

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 34

CSC/TKR, INC.

Employer <sup>1</sup>

and

LOCAL 363, INTERNATIONAL BROTHERHOOD  
OF ELECTRICAL WORKERS

Petitioner <sup>2</sup>

Case No. 34-RC-1701

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

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

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. 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.
3. The labor organization involved claims to represent certain employees of the Employer.
4. A 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.

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<sup>1</sup> The Employer's name appears as corrected at the hearing.

<sup>2</sup> The Petitioner's name appears as corrected at the hearing.

5. The Employer, a Delaware corporation, is engaged in providing cable television and telecommunications services to approximately 24 communities in Rockland County and Orange County, New York, and Bergen County, New Jersey. The Petitioner seeks to represent a unit composed of various technicians and warehouse persons servicing these communities and working at, or out of, the Employer's facilities in Nanuet and West Nyack, New York. Although essentially in accord as to the scope of the unit, the parties disagree as to the placement of the two head end technicians. The Employer, contrary to the Petitioner, would exclude these individuals as lacking a community of interest with the other employees in the petitioned-for unit.

The Employer's operations are subject to the overall supervision of General Manager Don Snoop. Reporting to Snoop are Construction and Warehouse Supervisor Mike Haney, an unidentified I/R supervisor, and Inside and Outside Plant Supervisor Dennis Doyle. The record indicates that Haney supervises the Employers 4 warehouse persons and 4 construction technicians; that the I/R supervisor, with the assistance of 3 field supervisors and an undisclosed number of dispatchers, supervise the Employer's 20 I/R technicians; and that Doyle supervises the Employers 9 maintenance technicians and the 2 disputed head end technicians.<sup>3</sup>

Construction technicians spend all of their time in the field installing underground or overhead cable leading to new developments and subdivisions. I/R technicians spend all of their time in the field servicing and installing all equipment in the customers' residences as well as the cable that leads directly into the customers' residences from the telephone poles. Maintenance technicians spend almost all of their time in the field maintaining the signals and the equipment that lead to the poles from the "head end" (e.g., the master control at its facility in Nanuet, New York). All of these individuals report to work each day at the West Nyack facility.

As previously noted, there are two *head end technicians*. Both were formerly employed as maintenance technicians. One was recently promoted and continues to

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<sup>3</sup> The record indicates that the Employer is in the midst of restructuring its reporting requirements and that "very shortly" Doyle will "probably" be supervising just the maintenance technicians. However, contrary to the Employer's claim in its post-hearing brief, there is no evidence as to when any change, if it occurs, will take place, or who will supervise the head end technicians.

work full time as a maintenance technician. The other divides his time between the Nanuet facility, where he spends his mornings testing and monitoring audio and video picture quality, and the Employer's 4 hub sites where he spends his afternoons maintaining and repairing equipment.

As previously noted, because they report to a different facility and perform no field work, the head end technicians have no work related contact with the construction and I/R technicians, and little work related contact with the maintenance technicians. However, the record establishes that maintenance technicians are called upon to perform head end technicians' work during on-call problem situations and when the latter are out sick or on vacation. Although the head end technicians are the highest skilled employees in the petitioned-for unit, as the Employer correctly acknowledges in its post-hearing brief, their skills are "built on the skills learned in other classifications." In this regard, in addition to the fact that head end technicians are promoted up "through the ranks" the record reveals that their greater skills are acquired substantially through on-the-job training.

Although head end technicians occupy the highest job classification among the employees in the petitioned-for unit and are not "on-call", all of the employees sought by the Petitioner are hourly paid and receive the same fringe benefits.

Based upon the above and the record as a whole, I find that the head end technicians possess a sufficient community of interest with other unit employees to warrant their inclusion therein. In this regard, I note particularly that the head end technicians are regularly chosen from among the maintenance technicians, that one of the two incumbents is still performing the duties of a maintenance technician, and that they are currently subject to the same immediate supervision as the maintenance technicians.

Accordingly, I find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:<sup>4</sup>

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<sup>4</sup> The record reveals that the 24 communities serviced by the unit are all situated within and comprise all of the Employer's "Rockapo System," and that the Rockapo System is the only system serviced by West Nyack and Nanuet. Nevertheless, and despite the fact that it does not contest the appropriateness of this system-wide unit, the Employer argues that the description of the unit should not

All-full time and regular part-time head end technicians, maintenance technicians, I/R technicians, construction technicians, and warehouse persons employed by the Employer in its Rockapo System; but excluding auditors, dispatchers, customer service representatives, office and clerical employees, sales employees, video technicians, production assistants, producers, directors, confidential employees, and guards, professional employees and supervisors as defined in the Act.

### DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notices of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those employees in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. These eligible employees shall vote whether or not they desire to be represented for collective bargaining purposes by Local 363, International Brotherhood of Electrical Workers.

To ensure that all eligible employees have the opportunity to be informed of the issues in the exercise of their statutory rights to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v Wyman-Gordon*

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specify any locations other than West Nyack and Nanuet. Contrary to the Employer's contention, and in agreement with the position taken by the Petitioner in its post-hearing brief, I find that it is appropriate to

*Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision and Direction of Election, the Employer shall file with the undersigned, an eligibility list containing the *full* names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The undersigned shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional office, 280 Trumbull Street, 21st Floor, Hartford, Connecticut 06103, on or before April 6, 1999. No extension of time to file these lists shall be granted except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

#### Right to Request Review

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by April 13, 1999.

Dated at Hartford, Connecticut this 30th day of March, 1999.

/s/ Peter B. Hoffman  
Peter B. Hoffman, Regional Director  
Region 34  
National Labor Relations Board

440-1760-9980

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define the location of the unit in terms of where the employees actually work, rather than where they merely report to work.