

IN the Matter of MINNEAPOLIS-HONEYWELL REGULATOR COMPANY—
AERO DIVISION and INTERNATIONAL ASSOCIATION OF MACHINISTS,
DISTRICT 8, A. F. OF L.

Case No. 13-R-2013.—Decided November 24, 1943

Mr. M. B. Taft and Mr. T. McDonald, of Chicago, Ill., for the Company.

Mr. J. W. Ramsey and Mr. James Sinclair, of Chicago, Ill., for the I. A. M.

Mr. Louis Torre, Mr. T. Louis Majors and Mr. E. Hall, of Chicago, Ill., for the U. E.

Miss Melvern R. Krelow, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Association of Machinists, District 8, A. F. of L., herein called the I. A. M., alleging that a question affecting commerce had arisen concerning the representation of employees of Minneapolis-Honeywell Regulator Company—Aero Division, Chicago, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert Ackerberg, Trial Examiner. Said hearing was held at Chicago, Illinois, on October 15, 1943. The Company, the I. A. M., and United Electrical, Radio & Machine Workers of America, Local 1114, C. I. O., herein called the UE, 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 opportunity to file briefs with the Board.¹

¹ Subsequent to the hearing the Company filed a motion to correct the record in certain minor respects. The motion is hereby granted.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Minneapolis-Honeywell Regulator Company is normally engaged in the manufacture and sale of temperature controlling devices. The Company has plants at Minneapolis, Minnesota; Wabash, Indiana; and Chicago, Illinois. The Chicago plant is the only plant directly involved in this proceeding. At its Chicago plant, the Company is presently engaged in manufacturing aircraft instruments. During the year 1943, the Company's monthly purchases of raw materials for this plant have exceeded an average value of \$200,000, of which 80 percent was shipped to the plant from points outside the State of Illinois. The Company anticipates that during the next 6 months, the average monthly sales of products manufactured at this plant will exceed \$2,000,000, in value, of which 80 percent will be shipped to points outside the State of Illinois. The Company admits, with respect to the operations of the Chicago plant, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

International Association of Machinists, District 8, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

United Electrical, Radio & Machine Workers of America, Local 1114, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On August 26, 1943, the I. A. M. notified the Company that it represented a majority of the Company's production and maintenance employees at the Chicago plant, excluding the toolroom employees, and supervisory employees, and requested a conference for the purpose of negotiating a contract. The Company, on August 31, 1943, replied that the UE was also organizing the employees, and that the Company would not recognize either organization until certified by the Board.

The I. A. M. desires, and the Company does not object to, the exclusion of the toolroom employees from the proposed production and maintenance unit; the UE desires their inclusion. On September 3, 1943, following an election among the Company's toolroom employees at the Chicago plant, Die and Tool Makers Lodge No. 113, a

local affiliate of the I. A. M., was certified by the Board as the exclusive bargaining representative of such employees. On October 12, 1943, the Company and Lodge 113 executed a contract covering these employees. Since Lodge 113 was certified only 2 months ago as the exclusive bargaining agent of the toolroom employees, and the contract resulting therefrom has been in existence but 1 month, we find that no question now exists concerning the representation of the toolroom employees.

A statement of the Regional Director, introduced in evidence at the hearing, indicates that the I. A. M. and the UE represent a substantial number of employees in the unit each claims to be appropriate.²

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 parties are generally in agreement that the appropriate unit should consist of all production and maintenance employees, excluding all supervisory employees, guards, office clerical employees, draftsmen, processing engineers, designing engineers, tool engineers, and tool trouble shooters. There exists, however, a dispute with respect to certain classifications, other than the toolroom employees,³ which are fully discussed below.

Tool and gauge designers: The Company desires their exclusion; the UE contends that they should be included; and the I. A. M.'s position is not clear. These employees are employed in the engineering department and make designs for tools and gauges. They are on the office pay roll, and are paid at a much higher rate than the other employees. We find that they are technical employees; we shall, therefore, exclude them from the unit.

