

In the Matter of CROMPTON & KNOWLES LOOM WORKS and UNITED
STEELWORKERS OF AMERICA, C. I. O.

Case No. 1-R-1652.—Decided January 11, 1944

Vaughan, Esty, Clark & Crotty, by Mr. James A. Crotty, of Worcester, Mass., for the Company.

Grant & Angoff, by Mr. Harold Roitman, of Boston, Mass., for the Union.

Mrs. Augusta Spaulding, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Steelworkers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Crompton & Knowles Loom Works, Worcester, 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 Worcester, Massachusetts, on November 30, 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

Crompton & Knowles Loom Works is engaged in the manufacture of textile machinery parts and war materials for the Ordnance and Navy Departments. The Company's manufacturing plant is at Worcester, Massachusetts, and it maintains offices and warehouses at Charlotte, North Carolina, and Philadelphia, Pennsylvania. The manu-

facturing plant is the only plant of the Company directly involved in this proceeding. The principal raw materials used by the Company are cast iron, steel, and wood. The Company annually uses at its plant materials valued in excess of \$100,000, more than 50 percent of which is shipped to its plant from points outside Massachusetts. Annual sales of the Company's products exceed \$100,000, more than 50 percent of which represents products shipped from the plant to points outside Massachusetts.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Steelworkers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On October 20, 1943, the Union advised the Company by letter that it represented a majority of its employees and requested exclusive recognition for bargaining purposes. The Company replied that it desired the question of the Union's majority to be resolved by the Board.

A statement prepared by the Regional Director and introduced into evidence at the hearing indicates that the Union represents a substantial number of the employees in the unit herein found appropriate for bargaining.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 and the Company agree that production and maintenance employees of the Company, including shipping room employees, inspectors, and stock chasers, should be included in the bargaining unit. They further agree that executives, supervisory employees, office and clerical employees, factory clerks, plant-protection employees, and salaried employees should be excluded from the bargaining unit. The Company and the Union disagree with respect to the inclusion in the unit of timekeepers and foundry pro-

¹The Union submitted to the Regional Director 583 authorization cards, dated for the most part in October 1943, and bearing apparently genuine signatures of employees on the Company's pay roll of November 16, 1943. There are approximately 1,200 employees in the appropriate unit.

duction clerks. The Union would include, and the Company would exclude, these employees.

The Company employs in its factory approximately 25 timekeepers. One timekeeper is assigned to each department. His duty is to maintain schedules of work to be done, to record production, and to keep time records. He works at a desk adjacent to the foreman's office in the department. He does no manual work. He works not under the foreman of the department to which he is assigned, but under the direct supervision of the general accounting office. The Company employs in its foundry 7 or 8 production clerks whose duties are to keep records of piece-work done in the foundry. Unlike timekeepers, production clerks spend a considerable amount of time walking about the foundry, checking on production. They do no manual work, but are concerned with the keeping of accurate records from which the employees' wages are figured and from which production costs are determined. They also work under the direct supervision of the general accounting office and are not subject to the foundry's foreman. Since the duties of these employees are largely clerical, and as such similar to those of the factory clerks who the parties have agreed should be excluded, we shall exclude timekeepers and foundry production clerks from the unit.²

We find that all production and maintenance employees of the Company at its Worcester plant, including shipping room employees, inspectors, and stock chasers, but excluding office and clerical employees, factory clerks, timekeepers, foundry production clerks, plant-protection employees, salaried employees, executives, and all supervisory employees who have 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 of the Company in the unit found appropriate in Section IV, above, 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

² *Matter of Julius Peterson*, 46 N. L. R. B. 1049.

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 Crompton & Knowles Loom Works, Worcester, 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 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 United Steelworkers of America, C. I. O., for the purposes of collective bargaining.