

or other rights and privileges, to all our employees who participated in the strike which began April 27, 1962, and who have not already been reinstated, dismissing, if necessary, all persons hired on or after April 27, 1962.

WE WILL make each such employee whole for any loss of pay suffered by him as a result of our failure, if any, to reinstate him within 5 days after such unconditional application.

WE WILL NOT, by refusing to bargain in good faith, or in any like or related manner, interfere with, restrain, or coerce our employees in the exercise of their rights to self-organization, to form, join, or assist the above-named union, or any other labor organization, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities.

ALMEIDA BUS LINES, INC.,
Employer.

Dated----- By-----
(Representative) (Title)

This notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced, or covered by any other material.

Employees may communicate directly with the Board's Regional Office, Boston Five Cents Savings Bank Building, 24 School Street, Boston, Massachusetts, 02108, Telephone No. Lafayette 3-8100, if they have any questions concerning this notice or compliance with its provisions.

American Beryllium Company, Inc. and International Association of Machinists, AFL-CIO, and Local Lodge 1767, Petitioner. *Case No. 12-RC-1289. May 3, 1963*

SUPPLEMENTAL DECISION AND ORDER CLARIFYING CERTIFICATION OF REPRESENTATIVES

On November 9, 1961, the Regional Director for the Twelfth Region issued a certification of representatives in the above-entitled proceeding, certifying the International Association of Machinists, AFL-CIO, as the bargaining representative for the following unit of the Employer's employees:

All production and maintenance employees including plant clericals and inspectors at the Employer's Sarasota, Florida, plant; and excluding all office and office clerical, professional employees, technical employees, guards, and supervisors as defined in the Act.

On October 29, 1962, the Petitioner filed a motion for a Decision and Order Clarifying Certification, alleging that the Employer's timekeepers properly belong in the unit as plant clericals, and that the Employer refuses to recognize that these timekeepers belong in the unit or to bargain with the Petitioner on matters affecting their status. On November 6, 1962, the Employer filed its response to the Petitioner's motion for clarification of the certification alleging that the timekeepers are not plant clerical employees and are not appropriately part of the bargaining unit.

On December 6, 1962, the Board directed that a hearing be held to determine, in effect, whether those persons occupying the status of "timekeepers" were properly within or without the unit described above. A hearing was held before Obediah R. Miller, hearing officer, on January 3, 1963. 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 has delegated its powers in connection with this proceeding to a three-member panel [Members Rodgers, Fanning, and Brown].

Upon the entire record in the case, the Board finds:¹

The record shows that the Employer operates a beryllium fabricating plant at Sarasota, Florida, and that in carrying on its operations, the Employer employs three employees classified as timekeepers.² The dispute between the parties underlying the instant motion for clarification arises over the unit placement of these timekeepers.

Essentially, the Union contends that because of the location of the time office and the duties performed by the timekeepers, they are plant clerical employees properly included within the unit. The Employer, on the other hand, contends that they are office clerical employees, that their work is primarily cost accounting, and that their location near the production facilities is merely for the convenience of the Employer and the employees themselves. Alternatively, the Employer contends that these employees have access to confidential cost and price information and, accordingly, should be excluded from the unit as confidential employees.

The record shows that the employees involved herein work in the time office which is located directly behind the administrative offices, but is separated from these offices by a concrete wall. The time office, which is constructed of wood and glass partitions, is immediately adjacent to the grinding room and looks out on production line facilities located approximately 12 feet away. Although the time office is directly behind the main office, there is no connecting door between the two offices, and to go from one to the other it is necessary to pass along the edge of the production area.³

As to the timekeepers' functions, the record shows that at the beginning of each shift they remove the timecards of the production employees and take the cards to the time office where the cards are maintained until the end of the shift when the cards are returned to the timerack at the timeclock. After the shift starts, and an employee

¹ In accordance with our findings herein, we deny the Employer's motion to dismiss this proceeding. See *Phillips Petroleum Company*, 129 NLRB 813, 814, footnote 3

² At the hearing, the parties stipulated that timekeeper Kildahl is a supervisor and should be excluded from the unit

³ The plant is built in the shape of a T with the top of the T occupied entirely by the administrative offices, while the bottom of the T is occupied by production facilities and related areas such as the restroom used by production employees.

had been assigned a particular job, the employee reports to the time office window and gives the timekeeper the job and operation numbers. Upon completion of the job, the employee again reports to the time office window and gives the timekeeper the time consumed on the particular assignment. The timekeepers record all of this information on the employee's timecard and a job cost card, which is also maintained in the time office. The timekeepers also compile employee working time for the payroll office, maintain scrap lists, process customer purchase orders, and prepare supply purchase orders and routine production schedules.

One of the timekeepers testified that in performing the above functions he maintains contact with the production employees approximately 15 percent of his time and spends an additional 1½ hours each day in the production area checking with production employees as to their assigned jobs. In addition, the timekeepers make occasional trips to the garage and another plant building about 300 feet from the main plant to accumulate production information from the employees in these buildings.

The record also shows that, although timekeepers are in no way subject to the production supervisory hierarchy but report directly to administrative officials, they work the same hours as the production employees, punch a timeclock, receive the same fringe benefits, use the same locker and restroom facilities, are hourly paid, and appear on the same payroll as the production employees.⁴

In addition to the above facts, the record shows that the two timekeepers were employed on September 24, 1961, which was the last day of the payroll period for eligibility in the election held on November 1, 1961, and that Spencer, one of the timekeepers, voted in the election without challenge or objection. Teeter, the other timekeeper, was called into military service shortly before the election and did not vote.

In such circumstances, and particularly in view of the work performed by the timekeepers and their relationship to, and close community of interest with, the production employees and the production processes, we find these employees to be plant clerical employees who belong in the unit heretofore found appropriate.⁵

[The Board clarified the certification heretofore issued by specifically including timekeepers.]

⁴ The office employees receive many of the same fringe benefits, but work only on the day shift, start and finish work at different hours, have separate restroom facilities, and are paid on a salary basis.

⁵ *Weyerhaeuser Company*, 132 NLRB 84, 85; and *Wm. R. Whittaker Co., Ltd.*, 117 NLRB 339, 344. We also find no merit in the Employer's contention that these employees are confidential employees. They do not assist or act in a confidential capacity to persons who formulate, determine, or effectuate management policies in the field of labor relations. See *Lord Baltimore Press, Incorporated*, 128 NLRB 334, footnote 7.