

to, the Employer's production process.⁶ Under these circumstances, and especially in the light of the similar conditions of employment applicable to all the employees discussed herein, the similarity in their skills and job functions, and their frequent interchange among the departments sought by the Petitioner and the others discussed above, we are unable to conclude that the departments requested by the Petitioner possess that degree of functional distinctness and autonomy which would warrant a finding that they have a separate community of interest.⁷ We find, therefore, that the unit sought is too narrow in scope to be appropriate.⁸ The Petitioner does not seek an election in a broader appropriate unit.

[The Board dismissed the petition.]

⁶ *Airesearch Manufacturing Company of Arizona, a division of the Garrett Corporation*, 137 NLRB 632, 635.

⁷ See *The Sheffield Corporation*, 134 NLRB 1101, 1103-04.

⁸ In view of our finding that the proposed unit is not appropriate because it does not include employees in the three departments discussed above, we find it unnecessary to decide whether it is also inappropriate because it does not include employees in the mass spectrometry, special analysis, radioactivity measurements, engineering services, and Government stockroom departments.

Allis-Chalmers Manufacturing Company and Local 248 of the United Automobile, Aerospace and Agricultural Implement Workers of America, AFL-CIO, Petitioner. Case No. 30-UC-12. May 4, 1966

DECISION AND ORDER

Upon a petition for clarification of unit duly filed on September 28, 1965, under Section 9(b) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Michael P. Miller. All parties appeared and were given full opportunity to participate at the hearing.¹ Thereafter, the Employer filed a brief in support of its position.

The National Labor Relations Board has considered the Hearing Officer's rulings made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed.

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

¹ On the first day of the hearing, January 11, 1966, the Employer moved to dismiss the petition in advance of the introduction of any evidence on the merits on the ground that the issue presented was *res judicata* in Case No. 13-CA-5615. The Hearing Officer referred the motion to the Board. In view of our dismissal for the reasons indicated below, we find it unnecessary to pass on this motion.

Upon the entire record in this case, the Board finds

1 The Employer is engaged in commerce within the meaning of the Act

2 The labor organization involved claims to represent certain employees of the Employer

3 The Petitioner contends that the classifications of senior analyst-product inventory and scheduling and analyst-product inventory and scheduling should be included within the unit because these classifications, presently salaried and nonunit, are previously abolished clerical jobs which have been renamed, include some of the same personnel as were previously in the unit, and encompass the same job tasks as are included in present and previously abolished unit jobs. The Employer opposes the Petitioner's request for clarification on the grounds that these classifications have been in existence for many years under the same and similar names and never have been included within the bargaining unit or covered by any negotiations or labor contract, that said classifications are managerial and would be inappropriate for inclusion in the bargaining unit, and that clarification is an improper procedure for adding a substantial group of employees to an existing unit

The collective-bargaining history between these parties precedes 1947. The most recent certification of Petitioner was on June 22, 1948, in Case No 13M-RE-1 for the following unit

The production and maintenance employees (at the West Allis plant of the Company) exclusive of draftsmen, technical engineers, patternmakers, maintenance electricians, powerhouse employees, superintendents, assistant superintendents, general foremen, foremen, assistant foremen, inspectors, graduate trainees, indentured apprentices in trades in which the journeymen are not represented by the Union Cooperative, student trainees, time-study foremen, apprentice supervisors, timekeepers, plant protection employees, confidential employees, and all other employees acting directly or indirectly in the interest of the Company in a supervisory, management, administrative or professional capacity

Since then the parties have executed successive bargaining agreements, the most recent of which began on November 18, 1964, and expires November 1, 1967. There has been no change in the recognition clause between the first contract following the most recent certification and the present agreement

The job function of the senior analyst and analyst is to analyze stores and work-in-process inventory in order to determine the most effective and economical procedure for ordering materials and to schedule orders that will result in optimum inventory levels. Further, they initiate and sign stock and purchase orders and schedules for manufacturing in such a manner as to optimize inventory levels and maintain material availability to satisfy the production of customers' orders on time. To achieve these goals, the senior analysts and analysts apply judgment and experience to established procedures and reported data, much of which is calculated or reported by computer. The major difference between the senior analyst and analyst is supervisory. The senior analyst is responsible and accountable for the overall performance of the analyst who works for him, although the analyst himself is actually accountable for the individual inventory level.

Previous to the 1960's the scheduling and inventory control function was performed by the scheduling department and material control department.

The function of scheduling during this period was to develop manufacturing cycles and establish start and completion dates for all components that were involved in manufacturing as well as to establish schedule shipping dates. The management group consisted of a superintendent, assistant superintendents, general foremen, foremen, and assistant foremen. In the bargaining unit the classifications consisted of procedural schedule clerks senior, procedural schedule clerks A and B, record clerks production scheduling, file clerks, and typist clerks.

