

KEARNEY & TRECKER CORPORATION *and* TECHNICAL ENGINEERS' ASSOCIATION, AFL, PETITIONER. *Case No. 13-RC-1649. March 21, 1951*

Decision and Direction of Election

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Edward T. Maslanka, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Houston and Reynolds].

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

1. The Employer is engaged in commerce within the meaning of the Act.

2. The labor organization involved claims to represent certain employees of the Employer.

3. A question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The Petitioner seeks to represent a unit of time-study men, time-study analysts, the time-study engineer, tool control men, process planners, and process engineers in the standards and process engineering departments, excluding technical clerks, stenographers, and supervisors. The Employer contends that time-study men, time-study analysts, and the time-study engineer should be excluded from the proposed unit as managerial employees. The Employer would also exclude tool control men as production employees.

The Employer is a manufacturer of machine tools. It has recently installed a new incentive system for its production employees and in connection therewith has established the standards department. It has also newly organized a process engineering department. The employees involved in this proceeding work in these two departments. There is a history of bargaining for production and maintenance employees, including the tool control men, but none for the other employees whom the Petitioner seeks to represent.

Employees in the Standards Department

There is one *time-study engineer*. He is responsible for installing the new incentive system. He directs both the time-study men and the time-study analysts and has authority to change their employment status. We find that the *time-study engineer* is a supervisor. We shall therefore exclude him from the unit.

There are 28 *time-study men* and 5 *time-study analysts*. *Time-study men* make the initial time studies which are used in establishing standards. They also set the rates on individual jobs, applying the derived standards. *Time-study analysts* develop into standards the data collected in time studies. They also review the rates set by the time-study men.

Both the *time-study men* and the *time-study analysts* are like the time-study men who, the Board has found, are not managerial employees.¹ We shall therefore include them in the unit.

Employees in the Process Engineering Department

Process planners analyze parts of machines to be manufactured in order to determine what tools are needed for the manufacturing operation. They then route the tools to the appropriate department. *Process engineers* perform essentially the same task on groups or units of machine parts. The engineers are distinguished from the planners by their greater experience.

There are three *tool control men*. They work with the machine operators, listing the tools that are needed for various operations. These lists are used by setup men on subsequent operations. They spend all of their time in the shop, whereas the process planners and process engineers spend at least half their time at a desk in a room separate from the production workers. The *tool control men* were recently transferred on the Employer's records to this department from production departments, solely to avoid a seniority problem. Despite the transfer, their duties and working conditions have remained unchanged. Although the Employees Independent Union, which represents the Employer's production and maintenance employees, asserts that the *tool control men* are no longer part of the plant-wide unit, we consider that they are still included therein, as contended by the Employer. We shall therefore exclude them from the present unit.

We find that all time-study men, time-study analysts, process engineers, and process planners² in the standards and process engineering departments at the Employer's Milwaukee, Wisconsin, plant, excluding tool control men, technical clerks, stenographers, time-study engineers, and other supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

[Text of Direction of Election omitted from publication in this volume.]

¹ *Brown & Sharpe Mfg. Co.*, 87 NLRB 1031, enforced 183 F. 2d 259 (C. A. 1); *Minneapolis-Moline Company*, 85 NLRB 597

² There is no contention, nor does the record show, that any of these employees are professional employees within the meaning of the Act.