

The Martin Company, a Division of the Martin-Marietta Corporation and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO, Petitioner. Case 27-RC-2934. December 21, 1966

DECISION ON REVIEW AND DIRECTION OF ELECTION

On April 18, 1966, the Regional Director for Region 27 issued a Decision and Order in the above-entitled proceeding in which he found, *inter alia*, that the technicians sought to be represented by the Petitioner have an overriding community of interest with other unrepresented technicians, and he dismissed the petition. Thereafter, the Petitioner filed a timely request for review of the Regional Director's Decision on the ground that he departed from established Board policy. The Employer filed opposition.

On June 13, 1966, the National Labor Relations Board by telegraphic Order granted the request for review. Thereafter the Employer filed a motion to vacate the Order granting the request for review, a request for oral argument, and a brief on review.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act; as amended, the 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 reviewed the entire record in this case, including the briefs of the parties, and makes the following findings:¹

As found by the Regional Director, the Employer is engaged in the development and production of missile aircraft and electronic gear at facilities in Baltimore, Maryland; Orlando, Florida; and Denver, Colorado. A master agreement between the Employer and the Petitioner covers generally the production, maintenance, and cafeteria employees at all three facilities. This contract excludes from its coverage, *inter alia*, ". . . engineering employees, laboratory, tool engineering employees . . ." None of the employees involved herein are covered by the contract. The Petitioner seeks to represent "All technicians in the secondary standards laboratory located in the Vertical Test Facilities, Denver Division, engaged in the development, modification, calibration, and maintenance of electronic instruments and equipment." The Petitioner alternatively proposes that these employees be included in its existing production and maintenance unit by way of a unit clarification,² that they be permitted to vote

¹ As the record, including the briefs of the parties, adequately presents the issues and the positions of the parties, the request for oral argument is hereby denied. For the reasons expressed herein, the Employer's motion to vacate the Order granting the request for review is hereby denied.

² For the reasons given by the Regional Director, we reject the Petitioner's first alternative request.

as a separate group on the question of whether they wish to be added to the existing production and maintenance unit, or that they be found to constitute a separate departmental unit. The Employer asserts that the appropriate unit should include all technicians in the Employer's entire operation, or alternatively, at the very least, all technicians in the Denver Division.

The Denver Division employs approximately 200 technicians in various classifications in 44 laboratories. Of these, approximately 145 work in the research and engineering department. In addition, approximately 22 technicians are employed in two laboratories attached to the manufacturing department: the advanced manufacturing technology laboratory, which performs development work; and the manufacturing test tooling laboratory which is located on the second floor of the main plant and "measures all of the assembly, development, and manufacture of test tooling." Another six technicians are employed in two laboratories attached to the quality department: the primary standards laboratory, one of the functions of which is to calibrate instruments used by the Employer;³ and the quality laboratory, which is located on the first floor of the main plant, and which performs failure analyses and material testing. The remaining 27 technicians work in the secondary standards laboratory in the systems test and support department.

The requested technicians in the secondary standards laboratory perform scheduled and nonscheduled calibrations and repairs on various instruments used at the Denver facilities.⁴ The calibrations done by this laboratory differ from those done by the primary standards laboratory in that the performance of instruments is compared with the standards and specifications set by the Employer for production and other operational purposes and, where measurements are involved, do not require work to such close tolerances. The work is

³ Calibration is defined in the record as measurement of instruments against known or established standards and adjustment to those standards. The main function of the primary standards laboratory, which has nine employees, including two technicians, is to establish at the Employer's Denver facilities *primary* standards by comparing all measurement elements utilized in its operations with the National Bureau of Standards' elements. For this reason, the primary standards laboratory calibrates to extremely fine tolerances.

⁴ The secondary standards laboratory presently performs, in whole or in part, certain functions formerly performed by various other groups: i.e., engineering calibration, manufacturing tooling calibration, the ground support equipment calibration, instrumentation repair service, and customer repair service. In 1956 engineering calibration and manufacturing tooling calibration were performed by separate laboratories. In 1958 these laboratories merged and became the secondary standards laboratory, under the quality department. The ground support equipment laboratory was then set up as a separate group and placed under the quality department. In 1960 the secondary standards laboratory was transferred to the manufacturing department, and the ground support equipment laboratory discontinued as a separate laboratory. In 1962 the secondary standards laboratory was placed under the systems test and support department, and in 1965 the instrumentation repair service was added to it.

