

**WTEV-TV, Inc., d/b/a WLNE-TV and Local 1228,
International Brotherhood of Electrical Work-
ers, AFL-CIO, CLC, Petitioner. Case 1-RC-
17266**

January 27, 1982

DECISION AND ORDER

**BY MEMBERS FANNING, JENKINS, AND
ZIMMERMAN**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Wendy Bittner of the National Labor Relations Board. Following the close of the hearing the Regional Director for Region 1 transferred this case to the Board for decision. Thereafter, the Employer and the Petitioner each 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 authority in this proceeding to a three-member panel.

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. The Employer is a Delaware corporation engaged in the operation of a commercial television station at its two facilities in New Bedford, Massachusetts, and Providence, Rhode Island. Its annual gross volume of business exceeds \$100,000 and it annually receives supplies valued in excess of \$50,000 directly from points located outside the Commonwealth of Massachusetts and State of Rhode Island.

2. The parties stipulated that the Petitioner which claims to represent certain employees of the Employer is a labor organization as defined in the Act.

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. The Petitioner seeks to represent all news cameramen employed by the Employer in the news department at Providence, Rhode Island, and New Bedford, Massachusetts, but excluding all other employees, salesmen, guards, and supervisors as defined in the Act. This petitioned-for unit is comprised of nine news cameramen. The Employer, however, contends that the smallest appropriate unit must include all employees of the company at WLNE-TV, New Bedford, Massachusetts, and Providence, Rhode Island, who are directly involved in or contribute to the production, presentation, or transmission of programs, including pro-

ducers, editors, directors, production coordinators, anchorpersons, interviewers, sports announcers, weather persons, cameramen, artists, reporters, copywriters, and schedulers assigned to the public affairs, news, program, film, special projects, promotion, and traffic departments; but excluding all other employees, including employees in the existing collective-bargaining unit,¹ sales employees, clerical employees, guards, and supervisors as defined in the Act. The unit requested by the Employer would be comprised of about 50 employees. At the hearing, the Petitioner indicated that it would not proceed to an election in a unit different from the one petitioned for.

The Employer operates a news oriented television station involved in the production of on-the-spot reporting of news events, sports, and weather, "documentary mini-series programs," and "regularly scheduled special project programs" requiring solicitation or polling of public opinion. The station is divided into 12 departments: program, film, public affairs, news, technical, sales, promotion, traffic, accounting, special projects, maintenance, and service and facilities. Each department has a manager or director who reports to the general manager. The general manager, department managers and directors, news operations manager, and executive producer are salaried employees. The other employees whom the Employer would include in the bargaining unit are: cameramen, reporters, and anchorpersons; sports and weather announcers and directors in the news department; artists, art assistants, and production coordinators in the program department; certain producers in the public affairs department; copywriters in the promotion department; interviewers in the special projects department; and schedulers in the traffic department. All of these are paid by the hour,² use the same timecards, and, with the exception of part-time employees, receive the same fringe benefits.

The cameramen, whom the Petitioner seeks to represent, are hired, supervised, and evaluated by the news director, who also supervises other employees in the news department, including reporters, anchormen, directors, and producers. While it appears from the record that the only formal qualification for the news cameramen position is camera experience, the news director may consider special abilities or areas of experience when hiring. It is the Petitioner's position that the news cameramen

¹ At the time of the hearing the Petitioner represented a unit of the Employer's technical, building, and maintenance employees.

² Although the anchorpersons in the news department are paid at an hourly rate, they receive a minimum annual rate pursuant to their personal service contracts.

employed in the news department of WLNE share a unique community of interest, distinct from all other classifications of employees at the station. The record shows, however, that the functions actually performed by the news cameramen are significantly integrated with functions of other news-gathering employees at the station. For example, a news cameraman and a reporter are sent from the studio to cover a news story as a team. Once in the field, the two jointly decide which scenes to tape and whom to interview. The news cameraman is responsible for taping as the reporter interviews witnesses or participants. At times, news cameramen are required to cover stories alone and are responsible for both taping and reporting. After returning to the station, the reporter and cameramen work with the producer, anchorperson, and director in editing the tape and writing the accompanying story. Editing and writing can be performed by any of these employees. There are other employees such as artists, schedulers, and film editors, who are involved in the production and actual presentation of the broadcast.

In addition, it appears that personnel have been interchanged between departments and also among classifications within the news department. The record discloses that until about a year before the hearing there was a split classification of photographer/reporter. That classification was discarded and at the time of the hearing, "reporter" and "news cameraman" were separate classifications. Although there have been no news cameramen transferred to the reporter position since the change, two photographer/reporters have become reporters and a former film processor is presently classified as a news cameraman.

The Petitioner contends that these news cameramen are entitled to separate representation because of a "unique community of interest." It notes that the news director makes the final decision on hiring cameramen and that the nine here involved are full-time employees and receive higher pay than the reporters. It appears that in 1981 the station changed from film to video tape in its broadcasting. At that time there were four news camera-

men plus a film processor who was then promoted to news cameraman. The additional four cameramen then recruited had prior camera experience. It also appears that the station does not use reporters as cameramen and that cameramen do not generally appear on the air. However, most cameramen have had news experience and some reporting background and, if "out" alone without a reporter, will act as a reporter. Apparently none is sent out specifically to act in that capacity. The Board has, of course, found units of film cameramen appropriate, as in *Columbia Broadcasting System, Inc.*, 110 NLRB 2108 (1954), where the Board found them "to comprise a separate and functionally distinct group, not unlike groups such as the lithographic employees or truckdrivers the Board normally grants severance to despite a broader bargaining history." Also, no news cameramen have been transferred to positions as reporters at WTEV. However, the fact remains that these cameramen do work closely with reporters on assignment, are not separately supervised as a group, and from time to time may themselves act as reporters.

Based upon regular contact on assignment with other employees, similarity of benefits, common supervision within the news department, and some integration of job functions, we agree with the Employer's contention that the nine news cameramen do not share a community of interest separate and apart from other employees involved in and contributing to the production and presentation of news programs.³ Accordingly, we find the requested unit of news cameramen inappropriate separately for the purpose of collective bargaining. As the Petitioner has indicated a desire not to proceed to an election in any other unit, we shall dismiss its petition.

ORDER

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

³ See *The Journal Co. d/b/a WTMS-AM-FM-TV*, 205 NLRB 36 (1973), where the Board denied a unit of newsmen noting that announcers also exercised a similar news presentation function and that photographers in the news department also served as reporters.