

**K-P Hydraulics Company and United Electrical, Radio and Machine Workers of America, U.E., Petitioner. Case 18-RC-10365**

July 15, 1975

## DECISION ON REVIEW AND ORDER

BY MEMBERS FANNING, KENNEDY, AND PENELLO

On February 19, 1975, the Acting Regional Director for Region 18 issued a Decision and Direction of Election in the above-entitled proceeding, in which he concluded that an immediate election was inappropriate but directed that an election be held as soon as he determined that a substantial and representative complement of employees was employed in the unit. Thereafter, the Employer filed a timely request for review of the Acting Regional Director's decision on the ground that, in directing an election at a later time to be determined by him, he departed from precedent. The Petitioner filed opposition to the request for review.

On April 21, 1975, by telegraphic order, the request for review was granted.

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 considered the entire record in this case with respect to the issues under review and finds that no question concerning representation exists at the present time for the following reasons:

The Employer asserts that the Acting Regional Director erred in not dismissing the petition on the basis of his finding that an immediate election was inappropriate, citing *Some Industries, Incorporated*, 204 NLRB 1142 (1973); *Noranda Aluminum, Inc.*, 186 NLRB 217 (1970); and *Cramet, Inc.*, 112 NLRB 975 (1955). We find merit in this contention.

At the time of the hearing, February 5, 1975, the Employer employed 40 full-time and about 8 temporary employees in the manufacture of hydraulic jacks. In the future, the Employer plans to also manufacture jack stands (to begin by summer or early fall 1975) and automobile ramps (with no projected com-

mencement date). The Employer began hiring in April 1974 and planned to be in full production of hydraulic jacks by November 1974. However, as of February 1975, the Employer had not achieved that full production goal. The Employer at the time of the hearing had one shift, anticipated adding a second shift of about 50 employees by October 1975, and intended to have a third shift staffed within 30 days thereafter. This plan would result in a total complement of about 140 employees. Also, at the time of the hearing, the Employer was utilizing 13 job classifications, 4 of which it planned to eliminate by fall 1975. With the addition of the second shift, 20 new job classifications would be added: 5 classifications, to be filled by 13 to 16 employees, were projected to be in use within 2 to 6 months from February; 14 classifications, requiring 33 to 39 employees, within 7 to 10 months; and 1 classification, to be filled by 3 employees, in 12 months. No specific plans had been made about the third shift.

The Acting Regional Director found that as of the time of the hearing there was not a substantial and representative complement of employees. Normally, where a finding is made that the requested unit is expanding in size and/or changing in its basic character to such an extent that the present complement of employees is not substantial and representative in relation to that projected for the reasonably foreseeable future, the Board does not direct an election to be held at a date to be determined in the future but dismisses the petition as untimely filed.<sup>1</sup> We see no special circumstances to warrant the Acting Regional Director's departure from such normal procedure in the instant case. Accordingly, we shall dismiss the petition without prejudice to the filing of a new petition at a time when a representative and substantial complement of employees is employed.

## ORDER

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

<sup>1</sup> *Some Industries, Inc.*, *supra*; *Noranda Aluminum, Inc.*, *supra*; *Cramet, Inc.*, *supra*. Cf. *Gordon B. Irvine*, 124 NLRB 217 (1959).