Timekeepers: The UE desires their inclusion, the Company their exclusion, and the I. A. M.'s position is not clear. Their duties are to check the presence and time spent at work of the production workers,

² The Regional Director reported that the I. A. M. submitted 296 designations, bearing apparently genuine signatures, of which 212 are the names of persons whose names appear on the Company's pay roll of September 6, 1943. The 212 designations are dated as follows: 1 in June 1943, 111 in July 1943, 99 in August 1943, and 1 in September 1943. The Company's pay roll lists 658 persons in the proposed unit. At the hearing the I. A. M. stated that the figure 296 contained in the Regional Director's statement was incorrect since it had submitted 353 designations. The Company stated that the pay roll submitted was September 6 and not the 10th as stated in the Regional Director's statement. The Regional Director further reported that the UE submitted 168 designations, bearing apparently genuine signatures of which 122 are the names of persons whose names appear on the Company's pay roll, which contains the names of 658 in the UE's proposed unit. The 122 designations are dated as follows: 1 in February 1943, 4 in June 1943, 5 in July 1943, 90 in August 1943, and 1 in September 1943. Twenty-one are undated.

³ Since we have heretofore found that no question now exists concerning the representation of the toolroom employees, no further discussion regarding their consequent exclusion from the unit hereinafter found appropriate is deemed necessary.

to take counts of the volume of production, and to keep records and make reports. Although they have desks throughout the plant, they are under the supervision of the accounting office. Since the duties of the timekeepers are largely clerical and not sufficiently akin to those of the production and maintenance workers, to warrant their inclusion in the same unit, we shall therefore exclude them.⁴

Clerical employees: There are certain clerical employees who are assigned to various production departments in the plant and who work under the departmental supervisors. The UE and the I. A. M. desire their inclusion, whereas the Company would exclude them. We have frequently included employees of this type on the ground that they have interests more in common with the production and maintenance employees than those in the general office.⁵ We shall, accordingly, include them in the unit.

Group leaders: The I. A. M. desires their inclusion; the Company desires their exclusion, and the UE takes no definite position. The group leaders direct the work of approximately 7 employees, and receive 10 percent more pay than their subordinates. They instruct the employees in their respective groups, and make effective recommendations to foremen with respect to changes in the status of such subordinates.⁶ From the foregoing, we are of the opinion, and find that group leaders are supervisory employees, and we shall exclude them from the unit.

Set-up men: These employees are responsible for a certain number of machines operated under their direction. They set the first few pieces, and then reset the machines as necessary. Although 50 percent of their time is spent in instructing the employees, they also operate the machines. They have no authority to hire or discharge.⁷ We are of the opinion that the set-up men do not possess sufficient supervisory authority to warrant their exclusion from the unit; we shall include them.

We find that all production and maintenance employees of the Company at its Chicago plant, including plant clerical employees, and set-

⁴ See *Matter of Chapman & Dewey Lumber Company*, 41 N. L. R. B. 29; *Matter of American Propeller Corporation*, 43 N. L. R. B. 518; *Matter of Armour and Company*, 43 N. L. R. B. 306; *Matter of The Yale & Towne Mfg. Co.*, 44 N. L. R. B. 1259; *Matter of Magnus Metal Division of National Lead Company*, 46 N. L. R. B. 691; *Matter of Julius Petersen, etc.*, 46 N. L. R. B. 1049.

⁵ See *Matter of Gardner-Denver Company*, 52 N. L. R. B. 1277; *Matter of New York Butchers Dressed Meat Company*, 45 N. L. R. B. 816; *Matter of Bowen Company*, 31 N. L. R. B. 303.

⁶ Thomas McDonald, the Company's vice president, testified that group leaders are equivalent to assistant foremen; that they are selected because of their ability to "lead" men; and that the foremen look to group leaders to get full production of their respective departments.

⁷ Thomas McDonald testified that there were no supervisors below group leaders, and that there was a difference in their directive authority over the employees with whom they work, the set-up men having definite mechanical functions to perform, whereas the group leaders were more in the "supervisory line."

up men, but excluding tool and gauge designers, draftsmen, processing engineers, designing engineers, tool engineers, tool trouble shooters, guards, office clerical employees, timekeepers, group leaders, and all other supervisory employees with authority to hire, promote, discharge, discipline or otherwise effect changes in the status 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 our Direction of Election, subject to the limitations and additions set forth therein.

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 Minneapolis-Honeywell Regulator Company—Aero Division, Chicago, Illinois, 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 Thirteenth 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 they desire to be represented by International Association of Machinists, District 8, A. F. of L., or by United Electrical Radio & Machine Workers of America, Local 1114, C. I. O., for the purposes of collective bargaining, or by neither.

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