

In the Matter of ALUMINUM COMPANY OF AMERICA and INTERNATIONAL  
DIE SINKERS CONFERENCE, MONROE LOCAL No. 300

*Case No. 7-R-1625.—Decided January 22, 1944*

*Mr. Warren Van R. Gilbert*, of Monroe, Mich., for the Company.  
*Mr. J. G. Meiner*, of Cleveland, Ohio; for the Die Sinkers.  
*Messrs. Nicholas J. Roth, W. J. Fagan, and Ralph Loveland*, all of  
Detroit, Mich., for the C. I. O.  
*Mr. Glenn L. Moller*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Die Sinkers Conference, Monroe Local No. 300, herein called the Die Sinkers, alleging that a question affecting commerce had arisen concerning the representation of employees of Aluminum Company of America at its plant at Monroe, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Max Rotenberg, Trial Examiner. Said hearing was held at Detroit, Michigan, on December 3, 1943. The Company, the Die Sinkers, and United Steelworkers of America, Local 1565, C. I. O., herein called the C. I. O., 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

Aluminum Company of America, a Pennsylvania corporation, owns and/or operates manufacturing plants throughout the United States, among which is a plant at Monroe, Michigan, where it is engaged in  
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the manufacture of war materials for use in the war effort. The Monroe plant, the only operation of the Company here involved, is owned by the Defense Plant Corporation and leased to the Company for operation. During the 6 months' period ending June 30, 1943, the Company purchased raw materials valued in excess of \$500,000 for use at the Monroe plant, approximately 90 percent of which was shipped to said plant from points outside the State of Michigan. During the same period the Company manufactured at the Monroe plant finished and partially finished products valued in excess of \$500,000 approximately 95 percent of which was shipped from said plant to points outside the State of Michigan.

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

## II. THE ORGANIZATIONS INVOLVED

International Die Sinkers Conference, Monroe Local No. 300, is an unaffiliated labor organization admitting to membership employees of the Company.

United Steelworkers of America, Local 1565, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The parties stipulated that on or about November 15, 1943, the Die Sinkers requested recognition by the Company as the exclusive bargaining representative of the employees in the Company's Die Department and that the Company refused to grant such recognition until the Die Sinkers is certified by the Board in an appropriate unit.<sup>1</sup>

A statement of the Acting Regional Director, introduced into evidence at the hearing, indicates that the Die Sinkers and the C. I. O. each represents a substantial number of employees in the unit alleged by the Die Sinkers to be appropriate.<sup>2</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 record reveals also that during the month of October 1943, the Die Sinkers requested recognition by the Company, but were informed that the Company considered only an industrial unit appropriate. The Die Sinkers filed its petition on October 30, 1943, as soon as it became aware of plans for a consent election pursuant to a petition filed by the C I O

The parties were notified of the Die Sinkers' claim and informed that the outcome of the election would be subject to whatever disposition the Board might later make of the Die Sinkers' petition. The election was held on November 2, 1943. The Die Sinkers then renewed its demand on November 15, 1943.

<sup>2</sup> The Acting Regional Director reported that the Die Sinkers submitted 3 authorization petitions and a number of authorization cards bearing apparently genuine original signatures of 40 persons listed on the Company's pay roll of November 4, 1943, which contained the names of 78 employees in the appropriate unit.

The C. I. O. submitted 59 application-for-membership cards bearing apparently genuine signatures of persons listed on the Company's pay roll of the same date.

## IV. THE APPROPRIATE UNIT; THE DETERMINATION OF REPRESENTATIVES

The Die Sinkers contends that all employees of the Company working on dies or parts of dies, excluding supervisory, clerical, and plant-protection employees, constitute an appropriate bargaining unit. The C. I. O. contends that only an industrial unit is appropriate, while the Company declines to take a position on the matter. The C. I. O. advances two general arguments in support of its contention that the proposed unit is inappropriate, namely, that the history of industrial relations at this plant has been entirely on a single-unit basis, and that in any event, the employees in the unit proposed by the Die Sinkers are not die sinkers as that term is generally understood, but are no more skilled and perform tasks little different from those of other production and maintenance employees.

