Martin-Marietta Corporation *and* International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 310, Petitioner

Martin-Marietta Corporation *and* International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) (AFL–CIO), Petitioner

Martin-Marietta Corporation *and* International Brotherhood of Electrical Workers, Local Union 570, AFL–CIO, Petitioner

Martin-Marietta Corporation *and* Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 878, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America; International Union of Operating Engineers, AFL–CIO, Local Union 382; International Brotherhood of Electrical Workers, AFL–CIO, Local Union 295, Joint Petitioners

Martin-Marietta Corporation *and* International Union of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 310; International Brotherhood of Electrical Workers, Local 570; International Union of Operating Engineers, Local 428, AFL–CIO, Joint Petitioners. *Cases Nos. 28–RC–979, 28–RC–984, 28–RC–996, 28–RC–1005, and 28–RC–1006. November 13, 1962*

DECISION AND DIRECTION OF ELECTIONS

Upon petitions duly filed under Section 9(c) of the National Labor Relations Act, hearings were held before Dennie Gooch, hearing officer.[1] 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 to a three-member panel [Chairman McCulloch and Members Leedom and Brown].

Upon the entire record in these cases, 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.[2]

[1] The requests of the Petitioner in Case No 28–RC–984 and of the Employer for oral argument are denied as the record in this proceeding, including the briefs of the parties, adequately present the issues and positions of the parties.

[2] The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) (AFL–CIO), herein called U.A.W., seeks in Case No. 28–RC–984 a production and maintenance unit at the three missile sites involved in this proceeding. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 310, initially sought in Case No 28–RC–979 a drivers' unit at Tucson, Arizona, while in Case No. 28–RC–996, the International Brotherhood

3. Questions affecting commerce exist 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 U.A.W. seeks a single unit of the Employer's production and maintenance employees engaged in the activation of Titan II missile sites at Tucson, Arizona, Wichita, Kansas, and Little Rock, Arkansas. The Joint Intervenors request single-site units of such employees, which they contend are alone appropriate.[3] The Employer, in agreement with the U.A.W., maintains that only a single three-site unit, which includes all its Titan II sites, is appropriate. There is no history of bargaining for the operations involved in this proceeding.

The Employer is engaged in the development and manufacture of ballistic missiles and related operating equipment and their installation at launching sites. These activities are under the overall direction of its Aerospace division under which are other divisions organized on a geographic basis. Involved in this proceeding are operations under the Denver division which is responsible for the development and installation of Titan I and Titan II missiles and which is further divided into a manufacturing section and a site activation section. The latter section is itself broken down into Titan I and Titan II operating departments which in turn have under them the separate

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of Electrical Workers, Local Union 570, AFL–CIO, initially sought a unit of certain electrical workers at that location. However, in Case No 28–RC–1006, the Teamster Local 310 and Electrical Workers Local 570 have joined with the International Union of Operating Engineers, Local 428, AFL–CIO, as Joint Petitioners seeking a production and maintenance unit at Tucson Similarly, three locals of the foregoing International unions (Teamsters, Electrical Workers, Operating Engineers) have in Case No. 28–RC–1005 petitioned for a separate production and maintenance unit at the Little Rock site here involved International Brotherhood of Electrical Workers, Local 271, AFL–CIO, requested permission to intervene in Case No. 28–RC–984 with respect to the representation of employees at Wichita, Kansas. Such request was granted subject to Local 271 making a proper showing of interest. Having made no such showing, Local 271's conditional intervention is hereby revoked. The Joint Petitioners further sought, apparently as Intervenors, to represent certain sister locals with respect to a separate election among production and maintenance employees at Wichita. However, as none of the Unions they so seek to represent has made any showing among the Wichita employees, the Joint Petitioners' proposed intervention in Case No 28–RC–984 at that location is denied We are aware that at the hearing the parties to this proceeding appear to have entered into a stipulation intended to waive the usual requirements pertaining to showing of interest. However, such requirements are based upon matters of public policy and cannot be waived by the parties to this proceeding.