done in the laboratory area when practicable; otherwise, at the normal location of the instrument. The secondary standards technicians divide their time about equally between calibration and repair. Scheduled calibrations are performed according to a checklist. Non-scheduled calibrations and repairs are performed on request. Slightly more than half the instruments calibrated are utilized in departments employing substantial numbers of represented employees.⁵ As indicated in their job descriptions, employees represented as part of the existing unit, including 50 test mechanics—A in the systems test and support department and an unspecified number of electronics repairmen also, as part of their regular duties, calibrate and repair instruments to the extent of their technical competence.⁶ At times such unit employees work on instruments or devices in conjunction with the secondary standards laboratory technicians. Half the secondary standards technicians are in a labor grade one level above, but half are in grades one or more levels below, the represented test mechanics—A and electronic repairmen—A.

The secondary standards laboratory is located in a separate enclosed area in a building which houses other operations of systems test and support, as well as various other laboratories. Working with the 27 technicians in the laboratory are a stock clerk and an expediter who are covered by the Petitioner's existing contract.⁷ The secondary standards laboratory is under the separate supervision of a director and two immediate supervisors. The bulk of the technicians in secondary standards were hired specifically for work in that laboratory. In recent years the complement of secondary standards laboratory employees has contracted to one third its former size, and of those technicians who did not leave the employ of the Denver Division, about half were permanently transferred to other laboratories. Although there was testimony that loaning of technicians among the various laboratories is an everyday occurrence, there was affirmative evidence only of 20 temporary transfers into or out of the secondary standards laboratory since 1961.

The foregoing facts demonstrate a substantial degree of integration of the duties of technicians in the secondary standards laboratory

⁵ Represented employees are located among the manufacturing, quality, materiel, and systems test and support departments. From time to time, the parties have, by agreement, added groups of employees to the existing unit.

⁶ Likewise, employees in laboratories within the research and engineering department, on occasion, make calibrations and repairs on their own instruments.

⁷ Also attached to this laboratory for administrative purposes, but performing their duties elsewhere, are a meteorologist, an instrumentation photographer, and a propellant handler. The last is also included in the Petitioner's contract unit. There are no professional employees in the secondary standards laboratory.

with the duties of production and maintenance employees. We conclude, therefore, that the community of interest which they have with production and maintenance employees is sufficient to justify their addition to the unit currently represented by the Petitioner.⁸ We further conclude, contrary to the Regional Director, that these technicians, because of their specialized functions and their separate supervision and location, are an identifiable group with distinct interests and that they constitute an appropriate voting group apart from other unrepresented technicians.⁹

Accordingly, we find that a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Sections 9(c)(1) and 2(6) and (7) of the Act, and that the following employees of the Employer may appropriately be included in the existing production and maintenance unit represented by Petitioner if a majority of them so desire:

All technicians employed in the secondary standards laboratory of the systems test and support department at the Employer's Denver, Colorado, facilities, excluding all other employees, professional employees, watchmen, guards, and supervisors as defined in the Act.

If a majority of the employees in the voting group cast their ballots for Petitioner, they will be taken to have indicated their desire to constitute a part of the existing unit represented by the Petitioner, and the Petitioner may bargain for such employees as part of that unit. If a majority of them vote against the Petitioner, they will be taken to have indicated their desire to remain unrepresented, and the Regional Director will issue a certification of results of election to that effect.

[Text of Direction of Election omitted from publication.]¹⁰

⁸ See *The Sheffield Corporation*, 134 NLRB 1101.

⁹ See *Great Lakes Pipe Line Company*, 92 NLRB 583, 584; see also *Douglas Aircraft Company, Inc.*, 157 NLRB 791, *Federal Electric Corporation*, *Western Test Range*, 157 NLRB 1130, *The Bendis Corporation*, 150 NLRB 718, relied upon by the Regional Director, is, in our opinion, distinguishable on its facts.

We need not, and do not, reach the issues of whether the secondary standards laboratory technicians may constitute a separate appropriate departmental unit, or of whether other groups of technicians, such as those in the advanced manufacturing technology, manufacturing test tooling, quality and primary standards laboratories, also share a substantial community of interest with the represented employees. The record herein does not reveal that any of these groups share so substantial a community of interest with the secondary standards technicians as to require their inclusion in the voting group herein found appropriate.

¹⁰ An election eligibility list, containing the names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 27 within 7 days after the date of this Decision and Direction of Election. The Regional Director shall make the list available to all parties to the election. No extension of time to file this list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. *Excelsior Underwear Inc.*, 156 NLRB 1236.