

United States Postal Service (Eastern Area Supply Center, Western Area Supply Center, Mail Bag Depositories and Repair Centers, and Mail Equipment Shops) and American Postal Workers Union, AFL-CIO, National Post Office Mail Handlers, Watchmen, Messengers, and Group Leaders, Division of Laborers' International Union of North America, AFL-CIO, and Local 174, International Association of Machinists and Aerospace Workers, AFL-CIO, Joint Petitioners

United States Postal Service (Mail Equipment Shops) and National Alliance of Postal and Federal Employees,¹ Petitioner Cases 22-RC-5127(P), 22-RC-5129(P), and 22-RC-5136(P)

December 26, 1972

DECISION AND DIRECTION OF
ELECTIONS

BY MEMBERS FANNING, KENNEDY, AND
PENELLO

Upon petitions duly filed under Section 9(c) of National Labor Relations Act, as amended, and Section 1203 of the Postal Reorganization Act of 1970,² a hearing was held before Hearing Officer Gerald Kobell.³ Following the hearing and pursuant to Section 102.67 of the National Labor Relations Board Rules and Regulations (Series 8), as amended, and by direction of the Regional Director for Region 22, this proceeding was transferred to the National Labor Relations Board for decision. Thereafter, briefs were filed with the Board by the Joint Petitioners, the Alliance, and the Employer.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

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

Upon the entire record in this proceeding, the Board finds:

1 The Postal Reorganization Act of 1970 directs the Board to exercise jurisdiction over the operations of the Employer.

2 We find that the Joint Petitioners and the

Alliance are labor organizations seeking to represent certain employees of the Employer.

3 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.⁴

4 The Joint Petitioners seek an election among all employees, including office clericals, employed at the Employer's Area Supply Centers, Mail Bag Depositories and Repair Centers, and Mail Equipment Shops. The Employer would exclude all office clerical employees, but it is otherwise in agreement with the scope of the unit as described by the Joint Petitioners. The Alliance takes the position that the overall unit should include the employees in the Mail Bag Depositories and Repair Centers and the Mail Equipment Shops, but exclude all employees at the Area Supply Centers and all office clerical employees. In the alternative, the Alliance, as Petitioner in Case 22-RC-5136(P), seeks a separate election among the employees in the Mail Equipment Shops.

All of the facilities mentioned are administratively a part of the Employer's Supply Management with headquarters in Washington, D C.⁵ The division is headed by Manager Michael Matzko. The Employer maintains two Area Supply Centers. One, the Eastern Area Supply Center, is located in Somerville, New Jersey, and is under the immediate supervision of Manager Edward Kushner. The other, the Western Area Supply Center, is located in Topeka, Kansas, and it is under the immediate supervision of Manager Donald Taylor. The Area Supply Centers may be described as warehouse and distribution centers which provide all types of supplies and equipment to the various postmasters throughout the United States and to certain large mailing customers. The Mail Bag Depositories also perform a warehousing and distribution function. In order to handle the flow of mail from the East to the West, the Employer maintains Mail Bag Depositories at 14 locations in the United States where mail bags are "recaptured" and processed. At such a location, the mail bags are received, examined, stored, and eventually shipped to locations where there is a present shortage. At five of these Mail Bag Depositories, the Employer maintains repair centers where damaged mail bags

at the Somerville and Edgewater facilities. As the record clearly shows, the employees sought here are engaged purely in support type services and as such they are separate and distinct from the operational type employees sought in the New York petitions. Accordingly, we find that the petitions currently pending before the Board in Cases 2-RC-15673(P) and 2-RC-15675(P) in no way affect the instant proceeding.

⁵ Also a part of the Supply Management Division are the Label Printing Centers, the Logistic Management Information Center and the Stamped Envelope Agency. All the parties agree that these particular facilities should be excluded from the unit.

¹ Hereinafter referred to as the Alliance.

² 39 U.S.C. Sec. 101 et seq.

³ The Metropolitan Area Bargaining Council of New York was permitted to intervene at the hearing.

