

In the Matter of REMINGTON ARMS COMPANY, INC. and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

*Case No. 17-R-669.—Decided October 27, 1943*

*Mr. H. O. Blumenthal*, of Bridgeport, Conn., and *Mr. Walter S. Buck*, of Denver, Colo., for the Company.

*Mr. A. L. Smith*, of Denver, Colo., for the I. B. E. W.

*Messrs. Willard Y. Morris* and *Marion C. Frazier*, both of Denver, Colo., for the Smelter Workers.

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

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Brotherhood of Electrical Workers, herein called the I. B. E. W., alleging that a question affecting commerce had arisen concerning the representation of employees of Remington Arms Company, Inc., Denver Ordnance Plant, Denver, Colorado, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Elmer L. Hunt, Trial Examiner. Said hearing was held at Denver, Colorado, on October 5, 1943. The Company, the I. B. E. W., and International Union of Mine, Mill & Smelter Workers, affiliated with the Congress of Industrial Organizations, on behalf of itself and its Local Union #611, herein collectively called the Smelter Workers, appeared, participated, and 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 an opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:  
53 N. L. R. B., No. 30.

## FINDINGS OF FACT

## I. THE BUSINESS OF THE COMPANY

Remington Arms Company, Inc., a Delaware corporation licensed to do business in the State of Colorado, operates a number of plants throughout the United States; one of these is the Denver Ordnance plant, located at Denver, Colorado, with which we are concerned herein. The Company's Denver plant is engaged exclusively in the production of small arms ammunition for the United States Government and the plant buildings and equipment are owned by the Federal Government and operated by the Company. Approximately 95 percent of the raw materials used by the Denver plant is obtained from points outside the State of Colorado, and approximately 99 percent of the finished products has been, and the remainder will be, shipped to points outside the State of Colorado. The value of the raw materials and products shipped to the Company from points outside the State of Colorado is in excess of \$1,000,000 annually, and the finished products delivered to points outside the State of Colorado have a value in excess of \$5,000,000 annually. We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATIONS INVOLVED

International Brotherhood of Electrical Workers is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

International Union of Mine, Mill & Smelter Workers, and its Local Union #611, are labor organizations affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the I. B. E. W. as the exclusive bargaining representative of certain of its employees on the ground that the unit desired by the I. B. E. W. is inappropriate.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the I. B. E. W. represents a substantial number of employees in the unit hereinafter found appropriate.<sup>1</sup>

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.

<sup>1</sup> The Regional Director reported that the I. B. E. W. submitted 53 authorization cards, containing apparently genuine original signatures, of which 52 bore the names of persons appearing upon the Company's pay roll for the period ending August 19, 1943. The record indicates that there are approximately 63 employees in the appropriate unit.

## IV. THE APPROPRIATE UNIT

The I. B. E. W. contends that all employees of the Company engaged as shift electricians A-1, shift electricians A-2, shift electricians B-1, shift electricians C, yard electricians A, yard electricians B, instrument and clock repairmen, motor repairmen, motor repairmen B, and helpers for the foregoing classifications, including the expediter and telephone men, but excluding radio men on salary, and all supervisory employees, constitute an appropriate unit. The Company and the Smelter Workers contend that the only appropriate unit at the Company's plant is an industrial unit, but make no objections to the specific classifications within the unit sought by the I. B. E. W.

The employees sought herein by the I. B. E. W. comprise the electrical department of the Company and are under the supervision of the electrical supervisor. Immediately below him are several foremen, supervisors, and senior engineers, in charge of various shifts and sections. The workmen in these sections, all of whom are skilled electricians, are used in various parts of the plant for the purposes of installing and maintaining the electrical equipment used by the Company.

The I. B. E. W. has confined its organization to the electrical department and there is no history of collective bargaining at the plant which would indicate the impropriety of the unit herein sought.<sup>2</sup>

The employees in the electrical department constitute a clearly identifiable group, having well defined craft functions differing from those of the other production and maintenance employees. We are of the opinion, therefore, that the employees herein sought constitute a unit appropriate for the purposes of collective bargaining.<sup>3</sup>

We find that all electrical workers in the electrical department of the Company, classified as shift electricians A-1, shift electricians A-2, shift electricians B-1, shift electricians C, yard electricians A, yard electricians B, instrument and clock repairmen, motor repairmen, motor repairmen B, and helpers for the above classifications, including the expediter and the telephone men, but excluding salaried radio men, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status

<sup>2</sup> In *Matter of Remington Arms Company, Inc.*, 51 N. L. R. B. 628, involving the same employees concerned herein, the I. B. E. W. sought a similar unit. However, the Board refused to find such a unit on the ground that "the claim of the I. B. E. W. to represent [these employees] in a craft unit . . . constitutes a jurisdictional dispute between affiliated unions. For this reason, we shall make no finding with respect to the separate unit urged for the Company's electrical employees, and we shall dismiss the petition filed by the I. B. E. W. herein." The rejection of the I. B. E. W.'s contention in that case in no way detracts from the appropriateness of the unit found herein.

<sup>3</sup> See *Matter of Remington Arms, Inc.*, 49 N. L. R. B. 693.

of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

#### 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.

Although the Smelter Workers participated in the hearing, it indicated that it did not wish to appear on the ballot in the event an election is ordered.

#### 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 Remington Arms Company, Inc., Denver Ordnance Plant, Denver, Colorado, 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 Seventeenth 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 and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by International Brotherhood of Electrical Workers, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.