

In the Matter of BARRETT EQUIPMENT COMPANY *and* INTERNATIONAL
ASSOCIATION OF MACHINISTS, DISTRICT No. 9

Case No. 14-R-715.—Decided October 14, 1943

Messrs. Charles H. Spoehrer and A. A. Ahner, both of St. Louis, Mo., for the Company.

Mr. Robert Troup, of St. Louis, Mo., for the I. A. M.

Mr. David V. Easton, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Association of Machinists, District No. 9,¹ herein called the I. A. M., alleging that a question affecting commerce had arisen concerning the representation of employees of Barrett Equipment Company, St. Louis, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Keith W. Blinn, Trial Examiner. Said hearing was held at St. Louis, Missouri, on September 3, 1943. The Company and the I. A. M. appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. At the hearing, the Company moved for a dismissal of the petition herein on the ground that the unit sought by the I. A. M. is inappropriate; said motion was referred by the Trial Examiner to the Board. For reasons stated in Section IV herein, the motion is denied. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded an opportunity to file briefs with the Board.²

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

¹ We take judicial notice of the fact that the International Association of Machinists is now affiliated with the American Federation of Labor and all papers in this proceeding are amended accordingly.

² Subsequent to the hearing, the Company moved to file affidavits indicating interchange of personnel between other departments of the Company and the machine shop. The Union filed a statement in opposition. In view of the fact that the evidence offered is merely cumulative, the motion is hereby denied.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Barrett Equipment Company, a Missouri corporation, is engaged in the manufacture, sale, and distribution of automobile brake service equipment. For this purpose, it operates and maintains a plant located in St. Louis, Missouri, with which we are concerned herein. During the fiscal year ending April 30, 1943, the Company purchased raw materials for use at its St. Louis plant valued at approximately \$900,000, part of which, valued at approximately \$163,000, was received from points outside the State of Missouri. During the same period, the Company's finished products were estimated in value at approximately \$1,750,000, of which about \$120,000 represents the value of the finished products shipped to points outside the State of Missouri. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

International Association of Machinists, District No. 9, 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 recognize the I. A. M. as the exclusive bargaining representative of the Company's employees on the ground that the unit sought by the I. A. M. is inappropriate.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the I. A. M. represents a substantial number of employees in the unit hereinafter found appropriate.³

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 I. A. M. seeks a unit comprised of all employees of the Company engaged in its machine shop, excluding watchmen, office and clerical employees, and those employees customarily defined by the Board as supervisory. The Company contends that the unit should consist of

³ The Regional Director reported that the I. A. M. submitted 22 designation cards, 21 of which bore apparently genuine original signatures; that the names of 13 persons appearing on the cards were listed on the Company's pay roll of July 28, 1943, which contains the names of 24 employees in the appropriate unit; and that the cards were dated between July 1 and July 10, 1943.

all its employees with the exception of watchmen, clerical and office employees, and supervisors.

The record discloses that the Company's plant consists, as of the date of the hearing, of four adjacent buildings separated by party walls through which entrances have been built; that the employees in the unit sought by the I. A. M. are located in what is known as the "machine shop" which is in Building "A"; that the machine shop is physically separated from other departments of the Company; that the employees engaged therein, by reason of their training, possess skills differing from those possessed by other employees lacking such training or experience; that the machine shop employees consist of workers generally designated as machinists or operators; and that they are accountable only to their own supervisors, and not to those of other departments. The evidence further reveals that there has been, until recently, little interchange between these employees and those of other departments, and that such interchanges have been of a temporary, incidental or minor nature;⁴ and that the major portion of the machine production work of the Company, other than that done outside the company premises, is performed in the machine shop by the employees which the I. A. M. seeks to represent.

The record further discloses that the Company has had no previous history of collective bargaining; that the I. A. M. is the sole labor organization which has, thus far, evinced an interest in representing any of the employees of the Company; and that it has confined its organizational activities to the employees engaged in the machine shop.

We have frequently found that employees similar to those which the I. A. M. seeks to represent constitute a cohesive and identifiable group;⁵ we have also held that such employees might well be included within an industrial unit.⁶ However, in view of the fact that no labor organization seeks to represent the employees of the Company upon the basis of the wider unit, no question concerning representation exists with respect thereto. Therefore, without precluding future reconsideration of the appropriateness of the industrial unit, we find, at this time, that all employees of the Company engaged in its machine

⁴There is some evidence that certain employees in the machine shop who perform the major portion of their work there also perform work on machines located in other departments of the Company. Conversely, there are a few employees in other departments who use machines located in the machine shop. However, the work performed by these latter employees is in conjunction with their duties in the other departments, and the major portion of their time is spent in departments other than the machine shop. Other than with respect to these employees, the contention of the Company that there is frequent interchange of employees between the departments is not borne out by the record. We are of the opinion that these interchanges are not such as destroy the functional coherence of the unit hereinafter found appropriate.

⁵*Matter of American Steel Foundries*, 51 N. L. R. B. 78; *Matter of Armour & Company*, 49 N. L. R. B. 733; *Matter of General Batteries, Inc.*, 27 N. L. R. B. 1021, at 1033; *Matter of Waterbury Clock Company*, 4 N. L. R. B. 120.

⁶*Matter of American Steel Foundries, supra; Matter of Armour & Company, supra.*

shop, 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, and all other employees of the Company, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.⁷

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

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 Barrett Equipment Company, St. Louis, Missouri, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Fourteenth 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 employees in the unit found appropriate in Section IV, above, 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 those employees who have since quit or been discharged for cause, to determine whether or not they desire to be represented by International Association of Machinists, District No. 9, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

⁷ A contrary finding would postpone indefinitely the right of an identifiable and cohesive group to bargain collectively. To hold thus would be clearly against the spirit of the Act. See *Matter of Indianapolis Water Company*, 48 N. L. R. B. 1399.