⁴ The Metropolitan Area Bargaining Council of New York contends that the petitions filed in Cases 2-RC-15673(P) and 2-RC-15675(P) cover certain of the employees who are being sought here—namely the employees at the Employer's Somerville and Edgewater, New Jersey facilities. We find no merit in the Council's position that these New York petitions bar us from determining, in this proceeding, the representation rights of the employees

can be patched and sewn and otherwise repaired prior to reshipment⁶ Each Mail Bag Depository has a manager who is responsible for the facility's day-to-day operations However, the Mail Bag Depositories are also under the direct supervision of the Area Supply Manager in whose territory the facility is located⁷ The Mail Equipment Shops are all located in Washington, D C , and have as their function the manufacture of mail bags and various types of locks and keys used throughout the postal system The Mail Equipment Shops ship these items to the individual postmaster, on request The Mail Equipment Shops are headed by Manager George Critzer and he in turn reports directly to Supply Management Division headquarters

In determining the scope of the appropriate unit or units, we think it proper to first consider the relationship between the Mail Bag Depositories and the Area Supply Centers However, at the outset, it should be noted that all employees of the Employer work under a single wage scale and share common employee benefits Also, there is no bargaining history covering the Mail Bag Depositories and Area Supply Centers on the broad basis sought by the parties here⁸

As we have previously indicated, the Mail Bag Depositories and Area Supply Centers are administratively linked in the sense that they are both included in the Employer's Supply Management Division However, no party claims that the appropriate unit herein should be coextensive with the Supply Management Division and, in fact, the parties have stipulated to the exclusion of certain operations which fall under the administrative operations of this division Therefore, no significance can be attached to the mere fact that the Mail Bag Depositories and Area Supply Centers have been linked together for administrative purposes by the Employer⁹ Rather, we think it necessary that this relationship be examined from the standpoint of actual function and control

From a functional standpoint, the operations of the Mail Bag Depositories and the Area Supply Centers appear very similar In essence, both are engaged in the warehousing and distribution of supplies¹⁰ While it is true that the Area Supply Centers are involved in the handling and distribution of many different items, whereas the Mail Bag Depositories supply only mail bags, this in no way detracts from the fact

that their respective functions are the same Further evidence of their functional likeness can be seen from examining the nature of the work performed at the two types of installation Although in many instances there may be different job classifications used, the nature of the work being performed at the Mail Bag Depositories is similar to, and in some cases identical with, that being performed at the Area Supply Centers

From the standpoint of organizational control, the record evidence shows that the managers of the individual Mail Bag Depositories exercise a certain degree of autonomy in the day-to-day operations of their facilities For example, these managers have the authority to hire employees for nonsupervisory positions, discharge employees, subject to the contract appeals procedures,¹¹ and authorize the working of overtime on a limited basis On the other hand, however, the Employer's supply operation is national in scope and requires close overall control The real decision-making function is carried on at division headquarters in Washington, D C , and personnel from headquarters are regularly in touch with the various installations However, all requests and proposals of the managers of the Mail Bag Depositories are usually channeled through the managers of the Area Supply Centers Likewise, all sizable expenses, such as for equipment, repairs, additional personnel, and services, must be approved by the managers of the Area Supply Centers The same is true of any overtime which is being performed on a regular basis The managers of the Area Supply Centers estimate that from 40 to 50 percent of their time is devoted to overseeing the operations of the Mail Bag Depositories and this includes daily contact by themselves and their staff with the individual Mail Bag Depositories The managers of the Area Supply Centers are charged with the responsibility of improving the operations at each of the Mail Bag Depositories and, in some instances, this calls for the exercise of their authority to transfer budgeted funds from one Mail Bag Depository to another as well as to require an increase or reduction in the number of personnel With respect to labor relations matters, the chief personnel officers assigned to the managers of the Area Supply Centers are in constant contact with the different Mail Bag Depositories within their territorial jurisdiction and the chief personnel officer or one of his subordinates

⁶ Unless otherwise indicated the designation Mail Bag Depositories will also include the Repair Centers

