

No. 16, as the law requires. The employees about whom we will bargain are employed in the following jobs:

All truckdrivers and helpers. This does not include office clerical employees, watchmen, guards, and supervisors as defined in the Act.

WE WILL NOT interfere with the rights of our employees guaranteed them in the National Labor Relations Act by refusing to bargain with the above-named Union or in any related manner.

All our employees are free to become members of International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union No. 16, or any other union, and they are also free not to become members of any union unless in the future we shall enter into a valid union-shop contract with a Union which represents our employees.

W. R. HALL DISTRIBUTOR,
W. R. HALL TRANSPORTATION AND STORAGE
COMPANY,
W. R. HALL MOVING AND STORAGE,

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, 609 Railway Exchange Building, Denver, Colorado, Telephone No. Keystone 4-4151, extension 513, if they have any questions concerning this notice or compliance with its provisions.

Westinghouse Electric Corporation and Buffalo Section, Westinghouse Engineers Association, Petitioner. Case No. 3-RC-1634. October 30, 1963

DECISION AND ORDER DENYING MOTION TO CLARIFY AND/OR AMEND CERTIFICATION

On April 17, 1959, the Regional Director for the Third Region issued a Certification of Representative in the above-entitled proceeding to the Buffalo Section, Westinghouse Engineers Association, Engineers and Scientists of America, herein called the Union,¹ for a unit of professional engineering employees at the Employer's Cheektowaga, New York, plant.

Thereafter, on March 22, 1963, the Union filed a motion for clarification and/or amendment of unit, and on April 29, 1963, the Employer filed an answer in opposition to this motion.

On July 9, 1963, pursuant to an order of the Board, a hearing was held before Hearing Officer Henry J. Winters on the issues raised by the motion. Both parties appeared and participated in the hearing. 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

¹ The Union has dropped Engineers and Scientists of America from its name.

this case to a three-member panel [Members Leedom, Fanning, and Brown].

Upon the entire record the Board finds:

In the original case, the Board certified the Union for the following unit:

All professional employees including the categories of engineer assistant, engineer associate, engineer, engineer senior, engineer fellow, manufacturing engineer, manufacturing engineer senior, plant layout engineer, methods engineer (formerly time and motion analyst), and purchasing engineer, but excluding all other employees, guards, and supervisors as defined in the Act.

The parties disagree concerning the unit placement of (a) production line administrator—senior and (b) production line administrator—A, both of which categories the Union would include and the Employer would exclude as managerial employees.

In October 1962 the Employer created the classification of production line administrator. This in turn was subdivided into the following grades, senior, A, B, and C. At the time of the hearing there were 2 employees in the senior grade, 10 in the A grade, 7 in the B grade, and no employees in the C grade. The Union contends that the employees in the senior and A grades are essentially design engineers and therefore should be included in the unit. The Employer, however, contends that these employees are administrative and managerial personnel and that no distinction exists between the B and C grades and that of senior and A grades.

The plant is divided functionally into five divisions, each producing a different product. Each division also has assigned to it a certain number of design engineers who are represented by the Petitioner. In this setting, it is the duty of the production line administrator to negotiate orders with customers, to process them through the plant, and to compute the transportation cost for the assembled products. In processing the order, the production line administrator not only interprets the customers' specifications with or without the aid of design engineers, depending on the complexity of the order, but also must see to it that all the components are available for the assembling of the final product and that the assembled product meets its assigned deadline. An additional duty of the production line administrator is to assist in the promotion of the particular products with which he is concerned. The only apparent distinction between the production line administrator classifications is that of pay² and difficulty of assignment.

The Petitioner's motion appears to be premised on the fact that some of the production line administrators transferred from engi-

² Of the employees involved, only eight have been represented by the Petitioner. While an engineering degree is desired, some of these employees do not possess it.

neering classifications, and on the assumption that they perform duties identical to those of design engineers 80 percent of their working time. However, at the hearing, the Petitioner offered no evidence to refute the evidence introduced by the Employer which shows that the time normally spent by the production line administrator in design engineering functions, except for the completion of those engineering projects they were working on at the time of their transfer into the production line administrator jobs, is almost minimal.³

On the basis of the foregoing, we find that the production line administrators are not required to have the training or to utilize the skills of professional engineers in order to perform the functions and duties assigned to them. Accordingly, we find that they are properly excluded from the unit of professional engineers represented by the Petitioner, and we shall deny Petitioner's motion.⁴

[The Board denied the motion to clarify the certification in Case No. 3-RC-1634.]

³ There is one class A production line administrator in the systems control division who concededly spends most of his time as a design engineer. Because this is a peculiarly isolated case, the Board will not make any generalization as to other production line administrators based on it.

⁴ In view of this determination, we find it unnecessary to reach the Employer's other contentions why the motion should be dismissed.

Operative Plasterers' and Cement Masons' International Association, Local Union No. 44, AFL-CIO [Penny Construction Company, Inc.] and William G. Haynes, an Attorney. *Case No. 17-CP-25. October 31, 1963*

DECISION AND ORDER

On June 12, 1963, Trial Examiner John H. Eadie 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 attached Intermediate Report. Thereafter, the General Counsel, the Charging Party, and the Employer filed exceptions to the Intermediate Report, with supporting briefs.

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 Leedom and Brown].

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