

**North American Aviation, Inc. and Local 887, United Aerospace Workers, AFL-CIO, Petitioner.** *Case 31-RC-101. October 21, 1966*

DECISION AND ORDER

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Max Steinfeld. The Hearing Officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. The Employer and the Petitioner filed briefs with the National Labor Relations Board.

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 Brown and Zagoria].

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

1. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

2. The labor organizations involved claim to represent certain employees of the Employer.

3. No question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Sections 9(c)(1) and 2(6) and (7) of the Act, for the following reasons:

The Employer is engaged in the manufacture of aerospace products. The Petitioner seeks to sever from an existing unit of plant protection employees, represented by the North American Aviation Police and Firemen Benefit Society, the Intervenor herein, a unit of firemen employed in six divisions<sup>1</sup> of the Employer's Southern California operations. The Employer and Intervenor have had contractual bargaining relations covering the plant protection employees for more than 20 years, having represented the patrolmen since 1943 and the firemen since 1949. The Employer contends that the firemen are also guards, and therefore that Section 9(b)(3) of the Act requires dismissal of the petition because the Petitioner cannot be certified for it admits to membership employees other than guards. The Petitioner contends that the firemen involved herein are not guards because their duties of a guard nature are only incidental to their duties of fighting fires, maintaining equipment, and standing by while hazardous operations are conducted. The Intervenor made no contention.

<sup>1</sup> Los Angeles, Rocketdyne, Space and Information Systems, Autonetics, Atomics International, and General Offices.

The Employer maintains an Industrial Security Department in each of the six aforementioned divisions. Each division has a Chief of Protective Services with Captains and Lieutenants supervising both firemen and patrolmen.<sup>2</sup> Patrolmen and firemen are hired at the same rate of pay,<sup>3</sup> receive the same indoctrination, and undergo a similar training period. The latter consists of about 40 hours in both police and fire procedures. There is also continuing on-the-job training. Separate manuals for police work and firework are issued by the Employer to patrolmen and firemen, both manuals are made available to patrolmen and firemen, and they are expected to be familiar with the contents of each. Periodic examinations are conducted respecting the contents of these manuals. Training in the use of firearms is given to both patrolmen and firemen. The wearing of firearms, however, must be authorized and such use depends upon the circumstances. Both patrolmen and firemen are uniformed. At the time of the hearing, the Employer was in the process of converting the fireman's uniform from blue to the patrolman's green and to have both classifications wear patches and badges reading "Protective Services."

Both patrolmen and firemen perform detex patrols, which are sometimes called fire or security patrols. The purpose of these patrols is to check for the presence of fire and safety hazards, breach of security practices, and violations of company rules. Patrolmen and firemen are responsible for reporting and, if necessary, citing all violations and violators found during the course of a detex patrol.

All plant protection employees assigned to gates are responsible for permitting the admittance of authorized personnel; the checking of parcels carried into the plant; the enforcing of rules against bringing into the plant prohibited items; and preventing the unauthorized removal of company property. Firemen in all of the six divisions have regular duty at the gates, either tending the gate alone or assisting patrolmen. In such instances, the gate assignments vary from a daily minimum of about 45 minutes to a maximum of about 90 minutes. An additional function primarily performed by patrolmen, in which the firemen share, is the opening of locked toolcribs

---

<sup>2</sup> At the time of the hearing, however, at two of the divisions, Atomic International and Rocketdyne, the patrolmen were under a police chief and the firemen were under a fire chief. The record reflects that the Employer was in the process of converting these two divisions to a single line of supervision as in the other four and that such conversion would be completed by June 30, 1966.

<sup>3</sup> Although no prior experience or background is required for a patrolman or a fireman, it is nevertheless considered desirable. In fact, all of the firemen testifying at the instant hearing stated that they had prior firefighting experience in a municipality or in the military service. It would appear likely that the other firemen, for the most part, have had similar experience. In addition, particularly in the three major production divisions, the firemen are required to have an expert knowledge of certain exotic metals and chemicals, fuels used in production, and the special requirements for combating fires occurring in their use. Firemen must also have a knowledge of building construction and training in the detection of fire hazards.

for the removal of tools. In all such instances, the firemen is responsible for obtaining the name of the employees admitted, the reason for admittance, and the completion of a company form identifying the employee and the tools or equipment removed.

Negotiations for new collective-bargaining agreements covering Petitioner's production and maintenance unit are conducted every 2 or 3 years and, as a rule, preparations are made by the Employer for a possible strike. These preparations include provisions for assignment of patrolmen and firemen to 12-hour shifts, 7 days a week. Under strike conditions, firemen are to be placed on patrol of buildings for the protection of employees and property and for the security of classified material; patrolmen are to be placed on exterior patrol, charged with the same duties.

Thus, it is clear that, although the primary function of the firemen is to fight fires, maintain fire equipment, and standby while hazardous operations are conducted, an essential and significant part of their duties and responsibilities is substantially intermingled and integrated with the enforcement of plant protection rules.

In these circumstances and upon the record facts, we find that the firemen are guards within the meaning of Section 9(b)(3) of the Act.<sup>4</sup> Accordingly, and as it appears that the Petitioner admits to membership other than guards, we shall dismiss the petition.

[The Board dismissed the petition.]

---

<sup>4</sup> *Chance Yought Aircraft, Incorporated*, 110 NLRB 1342; *Boeing Airplane Company, Seattle Division*, 116 NLRB 1265.

---

**Robert Haws Company and Millmen's Local 1452, United Brotherhood of Carpenters and Joiners of America, AFL-CIO.** *Case 7-CA-4352(2). October 21, 1966*

### DECISION AND ORDER

On July 6, 1965, the Board adopted the Trial Examiner's Decision in this proceeding,<sup>1</sup> finding that Respondent had unlawfully discriminated against certain named employees and ordering that those employees be reinstated to their former or substantially equivalent positions and made whole for any loss of earnings.

On September 29, 1965, the Regional Director for Region 7 issued a backpay specification and Respondent filed an answer thereto. On May 10, 1966, a hearing was held before Trial Examiner Herbert Silberman for the purpose of determining the amount of backpay

---

<sup>1</sup> By Executive Secretary's order, not published in NLRB volumes.