

In the Matter of ALUMINUM COMPANY OF AMERICA, CHICAGO WORKS
and DISTRICT 8, INTERNATIONAL ASSOCIATION OF MACHINISTS

In the Matter of ALUMINUM COMPANY OF AMERICA, CHICAGO WORKS
and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL
No. B-134, A. F. OF L.

In the Matter of ALUMINUM COMPANY OF AMERICA, CHICAGO WORKS
and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL
B-713, A. F. OF L.

In the Matter of ALUMINUM COMPANY OF AMERICA, CHICAGO WORKS
and THE PIPEFITTERS ASSOCIATION, LOCAL UNION 597, UNITED ASSO-
CIATION OF JOURNEYMEN PLUMBERS AND STEAMFITTERS, A. F. OF L.

In the Matter of ALUMINUM COMPANY OF AMERICA, CHICAGO WORKS
and INTERNATIONAL UNION, ALUMINUM WORKERS OF AMERICA, LOCAL
42, C. I. O.

*Cases Nos. 13-R-1930, 13-R-2012, 13-R-2026, 13-R-2047, and
13-R-2133, respectively.—Decided February 3, 1944*

*Mr. Harry S. Flynn, of Pittsburgh, Pa., Mr. J. L. Patterson and
Mr. Malcolm H. Freeman, of Brookfield, Ill., for the Company.*

*Messrs. P. L. Siemiller and F. M. McAuliffe, of Chicago, Ill., for
the Machinists.*

*Messrs. Emory J. Smith and Tom J. Murray, of Chicago, Ill., for
Local B-134.*

*Messrs. Emory J. Smith and William Taylor, of Chicago, Ill., for
Local B-713.*

*Messrs. Emory J. Smith, Earl Oliver and M. J. Sexton, of Chicago,
Ill., for the Carpenters.*

*Mr. Daniel D. Carmell, by Messrs. Leo Segall and John F. Hogan,
of Chicago, Ill., for the Pipefitters.*

*Messrs. James Dickerson and Harry D. Williams, of Chicago, Ill.,
for the C. I. O.*

*Mr. Joseph L. Ozanic, of Brookfield, Ill., Messrs. Harry E. O'Rielly
and Patrick J. Gallagher, of Chicago, Ill., for the A. F. L.*

Mr. Charles W. Schneider, of counsel to the Board.

DECISION
DIRECTION OF ELECTIONS
AND
ORDER

STATEMENT OF THE CASE

Upon petitions duly filed by District 8, International Association of Machinists, herein called the Machinists; International Brotherhood of Electrical Workers, Local No. B-134, A. F. L., herein called Local B-134; International Brotherhood of Electrical Workers, Local B-713, A. F. L., herein called Local B-713; The Pipefitters Association, Local Union 597, United Association of Journeymen Plumbers and Steamfitters, A. F. L.,¹ herein called the Pipefitters; and International Union, Aluminum Workers of America, Local 42, C. I. O., herein called the C. I. O., alleging that questions affecting commerce had arisen concerning the representation of employees of Aluminum Company of America, Chicago Works, herein called the Company, the National Labor Relations Board consolidated the cases and provided for an appropriate hearing upon due notice before Earl S. Bellman, Trial Examiner. Said hearing was held at Chicago, Illinois, on December 13, 14, and 15, 1943. The Company, the Machinists, Local B-134, Local B-713, the Pipefitters, the C. I. O., International Council of Aluminum Workers, affiliated with the American Federation of Labor, herein called the A. F. L., and Chicago District Council, United Brotherhood of Carpenters and Joiners of America, herein called the Carpenters, 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

Aluminum Company of America is a Pennsylvania corporation engaged in the production of aluminum and aluminum products. The Company operates approximately 40 plants, located in 17 different states of the United States. The present proceedings involve only the Chicago Works of the Company.

¹ As amended at the hearing.

The Chicago Works, which is located at Brookfield, Illinois, is one of 11 plants comprising the Company's fabricating division. It is a rolling mill devoted solely to the production of aluminum sheet and plate. The Chicago Works is owned by Defense Plant Corporation, a subsidiary of the Reconstruction Finance Corporation. The plant is operated by the Company under lease from Defense Plant Corporation.

The Chicago Works uses annually raw materials valued in excess of 5 million dollars, 90 percent of which is secured from sources outside the State of Illinois. It produces annually finished products valued in excess of 10 million dollars, approximately 75 percent of which is shipped to points outside the State of Illinois.

The Company concedes that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

District 8, International Association of Machinists, International Brotherhood of Electrical Workers, Locals Nos. B-134 and B-713, The Pipefitters Association, Local Union 597, United Association of Journeymen Plumbers and Steamfitters, Chicago District Council, United Brotherhood of Carpenters and Joiners of America, and International Council of Aluminum Workers, are all labor organizations affiliated with the American Federation of Labor, and admitting to membership employees of the Company.

