

In the Matter of ALUMINUM COMPANY OF AMERICA, CANONSBURG
PLANT and INTERNATIONAL DIE SINKERS CONFERENCE, CANONSBURG
DIE SINKERS LODGE No. 310

Case No. 6-R-894.—Decided March 11, 1944

Messrs. Harry Flynn and J. B. Cowan, both of Pittsburgh, Pa., and
Mr. F. C. Seeger, of Canonsburg, Pa., for the Company.

Messrs. J. G. Meiner and Walter Lynch, both of Cleveland, Ohio,
for the Die Sinkers.

Mr. Philip M. Curran, of Pittsburgh, Pa., and *Mr. William Brady*,
of Canonsburg, Pa., for the Steelworkers.

Mr. David V. Easton, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition filed by International Die Sinkers Conference,¹ herein called the Die Sinkers, alleging that a question affecting commerce had arisen concerning the representation of employees of Aluminum Company of America, Canonsburg Plant, Canonsburg, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before W. G. Stuart Sherman, Trial Examiner. Said hearing was held at Pittsburgh, Pennsylvania, on February 7, 1944. The Company, the Die Sinkers, and United Steelworkers of America, affiliated with the Congress of Industrial Organizations, herein called the Steelworkers, 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 Steelworkers made a motion at the hearing to dismiss the petition herein which the Trial Examiner referred to the Board. For reasons hereinafter set forth,

¹ The record shows that Canonsburg Die Sinkers Lodge No 310 is the local labor organization more particularly concerned herein. All papers in this proceeding are hereby amended to reflect this fact.

the motion is hereby denied. 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 with its principal offices located in Pittsburgh, Pennsylvania. The Company owns or operates plants in approximately 20 States of the United States. We are concerned herein with a plant located in Canonsburg, Pennsylvania, which, although owned by the Defense Plant Corporation, is operated by the Company. Said plant is engaged in the manufacture, sale, and distribution of aluminum forgings for aircraft, and its entire production is destined for use as part of the national war effort. During the period between May 1943, when the plant commenced production, and December 1943, the Company purchased raw materials for use at its Canonsburg plant valued in excess of \$2,000,000, of which approximately 90 percent was shipped to the plant from points located outside the State of Pennsylvania. During the same period the Canonsburg plant manufactured drop forgings valued in excess of \$2,000,000, more than 90 percent of which was shipped to points outside the State of Pennsylvania.

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

II. THE ORGANIZATIONS INVOLVED

Canonsburg Die Sinkers Lodge No. 310 is a labor organization affiliated with the International Die Sinkers Conference, admitting to membership employees of the Company.

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

The Company has refused to grant recognition to the Die Sinkers as the exclusive bargaining representative of certain of its employees on the ground that the unit sought by the Die Sinkers is inappropriate.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Die Sinkers and the Steel-

workers each represents a substantial number of employees in the unit hereinafter found appropriate.²

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 DETERMINATION OF REPRESENTATIVES

The Die Sinkers contends that all employees of the Company working on dies or parts of dies used to complete forgings, excluding supervisory employees, constitute an appropriate unit. The Steelworkers contends that only an industrial unit consisting of the production and maintenance employees (including those employees claimed by the Die Sinkers) who were previously encompassed by a unit set forth in a consent election agreement, is appropriate. The Company takes no affirmative position, contending solely that the unit sought by the Die Sinkers is inappropriate.

The Canonsburg plant is comparatively new, having commenced production operations in May of 1943. The Steelworkers began organizing the employees of the plant shortly after production started, and in August 1943 requested recognition from the Company as the exclusive bargaining representative of its production and maintenance employees. The Company refused to grant such recognition on the ground that the question of representation should be postponed to such time when a majority of the total anticipated complement of employees would be engaged. In November the Steelworkers filed a petition seeking an industrial unit.³ The Aluminum Workers of America, affiliated with the Congress of Industrial Organizations, herein called the Aluminum Workers, and International Council of Aluminum Workers' Unions, affiliated with the American Federation of Labor, herein called the A. F. L., claiming an interest in the employees of the Company, intervened in that proceeding, and on December 4, 1943, entered into a consent election agreement with the Company and the Steelworkers, providing for an election to be held among all production and maintenance employees of the Company, including time-keepers and tally clerks, but excluding plant-protection employees, salaried employees, office and clerical employees, temperature clerks, and supervisory employees.

² The Field Examiner reported that the Die Sinkers submitted 82 designation cards, 74 of which bore apparently genuine original signatures and contained the names of persons appearing on the Company's pay roll of January 19, 1944, and that said pay roll contained the names of 102 employees in the appropriate unit.