[On November 26, 1962, the Board granted the request of International Brotherhood of Electrical Workers, Local 271, AFL–CIO, for reconsideration of the revocation of its conditional intervention, Local 271 stating that it was the intention of the parties, as revealed by the record, that cards of Local 271 were to be considered jointly as those of Intervenors, IBEW, Local 271, Operating Engineers, Local 101, and Teamsters, Local 795. The Board further granted the request that these three locals appear on the ballot as Joint Intervenors at Wichita, Kansas; in the alternative, Local 271 would agree to the appearance of its name as sole Intervenor on the ballot]

[3] As set forth in footnote 2, the Teamsters and Electrical Workers in their individual petitions at Tucson sought craft or department type units. However, at the hearing the Joint Petitioners, which include these Unions, stipulated with the other parties that the sole issue in this proceeding is whether multi- or single-site production and maintenance units are appropriate

sites. The various departments and sections of the Denver division identified above are headquartered in Denver, Colorado.

The three Titan II sites, subjects of this proceeding, constitute all of those presently being placed in operation and, thus, include all of the Employer's operations and employees involved in Titan II site activation. Each site has its own manager who is responsible for carrying out production schedules at the location. In so doing each manager must follow the policy and procedure directives set by site activation division headquarters. Industrial and employee relations as well as other aspects of management and control of the sites are centralized at the Titan II program headquarters in Denver. Thus, the employment of skilled employees is controlled by Denver, the site managers normally being permitted to hire only unskilled workers locally. Further, the managers cannot add to or change existing job classifications or working procedures; nor can they negotiate labor agreements. We find in view of the foregoing, especially the fact that Titan II activation operations constitute a separate department of the Employer's operations and the centralized control of managerial policy and labor relations, that the overall, three-site unit requested by the U.A.W. may be appropriate.[4]

However, the facts also demonstrate that individual site units requested by the Joint Intervenors may also be appropriate. Thus, the three sites are widely separated[5] and, as noted, are under the immediate, separate supervision of a site manager who is responsible for the day-to-day operations including the application of established labor policy, and who also possesses authority to do some hiring on a local basis. Furthermore, though there is some evidence of interchange of skilled employees among the sites, it is not, at least on the record before us, of such an extent as to destroy the integrity of each site as a separate operation capable of being separately administered with respect to labor matters. Accordingly, we find that the requested individual site units may also be appropriate.[6]

In view of the foregoing we shall direct separate elections among the following employees of the Employer at the Titan II missile sites at Tucson, Arizona, Wichita, Kansas, and Little Rock, Arkansas: all production and maintenance employees, excluding office clerical employees, professional employees, guards, and supervisors as defined in the Act.

If a majority of employees in each of the three separate voting groups vote for the U.A.W., we find a single three-site unit to be appropriate for collective-bargaining purposes within the meaning

[4] Cf. *E E. McNeal and John Marshall, d/b/a Southern Truck Line,* 107 NLRB 615, 616; *Standard Oil Company of California,* 116 NLRB 1762, 1764

[5] Little Rock is about 450 miles from Wichita, and about 1,250 miles from Tucson, which is about 1,000 miles from Wichita. Also each site is 500 miles or more from the Denver headquarters.

[6] See *Southeastern Concrete Products Company, et al.,* 127 NLRB 1024.

of Section 9(b) of the Act, and the Regional Director shall issue a certification of representatives to the U.A.W. for such unit. In all other circumstances, we find that each voting group constitutes a separate unit appropriate for purposes of collective bargaining within the meaning of Section 9(b), and the Regional Director shall for each such unit issue a certification of representatives or certification of results of election, as may be appropriate.

[Text of Direction of Elections omitted from publication.]

Quality Castings Company *and* United Steelworkers of America, AFL-CIO. *Case No. 8-CA-2420. November 15, 1962*

DECISION AND ORDER

On December 7, 1961, Trial Examiner William J. Brown 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 attached Intermediate Report. Thereafter, the Respondent 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, the exceptions and brief, and the entire record in the case, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner with the modifications noted hereafter.

The Respondent Company is charged with discriminating against 64 former employees by distributing profits under a new formulation of its profit-sharing plan so as to disqualify such individuals because of their earlier participation in a strike against the Respondent.

The Respondent has had a profit-sharing plan in effect since 1945. In September 1959, the United Steelworkers Union was certified as the bargaining representative and thereafter the Union and the Respondent engaged in contract negotiations, including a discussion of proposals with respect to the profit-sharing plan. The parties were unable to reach agreement and the employees went on strike on April 10, 1960. Shortly after the strike began, employees began returning in substantial numbers. By the time the strike was officially terminated on May 19, 1960, all but 64 of approximately 250 employees had returned to work. The 64 employees who had remained on strike were not rehired for economic reasons. Pursuant to an agreement be-