⁷ The Area Supply Managers Kushner and Taylor, are described by the Employer as wearing two hats in that they are responsible for the operations of their respective Area Supply Centers and they are also required to oversee the operations of the Mail Bag Depositories within their territorial jurisdiction

⁸ All the bargaining history has been on a single facility basis

⁹ For the same reasons, we attach no significance to the fact that for a 2-year period (1969-71) the Mail Bag Depositories were under the Employer's Bureau of Operations

¹⁰ Although mail bag repair work is performed at certain of the Mail Bag Depositories where Repair Centers are located, we view this repair operation as incidental to the warehousing and distribution function

¹¹ The manager's action is final only if the employee elects not to appeal the decision

acts on whatever labor relations or personnel problems might arise. In exercising their duties, the chief personnel officers are immediately responsible to the manager of the Area Supply Center to which they are assigned.

Other factors to which we assign weight in making a unit determination are the frequency of interchange among employees of the various facilities and any history of bargaining which may be relevant to the issues before us. As to the former, it is clear that the Employer has no specific policy involving the transfer of employees from one location to another. Any transfers which have occurred appear to have been at the request of the particular employee or a result of the closing of a facility. Inasmuch as these transfers were at the convenience of the employee rather than the Employer, we conclude that the Employer's operations do not seem to require the interchange or transfer of personnel from one facility to another and, therefore, this factor does not support the contention that the broader overall unit is appropriate. With respect to bargaining history, we indicated earlier that there is no bargaining history coextensive with a unit of all Mail Bag Depositories or one which also included the Area Supply Centers. What the record does show is that, pursuant to Executive Order 10988, the facilities involved here have been and are being represented by the various labor organizations who are petitioners in this proceeding.¹² However, all such representation has been and is on a single facility basis. Here, of course, no party is urging that representation should be on a single facility basis and accordingly, the existing bargaining history is of no assistance in determining whether a separate unit of all Mail Bag Depositories can be appropriate or whether such a unit must also include the Area Supply Centers.

After a careful review of the foregoing, we conclude that the weight of the evidence favors a finding that the appropriate unit should group together both the Mail Bag Depositories and the Area Supply Centers. While some factors such as the absence of a relevant bargaining history and the lack of any significant interchange might favor a different result, they are, in our judgment, overcome by the other relevant evidence. In particular, we refer to the similarity in function and purpose of the two types of installation, the operational integration of both, and the close supervision and control exercised over the

¹² Although there are contracts in existence no party is raising contract bar as an issue.

¹³ After the close of the hearing the Employer by letter notified the Board that it was in the process of consolidating and eliminating certain installations covered by the instant petitions. No specifics were given and obviously, the Board has given no weight to this information in reaching its unit findings herein.

¹⁴ Actually the Mail Equipment Shops are four different operations or

Mail Bag Depositories by managers of the Area Supply Centers, even to the point of exercising control over the labor relations function. Accordingly, we conclude that the appropriate unit should include both the Mail Bag Depositories and the Area Supply Centers.¹³

We turn now to a consideration as to whether the Mail Equipment Shops should be included in the overall unit with the Mail Bag Depositories and Area Supply Centers, as requested by the Joint Petitioners and the Employer, or represented separately, as requested by the Alliance in its petition in Case 22-RC-5136(P). As indicated, the Mail Equipment Shops are located in Washington, D C,¹⁴ and are under the direction of Manager George Critzer. The Mail Equipment Shops manufacture mail bags and different types of locks and keys and distribute these items on request to postmasters throughout the nation. They also ship supplies of new mail bags to the Mail Bag Depositories and provide the Repair Centers with the materials used in the repair of mail bags. The Mail Equipment Shops are production oriented and work under production schedules established at Supply Management Division headquarters. They function as an autonomous entity in the sense that they require no outside support or services.¹⁵ There is no interchange of employees between the Mail Equipment Shops and the Mail Bag Depositories.¹⁶ All labor relations matters are handled by Mr Critzer, the manager of the Mail Equipment Shops. Finally, the collective-bargaining history establishes that the Mail Equipment Shops have been represented as a separate bargaining unit since 1964.

