

Westinghouse Broadcasting Company, Inc., and American Federation of Television & Radio Artists, San Francisco Local Branch of Associated Actors & Artists of America, AFL-CIO, Petitioner. Case 20-RC-9455

January 27, 1971

DECISION AND ORDER

BY MEMBERS FANNING, BROWN, AND JENKINS

Upon a petition duly filed under Section 9(c) of the Act by American Federation of Television & Radio Artists, San Francisco Local Branch of Associated Actors & Artists of America, AFL-CIO, on July 14, 1970, a hearing was held on August 27, 1970, before Jerrold C. Schaefer, Hearing Officer of the National Labor Relations Board. On October 2, 1970, the Regional Director for Region 20 issued an order transferring the case to the Board. Thereafter, briefs were timely filed by the Employer and Petitioner.

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. They are hereby affirmed.

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 organization involved claims to represent certain employees of the Employer.
3. No question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act, for the following reasons:

The Employer is an Indiana corporation with its principal office in New York City. The Employer operates television station KPIX in San Francisco, which annually has gross receipts in excess of \$100,000 and annually purchases services valued in excess of \$50,000 from outside the State of California.

The Petitioner seeks to represent a unit of all full-time and part-time news producers. The Employer contends that the requested unit is inappropriate for collective-bargaining purposes because the news producers are supervisors within the meaning of Section 2(11) of the Act, and that the one desk assistant sought to be included cannot by himself constitute an appropriate unit.

The news department is under the overall supervision of the news director of KPIX who reports to the

program manager of the station. In addition to the director, the news department consists of an assistant news director, an assignment editor, 7 news producers (at issue here), a producer-director, 14 staff newsmen (newscasters, reporters, sports reporter, weekend sports reporter, and meteorologist), 2 film processors, 7 news cameramen, 6 news film technicians, 1 desk assistant, and 1 production assistant. At the time of the hearing the newsroom operated from 3 a.m. to 11:45 p.m. on weekdays and from 9 a.m. to 11:45 p.m. on weekends. The news director's normal hours are from 9:15 a.m. to 7:30 p.m. Monday through Friday. The assistant news director's normal hours are from 9:45 a.m. to 7:45 p.m. Monday through Friday. The assignment editor's hours are from 7 a.m. to 4 p.m. Monday through Friday. The assignment editor operates the assignment desk which is the communications center of the newsroom and assigns seven reporters and seven cameramen to cover stories in the field as they break. In the absence of the assignment editor, the assignment desk is operated by a news producer.

The news department originates five half-hour shows daily at 7 a.m., 12 noon, 6 p.m., 7 p.m., and 11 p.m., and two half-hour shows on both Saturday and Sunday. Each daily news show has its own producer. Two news producers are responsible for the four weekend news programs.

Each news producer is completely responsible for the content of his news program. To this end he reviews the script prepared by the news reporters and the film of the cameraman; determines which talent (newscasters/reporters) will present what stories, including the assignment of persons not scheduled; decides the time for each news segment; sets the places for commercials; assigns news reporters the writing of necessary story lead-ins, oversees the work of the film processor; supervises the editing of the film technician; and reviews the total script of the program for continuity, accuracy, and adherence to company policy.

Additionally, news producers review films from "stringers" (free agents who offer news films for sale) and decides whether to purchase such films. If stringer films are purchased, the news producer contacts a news processor at his home and directs him to report to work and process the film. The news producer supervises the editing of stringer film by the news processor. News processors are paid overtime for this work.

Whenever a newsroom employee fails to report to work for any reason, it is the responsibility of the news producer to secure a replacement.

In the absence of the assignment editor, news producers assign news reporters and cameramen to stories and reassign them as needed. They have the authority to assign cameramen, reporters, film

processors, and film editors overtime work, and to call employees in to work outside of their scheduled shifts.

News producers meet with the news director daily to determine and formulate company policy decisions. The discussion in these meetings include assignment of news stories, company policy matters, utilization of manpower, critique of the previous day's programs, personnel problems, and evaluation and review of the performance of employees.

News producers are considered by the employees as part of management and the supervisory structure. They are paid from the supervisory payroll—bi-monthly instead of weekly as other employees. They are eligible for participation in a management disability plan, a right accorded only supervisory and management employees.

The news director has informed each news producer that his is the "boss" of the newsroom and that he is responsible for the entire content of the news program and all the people that work on it.

Based on the foregoing and the record as a whole, we are persuaded that the news producers responsibly direct the work of other employees, and that they possess other indicia of supervisory authority as noted above. We therefore conclude and find that they are supervisors within the meaning of Section 2(11) of the Act.

Accordingly we will dismiss the petition.

ORDER

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