

In the Matter of CROSBY STEAM GAUGE & VALVE COMPANY *and* UNITED
STEELWORKERS OF AMERICA, (C. I. O.)

Case No. 1-R-1574

SECOND SUPPLEMENTAL DECISION
AND
AMENDED CERTIFICATION OF REPRESENTATIVES

February 14, 1944

On October 25, 1943, the National Labor Relations Board issued a Decision and Direction of Election in the above-entitled proceeding.¹ Thereafter, on November 10, 1943, an election by secret ballot was held under the direction and supervision of the Regional Director for the First Region (Boston, Massachusetts). On November 11, 1943, the Regional Director issued a Report on Ordered Election in which he indicated that 34 ballots had been challenged. Since a disposition of the challenged ballots could not affect the results of the election, the Board issued a Supplementary Decision and Certification on December 7, 1943, in which it certified United Steelworkers of America (C. I. O.), herein called the C. I. O., as the collective bargaining representative of employees of Crosby Steam Gauge & Valve Company, Charleston, Massachusetts, hereinafter called the Company, engaged in the unit set forth in the Decision.

On December 7, 1943, the C. I. O. filed a motion to reopen the record in this proceeding for the purpose of adducing evidence with respect to the status of group leaders, many of whom voted under challenge in the election. On January 10, 1944, the Board issued an order granting said motion, reopening the record, and referring the proceeding to the Regional Director for the purposes of conducting a further hearing with respect to the duties, functions, and powers of group leaders to determine whether or not they have authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action. The aforesaid hearing was held upon due notice, at Boston, Massachusetts, on January 27, 1944, before Thomas H. Ramsay, Trial Examiner. The

¹ 53 N. L. R. B. 74.

54 N. L. R. B., No. 202.

Company, the C. I. O., and Local Lodge #264, International Association of Machinists, affiliated with the American Federation of Labor, herein called the IAM, 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 an opportunity to file briefs with the Board.

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

SUPPLEMENTAL FINDINGS OF FACT

As set forth above, the sole purpose of reopening the record and conducting the additional hearing was to adduce evidence upon which the Board might properly rule with respect to the inclusion or exclusion of group leaders from the unit previously certified. The evidence at the subsequent hearing indicates that until approximately the second quarter of 1943, an unofficial grade of "straw bosses" or group leaders had been utilized by regular supervisors of the Company from among the more highly skilled employees to assist them in various duties, such as the instruction of new employees. On or about May 1, 1943, the Company filed with the Wages and Hours Division of the Department of Labor a request that it be allowed to establish a new classification of employees designated as "group leaders," to assist in the instruction and supervision of new employees. In its request, the Company proposed an increase in the hourly wages of the employees to be placed in this classification over and above the wages paid to the ordinary workers. On May 27, 1943, the Wages and Hours Division approved the Company's request but limited the increase in wages to the time the employees in the proposed classification are actually engaged in instructing, and provided that this permission would in no wise affect the maximum rate of the then existing job classification wage rates. On June 23, 1943, the Company created the new classification of group leaders and issued a written notice with respect to their duties and wages. Thereafter, in November 1943, the Company issued new instructions to group leaders, of which there are approximately 40. The new instructions provided in part as follows:

The Group Leader cannot hire or discharge any person in his group. If, however, there is a person in his group who fails to carry his share of the burden, or who causes trouble or discontent or affects the morals of other employees, it is the duty of the Group Leader to call these facts to the attention of such a person. If this does not solve the problem, he shall discuss the matter with the shop steward and foreman. If this latter step does not solve

the problem, he then shall recommend to the foreman that the person be laid off or discharged.

Group leaders, under permission granted by the Wages and Hours Division, receive 10 cents per hour more than the highest paid skilled worker in his department. They are directly below the assistant foreman in the supervisory hierarchy.

Both the Company and the IAM contend that the above-mentioned instructions clearly indicate the supervisory nature of the duties and functions of group leaders. The C. I. O., on the other hand, contends that this class of employees is merely a "carry-over" from the old unofficial system, and that since such employees had previously been represented for the purposes of collective bargaining, they may also be so represented now. We are of the opinion, however, that the aforementioned facts indicate that group leaders were intended to have, and actually possess, both the power and the duty to make recommendations affecting the status of employees under their supervision. This authority brings them within the scope of our customary supervisory definition. Accordingly we shall amend the Certification previously issued in this proceeding by providing for the exclusion of group leaders from the unit set forth therein.

AMENDED CERTIFICATION

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, Sections 9 and 10, of National Labor Relations Board Rules and Regulations—Series 3,

IT IS HEREBY CERTIFIED that United Steelworkers of America (C. I. O.), has been designated by a majority of all production and maintenance employees of Crosby Steam Gauge & Valve Company, Charleston, Massachusetts, including assemblers, machinists, carpenters, electricians, millwrights, heat treaters, welders, elevator operators, delivery clerks, polishers, painters, lumpers, tool crib attendants, and inspectors, excluding foremen, assistant foremen, chief inspector, group leaders, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action, office clerks, firemen, pattern makers, molders, core makers, sand blasters, melters, snaggers, truck delivery clerks, engineers, draftsmen, watchmen, guards, and stock record clerks, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (a) of the Act, United Steelworkers of America (C. I. O.) is the exclusive bargaining representative of all such employees for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.