

**AMF Electro Systems Division, AMF Incorporated<sup>1</sup>  
and International Union of Electrical, Radio and  
Machine Workers, AFL-CIO-CLC and Its Local  
804, Petitioners. Case 9-AC-30**

November 2, 1971

**DECISION AND ORDER**

BY CHAIRMAN MILLER AND MEMBERS  
FANNING AND KENNEDY

On March 3, 1960, Petitioner International was certified as the collective-bargaining representative of a unit of the Employer's employees following the National Labor Relations Board's Decision and Direction of Election in *American Machine and Foundry Company*.<sup>2</sup> On March 26, 1971, the International and its Local 804<sup>3</sup> filed the present petition, seeking certain amendments to the above-mentioned certification.

On April 27, 1971, a hearing was held before Hearing Officer Daniel J. Roketenetz for the purpose of taking testimony with respect to the issues raised by this petition. All parties appeared and participated at the hearing. Following the hearing, on June 25, 1971, the Regional Director for Region 9, pursuant to Section 102.67 of the National Labor Relations Board Rules and Regulations, Series 8, as amended, issued an Order transferring the case to the Board for decision. Subsequently, the Petitioners and the Employer filed briefs.

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 no prejudicial error was committed. The rulings are hereby affirmed.

Upon the entire record in this case, including the briefs filed by the parties, 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 International and its Local 804 are labor organizations within the meaning of Section 2(5) of the Act.
3. In the decision cited, *supra*, the Board found the following unit to be appropriate:

All technicians and model shop employees of the

engineering department of the Employer's Vandalia, Ohio, plant, but excluding all production and maintenance employees, professional employees, plant and office clerical employees, guards, and supervisors as defined in the Act.

Following certification, the International chartered Local 756 to bargain jointly with the International on behalf of the unit employees at the Employer's plant. The first collective-bargaining agreement was between the International and Local 756, on the one hand, and the Employer, on the other, and was executed on July 1, 1960. In this agreement, as well as in all subsequent agreements,<sup>4</sup> these parties have bargained concerning a unit of employees consisting of:

All technical employees and factory clericals of the Employer, defined between the parties as of the date of this agreement, and employed by the Employer at its Vandalia, Ohio plant excepting, however, all guards, professional, office clerical, supervisory, production and maintenance employees.

Thus, by agreement, the parties have included plant clericals, a classification expressly excluded by the Board, and have also included all technical employees rather than only those technical employees employed in the engineering department, likewise in contravention of the Board's decision.

In the instant petition, Petitioners request, *inter alia*, that the Board amend the description of the unit found appropriate in the decision cited, *supra*, to coincide with the unit description contained in the above-mentioned collective-bargaining agreements. The Employer opposes, in part, on the ground that expansion of the certified unit can be achieved only by the filing of an RC petition.

Amendment of certification, by and large, is intended to permit changes in the name of the representative.<sup>5</sup> It is readily apparent that Petitioners here are seeking enlargement of the unit and have selected the wrong vehicle to accomplish their purpose.

There exists in this case a further basis for denying the instant petition, inasmuch as we have previously held that where the group or classification of employees sought to be added to a unit existed at the time the unit was certified, and these employees had no opportunity to participate in the selection of the collective-bargaining representative, their unit place-

maintenance employees employed by the Employer at its Vandalia, Ohio, plant since before 1960.

<sup>4</sup> The latest agreement between the Employer and the International and Local 756 will expire on May 31, 1972.

<sup>5</sup> *Missouri Beef Packers, Inc.*, 175 NLRB No 179.

<sup>1</sup> The name of the Employer appears in the caption as amended at the hearing

<sup>2</sup> 126 NLRB 406

<sup>3</sup> Local 804 is an amalgamated local (representing employees employed by more than one employer) and has also represented the production and

ment raises a question concerning representation and a petition to amend or clarify will be dismissed.<sup>6</sup>

We adhere to that view and conclude that the petition here raises a question concerning the representation of plant clericals and technical employees employed in departments other than the Employer's engineering department. These employees were employed by the Employer at the time of the 1960 election and certification, but were expressly excluded from that unit. They should now be included only after being afforded the statutorily provided election.<sup>7</sup>

<sup>6</sup> *Gould-National Batteries, Inc.*, 157 NLRB 679

<sup>7</sup> *Bedford Gear & Machine Products, Inc.*, 150 NLRB 1

In the light of the foregoing, we need not reach the other matters raised in the petition. The result we arrive at here does not preclude Petitioners from filing an appropriate representation petition.<sup>8</sup>

Accordingly, we shall dismiss the petition.

#### ORDER

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

<sup>8</sup> We, of course, intimate no conclusions with respect to any of the issues which might be raised in any such proceedings