

to self-organization, to form labor organizations, to join or assist International Union of District 50, United Mine Workers of America, 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.

MARION BOTTLING COMPANY, 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, Sixth Floor, 707 North Calvert Street, Baltimore, Maryland, Telephone No. 752-2159, if they have any question concerning this notice or compliance with its provisions.

---

**Riker Laboratories, a Division of Rexall Drug and Chemical Co. and Food, Drug & Beverage Warehousemen & Clerical Employees, Local 595, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, Petitioner.**  
*Case No. 31-RC-51 (formerly 21-RC-9752). January 21, 1966*

#### DECISION ON REVIEW AND ORDER

On August 26, 1965, the Regional Director for Region 31 issued a Decision and Direction of Election, finding appropriate a unit of all warehousing-receiving and shipping section employees at the Employer's Northridge, California, establishment, excluding all other employees. Thereafter, in accordance with the National Labor Relations Board Rules and Regulations, Series 8, as amended, the Employer filed a timely request for review of the unit determination. By telegraphic order dated September 21, 1965, the Board granted the Employer's request for review and stayed the election pending decision on review. Thereafter, the Employer filed a brief on review.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel [Chairman McCulloch and Members Fanning and Brown].

The Board has considered the entire record with respect to the issue under review, including the Employers' brief, and makes the following findings:

The Regional Director found appropriate, in accord with the Petitioner's amended request, a unit of all warehousing-receiving and shipping section employees at the Employer's Northridge, California, establishment, comprised of about nine buildings. The requested employees, 25 to 30 in number, work in a complex of 3 buildings which is contiguous to the chemical processing area where there are production employees. The nearest production building is 12 to 15 feet distant. The Employer contends that the smallest appropriate unit herein would comprise all production and maintenance as well as the requested shipping and receiving employees, a total of about 230 employees. There is no bargaining history for any of the employees involved.

In the receiving section, under a foreman, there are warehousemen, senior warehousemen, clerk-typists, and a receiving records clerk. In shipping, a foreman has under him packers, senior packers, packing clerks, and clerk-typists. There is a supervisor over both sections who reports to the head of the pharmaceutical manufacturing department.

The receiving section receives incoming materials and equipment and moves it into storage and, as needed, into production areas, using forklifts, pallet packs, dollies, and handtrucks. The same moving equipment is used by production employees in conjunction with their production functions. Receiving-section employees at times assist in the taking of quality control samples in production areas.

The shipping section packs the finished product, either in packaged form or in bulk form, on pallets and places it in storage in readiness for shipment by common carrier. In the production area, packaging clerks and technicians of the packaging section prepare small packages of the products and place them on pallets for movement to the shipping section. Packaging clerks exercise about the same degree of skill and are paid the same wages as packing employees in the shipping section.

Employees of the shipping and receiving sections are called upon to assist maintenance men in making major installations and movements of machinery, equipment, office furniture, etc. On occasion, there have been temporary transfers of production employees to the shipping and receiving sections for assistance on special projects. There have been transfers and promotions of employees into and out of the shipping and receiving sections. Employees of these sections enjoy the same working conditions, facilities, and fringe benefits as production and maintenance employees.

In view of the foregoing, and all the facts as disclosed by our review of the record, especially the close proximity of the shipping and receiving sections to the production area and the degree of integration of the shipping and receiving functions with other functions performed in the production areas, we are unable to conclude that the requested group possesses that degree of functional distinctness and autonomy which would warrant a finding that they have a separate community of interest.<sup>1</sup> We find, therefore, contrary to the Regional Director, that the unit sought is too narrow in scope to be appropriate.<sup>2</sup> Accordingly, as the Petitioner does not seek an election in a broader appropriate unit, we shall dismiss the petition herein.

[The Board dismissed the petition.]

<sup>1</sup> See *The Wm. H. Block Company*, 152 NLRB 594; *Sylvania Electric Products, Inc.*, 113 NLRB 375.

<sup>2</sup> The cases of *Spaulding Fibre Co., Inc.*, 111 NLRB 237, and *H. P. Wasson & Company*, 153 NLRB 1449, relied upon by the Regional Director as support for his contrary conclusion, are factually inapposite.

**Universal Electric Company and International Union, District 50,  
United Mine Workers of America, Petitioner. Case No. 7-RC-  
6878. January 21, 1966**

## DECISION AND CERTIFICATION OF RESULTS OF ELECTION

Pursuant to a stipulation for certification upon consent election, an election by secret ballot was conducted on June 10, 1965, under the direction and supervision of the Acting Regional Director for Region 7 among the employees in the stipulated unit. At the conclusion of the election, the parties were furnished with a tally of ballots showing that of approximately 756 eligible voters, 692 cast valid ballots, of which 307 were for, and 380 were against, the Petitioner, and 5 were challenged. The challenged ballots were insufficient in number to affect the results of the election. Thereafter, the Petitioner filed timely objections to the conduct of the election.

In accordance with the National Labor Relations Board's Rules and Regulations, Series 8, as amended, the Acting Regional Director conducted an investigation, and on August 19, 1965, issued and duly served upon the parties his report on objections to election and recommendation, in which he recommended sustaining that portion of objection No. 3 pertaining to an Employer speech delivered on June 9, 1965, and overruling all other objections.<sup>1</sup> Accordingly, the Acting Regional

<sup>1</sup> In the absence of exceptions thereto, we shall adopt the recommended dismissal of the remaining objections *pro forma*.