

## CONCLUSIONS OF LAW

1. Park is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.
2. Respondent is a labor organization within the purview of Section 2(5) of the Act.
3. Respondent has not engaged in the unfair labor practices alleged in the complaint.

## RECOMMENDED ORDER

On the basis of the foregoing findings of fact and conclusions of law and upon the entire record in this case, it is recommended that the complaint herein be dismissed,

**General Electric Company and International Union of Electrical, Radio and Machine Workers, AFL-CIO, Local 707,<sup>1</sup> Petitioner.** *Case No. 5-RM-180. February 1, 1965*

## DECISION AND ORDER DENYING MOTION

On June 6, 1950, International Union of Electrical, Radio and Machine Workers, AFL-CIO, Local 707, herein called the Union, was certified as bargaining representative for a unit of production and maintenance employees, with specified exclusions, at the Employer's Cleveland Wire Works plant, Euclid, Ohio.<sup>2</sup> Among the exclusions were engineers, firemen, oilers, apprentices, and helpers, who have been, and are, represented by International Union of Operating Engineers and its Locals 589, 589-A, and 589-B.<sup>3</sup>

On May 6, 1964, the Union filed a motion to clarify certification, in which it moved the Board to find and declare that work known as hydrogen or hydrolene producing unit is within the scope of the unit for which it has been certified and should be performed by unit employees. On June 11, 1964, the Employer filed a statement in opposition and requested that the motion be denied. On June 12, 1964, Operating Engineers filed a statement of position. On July 20, 1964, the Board issued an order directing hearing, referring the matter to the Regional Director for Region 8 and directing that a hearing be held for the purpose of taking testimony on the issues raised by the Union's motion. A hearing was held on September 10, 1964, before Hearing Officer Henry G. Gieser. The Hearing Officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. Thereafter, the Employer and the Union filed briefs.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to a

<sup>1</sup> Name as amended at the hearing

<sup>2</sup> Pursuant to Board Decision, 89 NLRB 726.

<sup>3</sup> Pursuant to Board Decision, 43 NLRB 67, certifying Operating Engineers and International Union of Firemen and Oilers jointly.

three-member panel [Chairman McCulloch and Members Fanning and Jenkins].

The Union is currently certified as the bargaining representative of the following employees of the Employer:

All hourly rated production and maintenance employees and cafeteria employees of the Employer's lamp department at the Cleveland Wire Works plant, 1331 Chardon Road, Euclid, Ohio, excluding electricians, clerical employees, laboratory employees, engineers, firemen and their apprentices and helpers, oilers, dietitians and cashiers, professional employees, guards, and supervisors as defined in the Act.

International Union of Operating Engineers, Local Nos. 589, 589-A and 589-B, and International Brotherhood of Firemen and Oilers, Local No. 52, are currently certified as the collective-bargaining representative of the following employees of the Employer:

Engineers, firemen, oilers, apprentices, and helpers, employed in the engineroom and boilerroom of General Electric Company, Cleveland Wire Works plant, Euclid, Ohio, excluding supervisory employees, the chief engineer, and foreman in the boilerroom.

At the time of the election in this case, May 25, 1950, and the certification the work of producing hydrogen, now known as the hydrolene producing unit, was performed by members of the production and maintenance unit. Sometime in 1954, the Employer discontinued the manufacture of hydrogen from outside sources.

In 1962 the Employer resumed the manufacture of hydrogen in a hydrolene producing unit that uses a process entirely different from that previously employed. The earlier process used many wet cells and the larger part of the job consisted of refilling them with water. The present system, operating on a different principle, employs a hydrolene plant and a hydrogen purification unit; the equipment includes pumps, condensers, compressors, and heat exchangers. This equipment is located principally in the area where the employees represented by Operating Engineers work, and because it is largely automatic, does not require much of the time of the engineers who currently perform it along with their other duties.

In these circumstances we see no persuasive reason for granting the motion to clarify.

Accordingly, the Board having duly considered the matter, it is hereby ordered that the Union's motion for clarification be, and it hereby is, denied.