

In the Matter of B. F. STURTEVANT CO. and PATTERN MAKERS LEAGUE
OF NORTH AMERICA, BOSTON ASSOCIATION, A. F. OF L.

Case No. 1-R-1582.—Decided December 6, 1943

Mr. Allan Seserman, of Boston, Mass., for the Company.

Mr. Myer Ginsberg, of Boston, Mass., for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Pattern Makers League of North America, Boston Association, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of B. F. Sturtevant Co., Boston, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Thomas H. Ramsey, Trial Examiner. Said hearing was held at Boston, Massachusetts, on November 15, 1943. The Company and the Union 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.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

B. F. Sturtevant Co. is a Massachusetts corporation operating a plant at Boston, Massachusetts, with which we are here concerned, where it is engaged in the manufacture and sale of fans, blowers, and heating and ventilation equipment. During the past year the Company purchased about 200,000 tons of raw materials for use at its

53 N. L. R. B., No. 209.

Hyde Park plant, approximately 98 percent of which was shipped to it from points outside the State of Massachusetts. During the same period the Company manufactured finished products valued in excess of \$10,000,000, practically all of which was shipped to points outside the State of Massachusetts. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Pattern Makers League of North America, Boston Association, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of certain of its employees until such time as the Union is certified by the Board.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found 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 Union urges that all pattern makers at the Hyde Park plant of the Company, excluding supervisors, constitute an appropriate unit. The only controversy with respect to the unit concerns the definition of pattern makers.

The Union contends that the Company employs only 7 pattern makers while the Company contends that it employs 14 persons in that classification. The Company maintains a pattern shop wherein it employs 14 persons, all of whom make and repair patterns. Only 7 of them can make any type of pattern but the remainder make simple patterns. Inasmuch as all the employees in the pattern shop perform work requiring similar skill, we find that a unit of all pattern shop employees is appropriate.

We find that all employees in the pattern shop at the Hyde Park plant of the Company, excluding supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in

¹The Regional Director reported that the Union presented 7 membership application cards bearing apparently genuine signatures of persons whose names appear on the August 27, 1943, pay roll of the Company. There are approximately 14 employees in the appropriate unit.

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 means of 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 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with B. F. Sturtevant Co., Boston, Massachusetts, 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 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 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 any 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 Pattern Makers League of North America, Boston Association, A. F. of L., for the purposes of collective bargaining.

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