

In the Matter of A. PAPISH, INC. and INTERNATIONAL ASSOCIATION OF  
MACHINISTS, A. F. OF L.

*Case No. 2-R-4428.—Decided February 28, 1944*

*Mr. Leo Papish*, of Danbury, Conn., for the Company.  
*Mr. Fred Cederholm*, of Bridgeport, Conn., for the Union.  
*Miss S. Catherine Wilson*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Association of Machinists, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of A. Papish, Inc., Danbury, Connecticut, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Martin I. Rose, Trial Examiner. Said hearing was held at Danbury, Connecticut, on January 5, 1944. 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 an 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

A. Papish, Inc., a Connecticut corporation, is engaged in the manufacture, sale, and distribution of aircraft parts, machine tools, and ordnance. The Company operates a plant in Danbury, Connecticut, under the name of Leo Papish and Company (division of A. Papish, Inc.), the only plant involved in this proceeding, and referred to

herein as the Leo Papish plant. During the year ending December 17, 1943, the Company purchased raw materials for this plant amounting in value to more than \$5,000, approximately 90 percent of which was purchased outside the State of Connecticut. During the same period the plant produced finished products amounting in value to more than \$100,000, approximately 75 percent of which was shipped to points outside the State of Connecticut. All its finished products are used for war purposes.

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

## II. THE ORGANIZATION INVOLVED

International Association of Machinists, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of its employees until the Union has been certified by the Board in an appropriate unit.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>1</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.

## IV. THE APPROPRIATE UNIT

The parties are generally agreed that all production and maintenance employees at the Leo Papish plant, excluding supervisory employees, constitute an appropriate unit. They are in disagreement, however, concerning expeditors, watchmen, and office and clerical employees. The Union requests that these classifications of employees be excluded; and the Company, that they be included.

*Expeditors:* The Company employs two persons known as production expeditors. They are engaged in procuring contracts, materials, and tools, and in enhancing the efficiency of production. One of these employees spends all of his time away from the plant; and the other

<sup>1</sup> The Regional Director reported that the Union submitted 21 authorization cards; that the names of 19 persons appearing on the cards were listed on the Company's pay roll of December 18, 1943, which contained the names of 38 employees in the appropriate unit; that the 19 cards bore apparently genuine original signatures, and that the cards were dated November and December 1943.

has spent 50 percent of his time away from the plant during the past 10 months. Both are paid on a salary basis, while the production workers are paid on an hourly basis. Under these circumstances, we shall exclude expediters from the unit.<sup>2</sup>

*Watchmen:* There are three watchmen involved; they are neither uniformed, armed, nor militarized. Their duties consist of making rounds of the plant, punching station clocks, and doing cleaning work. Occasionally they cut off machinery left running at closing time. The Union does not admit watchmen to membership. We shall exclude watchmen from the unit.

*Office and Clerical Employees:* The Company's two clerical employees perform ordinary office work, including bookkeeping and typing. In accordance with our usual practice of excluding office and clerical employees from a unit of production and maintenance employees, we shall exclude these employees from the unit.

We find that all production and maintenance employees at the Leo Papish plant, excluding expediters, watchmen, office and clerical employees and all 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.

The Union contends that two workmen, Roco Lacava and O. Madore, should not be permitted to vote in the production and maintenance unit; the Company contends that they fall within the unit and are eligible to vote. These individuals do not punch the time clock with the same regularity and at the same time as do the production and maintenance employees due to the fact that they perform miscellaneous tasks, some of which are carried on in connection with operations of the Company other than those at the plant involved. Lacava drives a truck and performs other functions for the Leo Papish plant and other operations of the Company. During the month prior to the hearing, he was engaged mainly in painting buildings owned and

<sup>2</sup> See *Lewis Eugene Wilson d/b/a The Wilson Company*, 53 N. L. R. B. 523.

leased to others by the Company. The record indicates that he has installed pipes and machinery, has done some production work at the Leo Papish plant, and that much of his time goes into the job costs of that plant. Madore makes machinery and building repairs at the Leo Papish plant and at other property of the Company. He unloads trucks containing materials for the manufacturing operations at the plant involved and for other operations of the Company. He builds all the shipping boxes for the Leo Papish plant, and has on occasions performed other work at that plant. Since Lacava and Madore appear to spend a substantial portion of their time in either production or maintenance work in connection with the Leo Papish plant, we find that they fall within the production and maintenance unit and are eligible to vote in the election hereinafter directed.

The Company objects to the participation in the election of Michael Hbracak. Hbracak was employed by the Company subsequent to his alleged discriminatory discharge by the Turner Machine Co., Inc., Danbury, Connecticut. In a prior decision directing an election among the employees of that corporation, the Board decided that Hbracak should be permitted to vote, but that his ballot should be segregated pending a determination of the unfair labor practice charges which had been filed in his behalf.<sup>4</sup> It appears that at the time of the hearing Hbracak had been working for the Company for 2 or 3 months, as a screw machine operator. We are of the opinion that he has a sufficient interest in the proceedings to be eligible to vote.

### 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 A. Papish, Inc., Danbury, Connecticut, 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 Second 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 Direc-

<sup>3</sup> 53 N. L. R. B. 1188, issued December 6, 1943; amended December 28, 1943.

<sup>4</sup> Charges were filed on September 17, 1943, and amended charges on December 28, 1943. The complaint case (2-C-5278) is now pending before the Board. The charges and the representation case refer to this employee as "Hbracsak."

tion, 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 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 Association of Machinists, A. F. of L., for the purposes of collective bargaining.