The function of the material control department during the pre-1960 period was to maintain inventory levels by the most efficient way for production purposes at the least cost to the Company. The inventory account was kept by a manual method. As in scheduling, the management personnel consisted of a superintendent, assistant superintendents, general foremen, foremen, and assistant foremen. Classifications in the bargaining unit consisted of specification clerk, inventory clerk, order clerk, and ledger clerk. The Petitioner had never sought to represent the management personnel of either the scheduling or material control departments.

During 1959-60 new systems of scheduling and inventory control were introduced based on the use of computers. Consequently, in 1961 the various titles of the management personnel in these two departments were changed. In the scheduling department, the management personnel were reclassified as supervisor-scheduling. In material control, they were reclassified as analyst-inventory control. There was no claim at this time that these positions were anything

but managerial. No unit employees were put into these classifications, except for one individual who had been progressing through the ranks and received his promotion to management during this period.

During 1961-62, the merger of these two departments occurred and by December 1962 was substantially accomplished. At the same time, some unit classifications were deactivated, chiefly the schedule clerk senior and schedule clerk A, and others were added, including schedule clerk detail, material application clerk, and routing clerk. Some unit employees who had held the deactivated classifications were transferred to other positions, and some were put into the new classifications. No unit employee was reclassified as supervisor-scheduling or analyst-inventory control. At this time there were about 20 employees in these two classifications.

By 1963 the merger was complete and the job classifications were changed to provide a more descriptive title. Supervisor-scheduling and analyst-inventory control were respectively changed to senior analyst-product inventory and scheduling and analyst-product inventory and scheduling, the present classifications that Petitioner wishes to include in the unit. There was an increase in the size of these two groups, partly due to the transfer of the responsibilities of the position of area scheduling to these classifications. Area scheduling has been a nonunit, salaried management position for many years. The work presently being done by the senior analysts and analysts is substantially the same as that done in 1961, allowing for certain technological advances. The men in these classifications at present are predominantly employees who had held the predecessor managerial classifications, outside hires, and reclassifications from a variety of nonunit positions. A very small percentage were promoted from unit positions.

The senior analysts and analysts are salaried employees, unlike the unit employees who are paid on an hourly basis. Hourly employees are paid weekly, while salaried employees are technically paid once a month, although in practice they receive a mid-month advance. The minimum salary rate for the analyst is \$560 per month, and the maximum is \$736 a month. The minimum for the senior analyst is \$626 a month, and the maximum reaches \$876 a month. The salary range of the highest paid unit employee, when converted to a monthly rate is \$490 a month minimum and a \$560 maximum. The pension and retirement plan, life insurance, and medical plan of the unit employees are considerably different from and less extensive than those of the salaried employees.

There is some overlapping of function between unit employees and senior analysts and analysts on a minor level. Some of the data on which the senior analysts and analysts base their determinations is

gathered and recorded on cards by unit employees. In this sense, some of the same material passes through the hands of both groups of employees. Further, the schedule clerks historically performed some of the duties that were also the responsibility of management personnel in the scheduling department. These duties have been absorbed by the senior analysts and analysts. However, the essential responsibilities of the senior analysts and analysts require the use of initiative, judgment, and the authority to make decisions in a far greater degree than the work of the unit employees requires. It is estimated that over half their time is spent in problem solving. Included in their work is the responsibility for determining the quantity and type of order to be issued to satisfy or replenish stock on a particular account. They review accounts and take corrective action necessary to prevent delay, while, at the same time, keeping inventory cost at the lowest level. They review commodities to determine the most desirable method of flow of materials into the plant without disrupting production or causing unnecessary additional material handling due to floor space requirements. They graphically illustrate inventory levels in order to depict any deficiencies and excesses. They have the authority to vary the standard 60 percent efficiency curve.² While these are only part of the actual duties of the senior analysts and analysts, none of these duties are or have been any part of the responsibilities of unit employees.

The history of the job function and classifications which have evolved into the present work and classification of senior analyst and analyst indicates that the basic job function, allowing for technological advance, is substantially unchanged and that employees performing said jobs have always been considered management personnel. No union has sought to represent these employees. The Petitioner did not claim to represent or attempt to bargain for these employees previous to the signing of the present contract in November 1964. Considering these factors, together with the differences in job function, remuneration, responsibility, and use of initiative and judgment, we find that the senior analysts and analysts cannot be regarded as an accretion to the existing unit.³ We shall, therefore, deny the Petitioner's motion to amend the certification and dismiss the instant proceeding.

[The Board dismissed the petition.]

² On most jobs the time taken to manufacture all the component parts is increased by 60 percent to arrive at the allotted time for the completed job. The senior analysts and analysts have the authority to vary this figure in scheduling the allotted time for any particular job.

³ *Worthington Corporation, Compressor and Engine Division*, 155 NLRB 222; *General Iron Works Co.*, 150 NLRB 190; *Aluminum Company of America*, 146 NLRB 929; *General Electric Company*, 144 NLRB 88.