

**General Electric Company and Daniel R. Root, Petitioner and International Union of Electrical, Radio and Machine Workers, AFL-CIO and its Local 707.** Case 8-RD-477<sup>1</sup>

January 28, 1970

DECISION AND ORDER

BY CHAIRMAN McCULLOCH AND MEMBERS  
FANNING AND BROWN

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Henry G. Gieser on August 19, 1969. Following the hearing, pursuant to Section 102.67 of the National Labor Relations Board Rules and Regulations and Statements of Procedure, Series 8, as amended, this case was transferred to the National Labor Relations Board for decision. Thereafter, the Employer and Union filed briefs. The Union also filed a motion to reopen the record which the Employer has opposed. An *amicus curiae* brief was filed by United Electrical, Radio and Machine Workers of America.

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.

The Board has reviewed the Hearing Officer's rulings made at the hearing and finds that they are free from prejudicial error. The rulings are hereby affirmed.

Upon the entire record in this case, including the

<sup>1</sup>An untimely petition was filed in Case 8-RD-469. Apparently because of the untimeliness of the petition in that case, the parties have agreed to consolidate Case 8-RD-469 with Case 8-RD-477 in which a timely petition has been filed

briefs, 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 Petitioner, an employee of the Employer, asserts that the Union, a labor organization, is no longer the representative, as defined in Section 9(a) of the Act, of the employees designated in the petition.

3. The Petitioner seeks to decertify the Union as the representative of all production employees of the Employer at its Metallurgical Products Department shop located at 130 Northfield Road, Bedford, Ohio, excluding office clerical employees, professional employees, guards and supervisors as defined in the Act. The Union contends that the petition should be dismissed because the unit sought is not coextensive with the existing collective-bargaining unit, and therefore, is not appropriate for decertification. The Employer and the Petitioner assert that the individually certified unit stated above is the appropriate unit in which the election should be held.

For the reasons fully set forth in *General Electric Company*, 180 NLRB No. 162, issued this day we find that the unit covered by the petition is not coextensive with the existing collective-bargaining unit, and therefore is not appropriate for decertification. Accordingly, as the Petitioner is here seeking to decertify only a segment of the existing bargaining unit, we shall dismiss the petition.<sup>2</sup>

ORDER

It is hereby ordered that the petition filed herein be, and it hereby is, dismissed.

<sup>2</sup>In view of our finding that the unit for which a decertification election is sought is not coextensive with the existing bargaining unit, we need not reach the question as to whether a petition filed for an appropriate unit would be blocked by the outstanding Board Orders against the Employer.