He further reported that the Steelworkers submitted 102 application cards, 65 of which bore apparently genuine original signatures and contained the names of persons appearing on the aforesaid pay roll.

³ Case No 6-R-874.

The Die Sinkers, having commenced organizational activities among employees of the Company during the latter part of November 1943, stated that it would object to the consent election agreement unless its representatives were allowed to challenge at the election all employees in the unit which it presently claims as appropriate. An understanding was reached by all parties concerned, and it was agreed that the Die Sinkers would be permitted to challenge all such employees who would attempt to vote in the election. On the day of the election which was conducted on January 11, 1944, the Die Sinkers did, in fact, challenge these employees.⁴ Previously, on December 20, 1943, the Die Sinkers had filed the petition in the instant case.

The employees whom the Die Sinkers seeks to represent are engaged in the Company's machine shop together with machinists and other maintenance workers. The Company has recently completed a new building to which the machine shop will be transferred in the near future, and a representative of the Company testified that in this building machines used for die sinking operations will be separated from those used for other purposes. The machine room in which the die sinking operations are presently conducted houses approximately 115 employees, of whom, according to testimony adduced by the Company, approximately 40 percent spend one-half or more of their time on die work, whereas the remaining employees spend the larger portion of their time on work other than the production of dies. That most of the employees perform both die sinking and maintenance work, and few perform maintenance or die sinking work exclusively, is due to the fact that the Company, in order to cope with the present shortage of skilled die sinkers caused by the national emergency, has instituted a program whereby persons are trained to perform one or more of the several operations in the die sinking process rather than all of such operations. These employees are first classified by the Company as trainees and perform both maintenance and die work. Thereafter, when they acquire additional skill, the trainees are promoted to the classification of operators. The record discloses that trainees and operators, as they increase in skill, spend more and more of their time on die work. Thus, as of February 5, 1944, the Die Sinkers submitted evidence which indicated that there were 109 employees in the machine shop performing work on dies.⁵

⁴ The Steelworkers won the election and the Regional Director filed a Report on Consent Election, dated January 17, 1944, in which he found that it had been designated by a majority of the employees in the agreed unit as their exclusive bargaining representative. The report further showed that 93 ballots were challenged and that the challenged ballots could not affect the results of the election.

⁵ The evidence elicited by the Die Sinkers may be summarized by the following chart

| No. of employees : | <i>Time spent on die sinking operations</i> |
|--------------------|---|
| 46----- | 100 percent. |
| 18----- | 90 percent or more. |
| 12----- | between 50 and 90 percent. |
| 33----- | between 10 and 50 percent. |

By its challenges of the ballots cast by those employees in the group which it now seeks to represent, the Die Sinkers has attempted, as far as it has been able, to preserve their identity. We have frequently found that die sinkers are a sufficiently skilled craft to warrant their separate representation if they so choose.⁶ We do not feel that the "dilution" of the craft caused by the national emergency should militate against affording them this choice, where, as here, the evidence shows that the employees sought by the Die Sinkers are performing work comparable to that performed by persons serving a regular apprenticeship in the craft. We are of the opinion, therefore, that in the absence of any collective bargaining history to the contrary, all employees in the machine room of the Company working on dies, or parts of dies, may properly constitute a separate craft unit. However, the close functional relationship of these employees to others engaged by the Company, and the comprehensive organizational activities of the Steelworkers, clearly indicate that a single industrial unit may also be proper.

Accordingly, before making a final determination as to the propriety of the unit proposed by the Die Sinkers, we shall first ascertain the desires of the employees themselves. We shall direct an election by secret ballot to be conducted among all employees in the machine room of the Company working on dies, or parts of dies, 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 all other employees, who were employed during the pay-roll 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 Steelworkers. Upon the results of the election will depend, in part, our determination of the appropriate unit. If the employees in this voting group select the Die Sinkers as their bargaining representative, they will have thereby indicated their desire to constitute a separate appropriate unit. If, however, these employees choose the Steelworkers, they will have thereby indicated their desire to be part of the production and maintenance unit presently represented by it, and they will be deemed to be part of said 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

⁶ *Matter of Aluminum Company of America*, 54 N. L. R. B. 782; *Matter of Duff Norton Manufacturing Company*, 48 N. L. R. B. 1148; *Matter of International Harvester Company, Tractor Works*, 36 N. L. R. B. 520.

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, Canonsburg Plant, Canonsburg, Pennsylvania, 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 Sixth 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 in the machine room at its Canonsburg, Pennsylvania, plant, working on dies, or parts of dies, excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, and all other employees of the Company, 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 they desire to be represented by International Die Sinkers Conference, Canonsburg Die Sinkers Lodge No. 310, or by United Steelworkers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining, or by neither.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Election.