

In the Matter of BOHN ALUMINUM & BRASS CORPORATION and INTERNATIONAL UNION OF MINE, MILL & SMELTER WORKERS, LOCAL 609, CIO

In the Matter of BOHN ALUMINUM & BRASS CORPORATION and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL UNION B-11, AFL

Cases Nos. 21-R-2077 and 21-R-2116 respectively.—Decided October 12, 1943

Messrs. C. C. Moffatt and Sam Neely, of Los Angeles, Calif., for the Company.

Messrs. James Robertson and Frank Allen, of Los Angeles, Calif., for the CIO.

Mr. Jack Grant, of Los Angeles, Calif., for the IBEW.

Messrs. C. S. McKinley, Harry Summers, and A. E. Laster, of Los Angeles, Calif., and Mr. A. H. Delhay, of San Pedro, Calif., for the Laborers.

Mr. J. E. Stickles, of Long Beach, Calif., for the IAM.

Mr. Robert Silagi, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon petitions duly filed by Industrial Union of Mine, Mill & Smelter Workers, Local 609, CIO, and by International Brotherhood of Electrical Workers, Local Union B-11, AFL, herein called the IBEW, alleging that a question affecting commerce had arisen concerning the representation of employees of Bohn Aluminum & Brass Corporation, Los Angeles, California, herein called the Company, the National Labor Relations Board consolidated the cases and provided for an appropriate hearing upon due notice before William B. Esterman, Trial Examiner. Said hearing was held at Los Angeles, California, on September 3, 1943. The Company; the CIO, the IBEW, International Association of Machinists, Long Beach Machinists Lodge No. 1235, herein called the IAM, and Plaster Tenders, Construction, General & Shipyard Laborers, Local Union

No. 802, AFL, herein called the Laborers, appeared and participated. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Bohn Aluminum & Brass Corporation is a Michigan corporation having its principal offices in Detroit, Michigan. The Company operates numerous plants throughout the country; however, the only plant involved in this proceeding is known as plant No. 26 and is located in Los Angeles, California. The plant is operated on a rental lease arrangement from the Defense Plant Corporation. It commenced operations for and on behalf of said corporation approximately 7 months ago and is engaged in the manufacture of aluminum parts for aircraft and other defense industries. Plant No. 26 purchases between 750,000 and 1,000,000 pounds of raw aluminum a month, and during the past 90 days not less than 40 percent of these purchases originated from sources outside the State of California. As of the date of hearing, the plant had not yet reached its peak production capacity.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

International Union of Mine, Mill & Smelter Workers, Local 609, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

International Brotherhood of Electrical Workers, Local Union B-11, and Plaster Tenders, Construction, General & Shipyard Laborers, Local Union No. 802, are affiliated with the American Federation of Labor, and are labor organizations admitting to membership employees of the Company.

International Association of Machinists, Long Beach Machinists Lodge No. 1235, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to any union as the exclusive bargaining representative of its employees until such union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the petitioning unions represent a substantial number of employees in the units they allege to be appropriate.¹

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The CIO seeks a unit comprised of all production and maintenance employees in plant No. 26, excluding office, technical and laboratory employees, and supervisory employees with authority to hire and fire. The Company agrees that a single plant-wide unit of all production and maintenance employees is the only appropriate one. The remaining unions, however, would divide the Company's employees into three units. The IBEW seeks a unit confined to maintenance electricians, the IAM wants a unit of all employees of the maintenance department, excluding the electricians and the janitors, and the Laborers would represent all production employees, including the maintenance janitors.

The entire operation of the Company, including production and maintenance, takes place in one building. No physical separation exists with respect to production and maintenance personnel except that the maintenance department is separately supervised and has separate headquarters in the building. Maintenance employees work in all parts of the plant as the necessities of making repairs dictate. The maintenance department employs 13 persons classified as maintenance machinists and helpers, 5 maintenance electricians, and 16 additional employees including 3 pumpmen, 2 tool crib attendants, 1 oiler, 1 lathe operator, 1 welder, 1 carpenter, 1 carpenter's helper, and 6 janitors and sweepers. There are approximately 200 produc-

¹ The Field Examiner reported that the CIO submitted 189 application-for-membership cards, 184 of which bore apparently genuine original signatures; that the names of 144 persons appearing on the cards were listed on the Company's pay roll of August 23, 1943, which contained the names of 259 employees in the appropriate unit; and that with the exception of 7 undated cards these application-for-membership cards all bore dates from May to August 1943.

The Laborers submitted 18 authorization-for-representation cards, all of which bore apparently genuine original signatures. The names of 10 persons appearing on the cards were listed on the Company's pay roll referred to above. Fifteen cards were undated and the remaining 3 were dated August 23, 1943.