In view of the foregoing, we find that there is no overriding community of interest between employees of the Mail Equipment Shops and those employed in the Mail Bag Depositories and Area Supply Centers. The record also establishes that the Mail Equipment Shops are a separate entity both as to function and operation. Accordingly, we conclude that the Mail Equipment Shops constitute a separate appropriate unit for purposes of collective bargaining.

Other issues remain concerning the composition of the units we have found appropriate and the unit placement of certain individuals. They are as follows:

1 *The tool-and-die shop employees*. The Joint Petitioners and the Employer would include the tool-

shops consolidated into one. The four different shops are identified in the record as the bag shop, the press shop, the tool and die shop, and the lock and key shop.

¹⁵ Matzko, the head of the Supply Management Division testified that the Mail Equipment Shops were self-sustaining, having their own management and staff available to carry out their function.

¹⁶ Presumably this is also the case with respect to the Area Supply Centers.

and-die shop employees in the unit of Mail Equipment Shop employees. The Alliance would exclude them. The tool-and-die shop is one of the four shops which make up the Mail Equipment Shops. There are approximately 16 employees in the job classifications of tool-and-die makers, machinists, maintenance mechanic machinist, and machinist helper who are employed in the tool-and-die shop. They are separately supervised and work in a location separate and apart from that of other employees of the Mail Equipment Shops. The tool-and-die shop employees are considered to be highly skilled craftsmen and, from at least 1967, they have been separately represented by Local 174, International Association of Machinists and Aerospace Workers, AFL-CIO,¹⁷ one of the Joint Petitioners in this proceeding. Although the Employer and the Joint Petitioners do not contest the right of these employees to be represented on a separate basis, they contend that the tool-and-die shop employees should be included in the unit with other Mail Equipment Shop employees in this instance because no labor organization is seeking to represent these employees in a separate unit. In our judgment, this argument ignores the fact that the tool-and-die shop employees are *currently* being represented on a separate basis by the IAM and would likely continue to be represented on this basis if the Joint Petitioners are successful in winning representation rights in the unit of Mail Equipment Shop employees. In view of these circumstances, we conclude that the tool-and-die shop employees should be excluded from the unit of Mail Equipment Shop employees and thereby be permitted to continue their representation on a separate basis.

2 *Office clerical employees* The Joint Petitioners would include office clericals as a class in the units found appropriate. The Employer and the Alliance would exclude them. The bargaining history is mixed with respect to the unit placement of such individuals. Office clericals have been traditionally excluded from the units in existence at the Mail Equipment Shops and Area Supply Centers, but they have been traditionally included in units at the Mail Bag Depositories. Aside from this mixed history of representation, there was no evidence adduced at the hearing to show any special community of interest between office clericals and the employees included in the appropriate units. Accordingly, we shall follow our established practice and exclude the office clericals from these units which are essentially composed of production and maintenance employees.¹⁸

3 *James Quinn, Barbara Bullock, and Marie Jensen* All three are classified as office clerks and they work in the office section of the warehouse at the Mail Bag Depository at Edgewater, New Jersey. Quinn, who formerly worked in the warehouse, maintains stock level record cards for incoming and outgoing mail bags and material used in connection with repair operations. He also assembles figures for a daily inventory report and writes reports on mail found in equipment thought to be empty in addition to the performance of what might be described as routine clerical functions. Bullock assembles production figures and prepares a unit/hour production report. She also extracts the production data from daily reports, prepares biweekly reports, and otherwise performs routine clerical work. Jensen receives calls from employees reporting their inability to appear on time and makes appropriate notations on employee leave records. She also pulls timecards from the rack, posts hours worked, and prepares the daily absentee record. The parties have not clearly expressed their respective positions as to whether these individuals are plant or office clericals. However, on the basis of the foregoing, we conclude that Quinn, Bullock, and Jensen are plant clericals and should be included in the unit.

