.]

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

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**Chester County Beer Distributors Association, Petitioner and Local 830, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. Case No. 4-RM-379. October 5, 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 Alan Zurlinick, 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 [Members Rodgers, 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 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, an association of 19 firms, including proprietorships, partnerships, and corporations engaged in the retail and wholesale distribution of beer and soft drinks in Chester County, Pennsylvania, seeks an election in an associationwide unit covering its members' employees. The Union contends that this unit is too narrow in scope, and that there is a bargaining history which establishes that the only appropriate unit is a unit of five associations located in Pennsylvania, including the Employer, the Philadelphia Beer Distributors Association, the Montgomery County Malt Beverage Distributors Association, the Delaware County Beer Distributors Association, and