The IAM submitted 10 authorization-for-representation cards, 9 of which bore apparently genuine original signatures corresponding to names appearing on the Company's pay roll of August 23, 1943, referred to above. The cards submitted by the IAM were all dated during the month of August 1943.

The IBEW submitted four authorization cards, all of which bore apparently genuine original signatures and were dated August 18, 1943. All the names appearing on the cards submitted by the IBEW correspond to names listed on the Company's pay roll of August 23, 1943.

tion employees, nearly all of whom were hired as unskilled laborers, there having been few or no employees in the Los Angeles area with prior experience in aluminum extrusion processing. As they gain experience they are classified as sawmen, die men, extrusion heaters, extrusion operators, or extrusion headmen.

The Company contends that its other plants have established a pattern of collective bargaining on a plant-wide basis which should be followed in the instant case. The IBEW and the IAM maintain, however, that the units they seek constitute clearly identifiable, homogeneous, units of skilled craftsmen who are entitled to separate representation if they so desire. The record discloses that the plant commenced operations only recently and has no previous history of collective bargaining. The record further discloses that the IBEW and the IAM have confined their organizational activities to their respective crafts and that each represents a substantial number of employees in the units they seek to have established.² However, evidence introduced at the hearing showing the highly integrated nature of the Company's operations indicates the propriety of a single industrial unit. Under all the circumstances, we are of the opinion that the electricians and machinists may properly constitute separate bargaining units, or may equally achieve the full benefit of their right to self-organization and collective bargaining as part of a plant-wide unit. In this situation we shall permit the scope of the bargaining unit or units to be determined, in part, by the results of separate elections.

While we agree with the IBEW in its assertion of homogeneity for the voting group of maintenance electricians, we cannot accept the IAM's proposed unit in the form in which it is requested. It does not fall within the category of a departmental unit since it excludes janitors and the electricians, nor is it a true craft unit since it includes pumpmen, carpenters, and others who are not part of the traditional machinists' craft. We shall, therefore, limit the proposed unit of the IAM to maintenance machinists and helpers, tool crib attendants, and the lathe operator.³

Upon the basis of the entire record and in accordance with the foregoing findings of fact, we shall direct elections among the employees of the Company within the groups described below:

1. All maintenance electricians, but excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, to determine whether they desire to be rep-

² See footnote 1.

³ See *Matter of Dain Manufacturing Company*, 29 N. L. R. B. 526.

resented by the IBEW or by the CIO for the purposes of collective bargaining, or by neither.

2. All maintenance machinists and helpers, tool crib attendants, and the lathe operator, but excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, to determine whether they desire to be represented by the IAM or by the CIO for the purposes of collective bargaining, or by neither.

3. All production and maintenance employees of the Company, including maintenance janitors, pumpmen, the oiler, welder, carpenter, and carpenter's helper, but excluding office, technical and laboratory employees, maintenance electricians, machinists and helpers, tool crib attendants, the lathe operator, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, to determine whether they desire to be represented by the Laborers or by the CIO for the purposes of collective bargaining, or by neither.

As stated above, there will be no final determination of the appropriate unit or units pending the results of the elections. If the Laborers, the IBEW or the IAM receive a majority of the votes cast in their respective voting groups, the employees in said groups will constitute separate appropriate units. Those groups choosing the CIO will, together, constitute a single appropriate unit.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by separate elections by secret ballot among the employees in the aforesaid voting groups who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in said Direction.

DIRECTION OF ELECTIONS

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Bohn Aluminum & Brass Corporation, Los Angeles, California, elections by secret bal-

lot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction of Elections, under the direction and supervision of the Regional Director for the Twenty-first Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the following groups of employees who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding any such employees who have since quit or been discharged for cause:

1. All maintenance electricians, but excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, to determine whether they desire to be represented by International Brotherhood of Electrical Workers, Local Union B-11, AFL, or by International Union of Mine, Mill & Smelter Workers, Local 609, CIO, for the purposes of collective bargaining, or by neither;

2. All maintenance machinists and helpers, tool crib attendants, and the lathe operator, but excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, to determine whether they desire to be represented by International Association of Machinists, Long Beach Machinists Lodge No. 1235, AFL, or by International Union of Mine, Mill & Smelter Workers, Local 609, CIO, for the purposes of collective bargaining, or by neither; and

3. All production and maintenance employees of the Company, including maintenance janitors, pumpmen, the oiler, welder, carpenter, and carpenter's helper, but excluding office, technical and laboratory employees, maintenance electricians, machinists and helpers, tool crib attendants, the lathe operator, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, to determine whether they desire to be represented by Plaster Tenders, Construction, General & Shipyard Laborers, Local Union No. 802, AFL, or by International Union of Mine, Mill & Smelter Workers, Local 609, CIO, for the purposes of collective bargaining, or by neither.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Elections.