

In the Matter of THE AMERICAN CRUCIBLE PRODUCTS COMPANY and
INTERNATIONAL MOLDERS & FOUNDRY WORKERS UNION OF NORTH
AMERICA (AFL)

Case No. 8-R-1308.—Decided December 24, 1943

Mr. Richard A. Stith, of Elyria, Ohio, for the Company.

Mr. Robert E. Quinlan, of Cleveland, Ohio, for the Union.

Mr. Robert Silagi, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended petition duly filed by International Molders & Foundry Workers Union of North America (AFL), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The American Crucible Products Company, Lorain, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Louis Plost, Trial Examiner. Said hearing was held at Cleveland, Ohio, on November 15, 1943. The Company and the Union 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

The American Crucible Products Company is an Ohio corporation maintaining its principal office and place of business in Lorain, Ohio. The Company manufactures bronze bearings, gear blanks, and babbits. In the manufacture of its products the chief raw materials used

are bronze, copper, tin, lead, nickle, and antimony. During the year 1942 the Company used raw materials valued at \$275,000, and produced finished products exceeding \$1,000,000 in value. Approximately 60 percent of the raw materials and the finished products, respectively, was received from sources and was shipped to points outside the State of Ohio. The Company is largely concerned with war production.

The Company admits, and we find, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

International Molders & Foundry Workers of North America, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On or about October 15, 1943, the Company refused a request by the Union to grant it recognition as the exclusive bargaining representative of certain employees of the Company until it had been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found 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 seeks a unit consisting of all foundry employees, excluding clerical and office employees, foremen, supervisors, and pattern makers.² The Company contends that the unit should be plant-wide and include all production and maintenance employees. Since the Company's plant is composed largely of either foundry employees or machine shop employees, the sole issue involved in this proceeding is whether or not the latter group should be included in the same unit with foundry workers for the purposes of collective bargaining. As of the date of the hearing there were 73 foundry employees and 110 machine shop employees employed by the Company.

¹ The Field Examiner reported that the Union submitted 60 authorization-for-representation cards, all of which bore apparently genuine original signatures; that the names of 54 persons appearing on the cards were listed on the Company's pay roll of October 9, 1943, which contained the names of 75 employees in the appropriate unit; and that the cards were all dated October 6, 1943.

² As of the date of the hearing, the Company employed no pattern makers

The plant's operations are divided into a foundry, a machine shop, an inspection department, and a shipping department. All activities of the Company except for some storing and minor machining operations, take place under one roof. The foundry and the machine shop, however, are separated by a wall. In support of its contention for an industrial unit, the Company elicited evidence to the effect that its entire operations are considered to be an integrated whole, and its good will and the reputation of its product, in part, are based upon the fact that the Company completes the entire process of manufacturing its products. Raw materials are received at one end of the building, and are processed in successive steps until they emerge in the form of finished bearings at the other end. The various stages of foundry casting consist of mixing the alloys, melting and pouring the metal into molds, removing the castings from the sand and cleaning them. At that point the castings are sent to the machine shop for grinding, cutting, and finishing. The Company likewise showed that its employees used a common parking lot and lunchroom; that all personnel problems are channeled through a single department; that one pay roll department is used for all employees; and that all employees enjoy the same vacation privileges and group life insurance protection. On the other hand, although the Company's general manager testified that it was possible to transfer employees from one department to another, the fact is that this has been done but twice during the past 5 or 6 years, and both times at the request of the transferees. The evidence shows conclusively that separate supervision is maintained over each department and the skills used in each are wholly dissimilar. Not all employees in the foundry are highly skilled, nor need the work there be held to the same close tolerances that are necessary in the machine shop. In general, there are more skilled operations in the machine shop than in the foundry.

The Union justifies its limitation of the unit to foundry employees on jurisdictional and craft grounds. Being an affiliate of the American Federation of Labor, by its constitution the Union is compelled to restrict its membership solely to persons who produce castings. It is not permitted to accept machinists into membership, nor has it made any attempt to organize among them in the instant case. While the Board is not bound by the rules of eligibility for membership of any labor organization, nevertheless weight will be given them in determining the appropriate unit.³ In view of the fact that there is no history of collective bargaining by the Company, and the further fact that the Union is the only labor organization presently desiring to represent a substantial portion of the Company's employees, we shall

³ See National Labor Relations Board Third Annual Report, p. 167

make a unit finding such as the Union here desires.⁴ We therefore find that all foundry employees of the Company, but excluding clerical and office employees, pattern makers, foremen, and any 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 payroll 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 The American Crucible Products Company, Lorain, Ohio, 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 Eighth 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 payroll period immediately preceding the date of this Direction, including employees who did not work during said payroll 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 Molders & Foundry Workers Union of North America, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

⁴ See *Matter of The E. T. Fram Lock Company, et al.*, 39 N. L. R. B. 202; also *Matter of Foster-Grant Co., Inc.*, 32 N. L. R. B. 486.