4 *C E Tolson* She is employed in the classification of office clerk at the Mail Equipment Shops. Tolson works in an office located in the bag shop which in turn is located in the production area. Her duties involve the keeping of production records and checking on material in process. Again, the parties have not made their respective positions clear as to whether this individual is a plant or office clerical employee. However, on the basis of the foregoing, we find that Tolson is a plant clerical employee and should be included in the unit.

5 *The requisition clerks and inventory control clerks* These individuals are employed at the Area Supply Centers and are located in a building separate from the warehouse operation. The requisition clerks edit incoming orders and make notations thereon for the guidance of the order filling employees. They are in frequent telephone contact with the warehouse. The inventory control clerks maintain stock record cards for all items stored in the warehouse. They also work on the preparation of quarterly inventory forms. The Employer and the Joint Petitioners would include the requisition clerks and inventory control clerks in the unit as plant clericals. The Alliance has not taken a position on these individuals. On the basis of the foregoing, we find that the requisition

¹⁷ Hereafter referred to as the IAM.

¹⁸ Although at the hearing the Joint Petitioners indicated a willingness to go to an election in a separate unit of office clericals if the Board so ordered,

the Joint Petitioners have neither petitioned for nor sought such a unit and we will not direct them to proceed to an election in such a unit under these circumstances.

clerks and inventory control clerks are plant clericals and we include them in the unit

6 *The ADP clerks* These individuals are employed at the Area Supply Centers and work alongside the requisition and inventory control clerks, discussed above. The ADP clerks post inventory information on tape for transmittal to the Logistics Management Information Center where a perpetual inventory is maintained. The Employer and the Joint Petitioners would include these employees in the unit as plant clericals. The Alliance did not take a position with respect to these individuals. On the basis of the foregoing and our determination with respect to the requisition clerks and inventory control clerks, we find that the ADP clerks are plant clericals and include them in the unit.

7 *Doris Nixon* She is employed in the pressure sensitive label section of the Eastern Area Supply Center. Nixon receives requisitions and performs routine clerical work. As part of her duties, Nixon also fills orders for the pressure sensitive labels manufactured in her department and, on occasion, she has performed the actual shipping work. The Employer would include Nixon in the unit as a plant clerical. The Joint Petitioners consider Nixon to be an office clerical employee, but they apparently would include her in the unit on the basis of their position that office clerical employees should be included in the unit. The Alliance took no position. On the basis of the foregoing, we find that Nixon is a plant clerical employee and we include her in the unit.

8 *Other disputed categories and individuals* The parties are apparently also in disagreement over the unit placement of the following individuals: the personnel assistant (Woolridge) at the Mail Bag Facility in Edgewater, New Jersey, Alice Smith,

Joanne Diggs, Harold Schwartz, Nellie Powell, and Ann Carter, all of whom are employed at the Mail Equipment Shops, Ester Turrentine, Rosemarie Monziona, Phyllis Rose, Dorothy Kubian, and the procurement and supply assistants, all of whom are employed at the Area Supply Centers.

We find that the record evidence is inadequate for us to make a determination with respect to the unit placement of these individuals. Accordingly, we shall permit these individuals to vote subject to challenge and, if need be, we shall determine their status in a subsequent proceeding.

On the basis of the foregoing, we find that the following units are appropriate for purposes of collective bargaining within the meaning of Section 9(b) of the Act:

1 Unit A

All employees at the Employer's Mail Bag Depositories and Repair Centers and Area Supply Centers, including all plant clerical employees, but excluding all office clerical employees, professional employees, confidential employees, guards, managerial employees, and supervisors as defined in the National Labor Relations Act, as amended, and the Postal Reorganization Act of 1970.

2 Unit B

All employees at the Employer's Mail Equipment Shops in Washington, D C, including all plant clerical employees, but excluding the tool-and-die shop employees, the engineering technicians and draftsmen,¹⁹ office clerical employees, professional employees, confidential employees, guards, managerial employees, and supervisors as defined in the National Labor Relations Act, as amended, and the Postal Reorganization Act of 1970.

[Direction of Elections and *Excelsior* footnote omitted from publication.]

¹⁹ In accordance with a stipulation by the parties.