The C. I. O. has carried on organizational activities on an industrial unit basis at this plant for several years. Prior to the Company's occupation of the premises in the early part of 1943 and while the plant was operated by Republic Steel Corporation, the C. I. O. won a consent election among the employees at the plant.<sup>3</sup> Since the transfer of possession to the Company, the C. I. O. has continued its plant-wide organizational efforts. In May 1943, the C. I. O. requested recognition by the Company, but the Company refused to extend such recognition, contending that there was not yet employed a representative group of employees. The C. I. O. thereupon filed a petition for investigation and certification of representatives which the Regional Director dismissed, upholding the position of the Company. By November 1943, it became evident that the Company had greatly overestimated the future expansion of its personnel and when the C. I. O. renewed its demand for recognition, a consent election was agreed upon. When, a few days before the election, the Die Sinkers filed its petition, the C. I. O. and the Company were notified by the Regional Director that if the election was to be held, the determination of representatives thereby effected would be subject to whatever disposition the Board might make of the petition of the Die Sinkers. All employees in the Die Sinking Department who attempted to vote at the election were challenged by the Die Sinkers and their votes were segregated and not counted. The results of the election showed a majority of votes cast for the C. I. O. and the Company has since that time been negotiating with the C. I. O., refusing, however, to bargain with reference to employees in the Die Sinking Department. It thus appears that there has been no previous bargaining whatsoever with the Company at the Monroe plant, in a unit which included employees in the Die Sinking Department.

<sup>3</sup> The Die Sinkers had no interest in the employees at the plant at the time of this election.

The C. I. O. contends that the employees in the proposed unit do not constitute a sufficiently skilled craft group to justify their establishment as a separate bargaining unit. The evidence shows that there are only two non-supervisory employees classed as journeymen die sinkers. All the remaining employees in the department except about six trainees, fall within the following "specialist" categories: Keller machine operators, plane operators, Fitchburg machine operators, hydraulic machine operators, lathe operators, Blanchard grinder operators, milling machine operators, die benchers, boring mill operators, and the die inspector. All of these employees are highly skilled and perform functions constituting aspects of the regular apprenticeship of a journeyman die sinker.<sup>4</sup> All receive higher wages than the employees in other departments. The trainees are being taught to operate the various machines, and as a trainee becomes sufficiently proficient in the operation of a machine, he is reclassified as a "specialist." In addition to the more skilled character of their work, the employees in the Die Sinking Department are physically separated from the Company's other employees by virtue of the fact that they occupy a separate building, which the Company refers to as the Die Sinking Plant, and they have a different lunch hour and work one-half hour longer each day than the rest of the employees.

In view of their special skills and common interests, their physical separation from the other employees, their different working conditions, and the lack of a history of bargaining on an industrial basis, we are of the opinion that the employees who work on dies or parts of dies may constitute a separate craft unit. On the other hand, the close integration of the various departments and the inclusive organizational activity of the C. I. O. indicate that a single industrial unit may also be appropriate.

Before making a final determination as to the propriety of the proposed unit, we shall first ascertain the desires of the employees themselves. We shall direct an election by secret ballot to be conducted among all employees of the Company working on dies or parts of dies, excluding supervisory employees, who were employed during the payroll period immediately preceding the date of the Direction herein, subject to the limitations and additions set forth in the Direction, to determine whether they desire to be represented by the Die Sinkers or by the C. I. O. Upon the results of the election will depend, in part, our determination of the appropriate unit or units. If the employees in this voting group select the Die Sinkers, they will thereby have indi-

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<sup>4</sup> *Matter of General Motors Corporation, Olds Motor Works*, 34 N. L. R. B. 605; *Matter of Endicott Forging & Manufacturing Co.*, 29 N. L. R. B. 218. See also *Matter of Willys Overland Motors, Inc (Toledo, Ohio)*, 52 N. L. R. B. 109, 52 N. L. R. B. 548; 53 N. L. R. B. 1343.

cated their desire to constitute a separate appropriate unit. If, however, these employees select the C. I. O., they will thereby have indicated their desire to be part of the production and maintenance unit represented by the C. I. O. and they will be deemed to be part of said production and maintenance unit.

### 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 Aluminum Company of America, Monroe, Michigan, 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 Seventh 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 all employees of the Company at its plant in Monroe, Michigan, working on dies or parts of dies, excluding clerical and plant-protection employees and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively to recommend such action, 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 who have not been rehired or reinstated before the election, to determine whether they desire to be represented by International Die Sinkers Conference, Monroe Local No. 300, or by United Steelworkers of America, Local 1565, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining, or by neither.