

Hotel Conquistador, Inc. d/b/a Hotel Tropicana and International Association of Machinists and Aerospace Workers, AFL-CIO, Petitioner Case 31-RC-965

June 3, 1969

DECISION ON REVIEW AND ORDER

BY CHAIRMAN McCULLOCH AND MEMBERS
JENKINS AND ZAGORIA

On January 8, 1969, the Regional Director for Region 31 issued a Decision and Direction of Election on the above-entitled proceeding in which he found the unit sought by the Petitioner to be appropriate. Thereafter, in accordance with the National Labor Relations Board Rules and Regulations, the Employer filed a timely request for review of the Regional Director's Decision on the grounds that, in reaching his unit determination, he departed from established Board policy and made findings of fact which were clearly erroneous.

On February 6, 1969, the National Labor Relations Board by telegraphic Order granted the request for review and stayed the election pending decision on review. Thereafter, the Petitioner and Employer filed briefs 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.

The Board has reviewed the entire record in this case with respect to the issues under review, including the briefs, and makes the following findings:

The Regional Director found appropriate, in accord with the Petitioner's request, a unit of all slot machine mechanics, helpers, and/or apprentices employed at the Employer's Hotel Tropicana, Las Vegas, Nevada. He viewed this finding to be consistent with the Board's Decision and Direction of Election in *Fremont Hotel, Inc.*, 168 NLRB No. 23, wherein slot machine mechanics were found to be an appropriate craft unit.

The Employer contends that slot machine mechanics do not constitute a true craft entitled to separate representation and that nearly all of the factors relied on by the Board in *Fremont* are missing in the instant case. We agree.

The Employer operates a casino, containing in the same area gaming tables and 233 slot machines surrounding the pit. The slot machines are of four different makes; some are mechanical, some electrical, and some electromechanical. There are 11 employees classified as slot machine mechanics, of whom 4 are on the day shift, 4 on the swing shift, 1 on the graveyard shift, and 2 relief men.¹ The head mechanic has 18 years experience as a slot machine mechanic, works on the day shift and spends approximately 90 percent of his time, when not

collecting and counting change, in the repair shop which opens off the gaming floor.² He is responsible for making all major mechanical and electrical repairs on slots. He disassembles, reassembles slot machines, which takes approximately 3 hours to perform and builds slot machines from scratch, utilizing schematics when supplied by the manufacturer. In performing major repairs, the head mechanic utilizes a workbench, an electric drill, or drill press, a welding torch, a grinding wheel, wrenches, and other mechanics' tools located in the shop as well as small tools from the tool cart. In addition, the head mechanic also uses his own ammeter and voltage regulator and a Bally electrical test machine.

All other slot machine mechanics are required to stay on the casino floor to patrol their assigned areas, watching and listening for tampering, cheating or machine malfunctioning, and to make minor repairs on the floor.³ In addition, they bring change from the cashier's cage to the change booths as needed, help in paying off jackpots, assist in settling minor disputes, replenish machines after jackpot payoffs and occasionally relieve change booth girls during their break or lunch periods. The floor mechanics make only minor repairs on the floor, which range from removing bent coins to installing a complete slide. In making these repairs, a screwdriver, which they carry with them, appears to be their basic tool. However, when needed, they also use a tool cart from the shop, containing dikes, pliers, crescents, wrenches, and special bending tools.

While the mechanics perform all the maintenance work on the machines, the record fails to show the proportion of time spent on such as compared with their other nontechnical work. However, it is clear that the latter has priority over maintenance work. Thus, during busy periods, the floor mechanics do not immediately make needed repairs on the machines but instead render them inoperative.

The Employer does not provide any type of apprenticeship training program for slot machine mechanics, but it does attempt to hire experienced mechanics. The experience of the slot mechanics involved ranges from 2 years to 22 years, with 4 years experience considered necessary in order to become a good slot mechanic.

The slot mechanics are hired at \$22.50 per day to start and progress up to \$27.50 per day after 6 years.⁴ Like the dealers, their fringe benefits include vacations, hospitalization and medical insurance, life insurance, sickness and disability program. All casino employees may participate in the Employer operated credit union. With the exception of the

¹There is some degree of overlapping on the three shifts.

²Two days each week, the head mechanic, with the assistance of another mechanic, spends 6 to 8 hours a day collecting and counting coins from the slot machines

³Only three or four of these mechanics spend as much as 5 to 10 percent of their time in the shop.

head mechanic, who wears a smock when working in the repair shop, the floor mechanics, like the dealers and skills, wear black slacks, a white shirt and a "Tropicana" tie.

The slot mechanics and change booth girls⁴ are under the supervision of the slot machine department manager. All other casino employees, dealers and skills, are under the supervision of the casino manager.

Contrary to the Regional Director, we find that the *Fremont* case, *supra*, is distinguishable on the facts and hence not here controlling. In the cited case, the involved 10 mechanics spent virtually all their time performing maintenance work on 700 machines and most, if not all, work in the shop.⁶ In the instant case, the 11 mechanics, of whom only one spends substantial time in the shop, are responsible for the repair of only 233 machines and the balance of their time is spent performing other nontechnical work such as patrolling the floor for security purposes, handling money, relieving change booth girls, and settling differences with customers – functions which are performed at Fremont by a separate classification of employees known as "floormen". Moreover, here unlike at Fremont, the mechanics do not wear special uniforms and are not the highest paid employees in the casino.

In view of the foregoing and on the record as a whole, we find that the slot machine mechanics do not constitute a unit appropriate for collective bargaining either on a craft or residual basis.⁷ Accordingly, as 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, we shall dismiss the petition herein.

ORDER

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

⁴Dealers start at \$22 per day and progress to \$27 per day after 5 years, exclusive of tips.

⁵Represented by the Culinary Workers Union.

⁶While it is not clear whether all Fremont mechanics disassemble, reassemble, and fabricate new parts for slot machines, each mechanic is required to know how to operate drill presses, grinders and welding machines and be able to test the electrical system of the slot machines which require the use of voltage meters, amp meters, ohm meters, short testers, and other special electrical test equipment like Bally test equipment. Each mechanic is also required to work from diagrams and sketches in manufacturers' manuals used in repairing and testing the slot machines.

⁷The Regional Director found that a unit of slot machine mechanics would be an appropriate unit as an unrepresented residue of the slot machine department, citing *Hot Shoppes, Inc.*, 143 NLRB 578. We find this case inapposite.