International Union, Aluminum Workers of America, Local 42, C. I. O., is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTIONS CONCERNING REPRESENTATION

On various dates in July and August, 1943, the Machinists, Local B-134, Local B-713, and the Pipefitters requested recognition from the Company in the units presently urged by those organizations to be appropriate. The Company, in substance, referred each of the organizations to the Board. The Carpenters, the A. F. L., and the C. I. O. did not formally request recognition. However, the Company stated at the hearing that its policy was not to recognize any labor organization until certified by the Board, and further stated that had requests been made by the Carpenters, the A. F. of L., and the C. I. O., they would have been referred to the Board.

Statements of the Regional Director and the Trial Examiner, introduced at the hearing, indicate that each of the petitioning organ-

izations and the Carpenters represents a substantial number of employees in the unit which each contends is appropriate.²

We find that questions affecting commerce have 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 DETERMINATION OF REPRESENTATIVES

The positions of the various parties with respect to the appropriate unit or units may be summarized substantially as follows: The Company and the C. I. O. contend that there should be one appropriate unit—plant-wide in scope. The A. F. L. seeks a plant-wide unit exclusive of the groups sought by the A. F. L. craft unions. The employees in the groups sought by the crafts are classified as maintenance. The Machinists requests a unit of machine-shop, forge-shop, and roll-grind room employees; Local B-134 a unit of electrical workers; Local B-713 a unit of electric truck and electric crane operators; the Pipefitters a unit of pipefitters, helpers, and pipefitter laborers; the Carpenters a unit of millwrights or mill mechanics and carpenters. In addition, there is dispute as to certain categories of employees whom the Company and the C. I. O. would exclude as supervisors, but whom most of the other parties would include.

The plant is a rolling mill producing only aluminum sheet and plate. Production flows in a continuous process, to which the maintenance employees contribute directly. An interruption of operations in any department would eventually result in the cessation of all production operations. The plant having been opened only within the past year, there is no history of collective bargaining at the Chicago Works. However, in other plants of the Company similarly engaged, bargaining has been almost uniformly on an industrial basis. The integrated nature of operations at this plant and the history of bar-

² The statements disclose that all the labor organizations submitted evidence of representation in the form of signed applications for membership or designations of bargaining agency. The cards bore apparently genuine original signatures, and most bore dates in the latter part of 1943. The showing made by the cards may be summarized as follows:

| Labor organization | No. of cards submitted | No. of names on cards found on pay roll | No. of employees in unit | No. of C. I. O. designations in such unit |
|--------------------|------------------------|---|--------------------------|---|
| Machinists..... | 95 | 70 | 101 | None |
| Local B-134..... | 74 | 65 | 107 | 4 |
| Local B-713..... | 83 | 52 | 124 | 52 |
| Pipefitters..... | 31 | 15 | 20 | None |
| Carpenters..... | 81 | 63 | 96 | 13 |
| A F L..... | 110 | 50 | 1,081 | |
| C I O..... | 719 | 502 | 1,576 | |

gaining at the other plants indicate the feasibility of the plant-wide unit urged by the Company and the C. I. O.

On the other hand, detailed evidence in the record indicates the propriety of the bargaining units sought by the Machinists, the Pipefitters, Local B-134, and the Carpenters. Without discussing the evidence in detail, these considerations may be summarized as follows: The employment of craft skills commonly associated with the interests of the respective organizations, and substantial homogeneity within each group with respect to departmental or craft association, supervision, place of work, headquarters, working conditions, or type of work performed. In addition, those unions have demonstrated a substantial interest in the groups which they seek, while the C. I. O. has shown little or none therein, with the exception of the Carpenters unit.³

Under the circumstances, we are of the opinion that the employees in the units sought by the Machinists, Local B-134, the Pipefitters, and the Carpenters, could function effectively either as part of a plant-wide bargaining unit, or as separate units.

However, we discern no similar considerations applicable with respect to the unit sought by Local B-713. The electric truck and electric crane operators are engaged in moving material in various parts of the plant as it proceeds through successive stages of fabrication. They possess no electrical or mechanical skill beyond a certain facility in the maneuvering of their vehicles. They do not repair or maintain their equipment. They are assigned on a substantially permanent basis to specific production areas, and although nominally under the jurisdiction of maintenance department supervisors, receive their working instructions from production supervisors in the areas where they are stationed. Unlike the employees in the remainder of the units requested by the craft unions, their working conditions and rates of pay are similar to those of the production employees. Under such circumstances, we perceive no persuasive factors warranting the separation of the electric truck and electric crane operators from the production employees, and are of the opinion that their interests will be best served by including them within the industrial unit. We shall, therefore, dismiss the petition of Local B-713.

Supervisors: Certain of the A. F. L. affiliates request the inclusion in the units of foremen, assistant foremen, subforemen, working foremen, and crew leaders. The evidence discloses that these employees are supervisors with authority to make recommendations respecting changes in status of employees under them. In view of their authority, foremen, assistant foremen, subforemen, working foremen, and

³ Although the Company and the C. I. O. urged particularly that there is no community of interest between carpenters and the so-called millwrights or mill mechanics, who are included in the unit requested by the Carpenters, we are persuaded, upon the peculiar facts here present, that those employees may appropriately be included in such a unit.

crew leaders will be excluded, as supervisors, from the voting groups hereinafter designated.

There is also a category of employees known as leadmen. These men work along with, and direct, a small crew of employees. They have no authority to affect the status of employees under them, or to make recommendations respecting their tenure. All parties agreed to the inclusion of leadmen. Since they exercise no supervisory authority, we shall include them in the voting groups.

We shall make no final determination at this time with respect to the appropriate unit or units. However, in accordance with the foregoing, we shall direct that separate elections by secret ballot be held among the employees in each of the voting groups set forth below, who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, excluding supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, and subject to the limitations and additions set forth in the Direction:⁴

(1) All machine-shop, forge-shop, and roll-grind room employees classified as follows: first and second class electricians, first and second machinists, first and second shop repairmen, welders, shop helpers, shop laborers, and toolroom attendants, to determine whether they desire to be represented by the Machinists, by the C. I. O., or by neither;

(2) All employees of the electrical and pyrometric departments classified as follows: first and second class electricians, first and second class repairmen, helpers, and laborers, to determine whether they desire to be represented by Local B-134, by the C. I. O., or by neither;

(3) First and second class maintenance pipefitters, including maintenance men in the pump houses, first and second class repairmen, helpers, and laborers, to determine whether they desire to be represented by the Pipefitters, by the C. I. O., or by neither;

(4) Carpenters, carpenter maintenance men, first and second class mill mechanics, first and second class mill repairmen, and maintenance helpers, to determine whether they desire to be represented by the Carpenters, by the C. I. O., or by neither;

(5) All remaining production and maintenance employees of the Company, including timekeepers, dispatchers, scale clerks, receiving clerks, janitors, and leadmen, but excluding general office clerical em-

⁴ Most of the labor organizations did not state their unit contentions in terms of the Company's pay roll classifications. In our description of the voting groups we have adopted the pay-roll classifications as given by the Company at the hearing. However, there is no difference, other than of terminology, between the voting groups as we have described them and the unit contentions of the A. F. L. unions, except that, as has been indicated heretofore, we have excluded certain supervisory categories whom some of the unions would have included.

ployees, administrative employees, plant guards, and technical and laboratory employees,⁵ to determine whether they desire to be represented by the C. I. O., the A. F. L., or by neither.

DIRECTION OF ELECTIONS

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, Chicago Works, Brookfield, Illinois, elections by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction of Elections, 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 groups of employees described in Section IV, above, who were employed by the Company 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 elections, to determine whether:

(1) The employees in the Machinists' group desire to be represented by District 8, International Association of Machinists, A. F. L., or by International Union, Aluminum Workers of America, Local 42, C. I. O., for the purposes of collective bargaining, or by neither;

(2) The employees in the Electricians' group desire to be represented by International Brotherhood of Electrical Workers, Local No. B-134, A. F. L., or by International Union, Aluminum Workers of America, Local 42, C. I. O., for the purposes of collective bargaining, or by neither;

(3) The employees in the Pipefitters' group desire to be represented by the Pipefitters Association, Local Union 597, United Association of Journeymen Plumbers and Steamfitters, A. F. L., or by International Union, Aluminum Workers of America, Local 42, C. I. O., for the purposes of collective bargaining, or by neither;

(4) The employees in the Carpenters' group desire to be represented by Chicago District Council, United Brotherhood of Carpen-

⁵ The Company, the C. I. O., and the A. F. L. agreed that the above inclusions and exclusions were appropriate.

ters and Joiners of America, A. F. L., of by International Union, Aluminum Workers of America, Local 42, C. I. O., for the purposes of collective bargaining, or by neither;

(5) The employees in the residual group desire to be represented by International Union, Aluminum Workers of America, Local 42, C. I. O., or by International Council of Aluminum Workers, A. F. L., for the purposes of collective bargaining, or by neither.

ORDER

Upon the basis of the foregoing findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of Aluminum Company of America, Chicago Works, filed by International Brotherhood of Electrical Workers, Local B-713, be, and it hereby is, dismissed.