

In the Matter of BELDEN MANUFACTURING COMPANY and UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA, CIO

*Case No. 13-R-2235.—Decided March 11, 1944*

*Pope & Ballard*, by *Mr. John H. Thomson*, of Chicago, Ill.; and *Messrs. Charles S. Craigmile* and *Charles O. Roberts*, of Chicago, Ill., for the Company.

*Mr. Irving Krane*, of Chicago, Ill., for the U. E.

*Mr. John Gavin*, of Chicago, Ill., for the Operating Engineers.

*Mr. Robert E. Tillman*, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Electrical, Radio and Machine Workers of America, CIO, herein called the U. E., alleging that a question affecting commerce had arisen concerning the representation of employees of Belden Manufacturing Company, Chicago, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John R. Hill, Trial Examiner. Said hearing was held at Chicago, Illinois, on January 24, 1944. The Company, the U. E., and International Union of Operating Engineers, Local 399, herein called the Operating Engineers, 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 rulings of the Trial Examiner 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

Belden Manufacturing Company, an Illinois corporation, owns and operates two plants where it is engaged in the manufacture of insulated

copper wire. Only its plant in Chicago, Illinois, is involved in this proceeding. The principal raw materials used by the Company consist of copper, enamel, silk, and cotton. During the year 1943, at its Chicago plant, the Company used raw materials having a value in excess of \$500,000, of which approximately 50 percent was shipped to the plant from points outside the State of Illinois. During the same period, the Company manufactured finished products at this plant having a value in excess of \$1,000,000, of which 50 percent was shipped to points outside the State of Illinois. The Company admits that in the operations of its Chicago plant it is engaged in commerce, within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATIONS INVOLVED

United Electrical, Radio and Machine Workers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

International Union of Operating Engineers, Local 399, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

On or about December 23, 1943, the U. E. wrote the Company a letter requesting recognition as the exclusive collective bargaining representative of the latter's production employees. On or about December 30, 1943, the Company mailed a reply letter in which it expressed doubt as to the U. E.'s majority claims and for that reason declined to bargain.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the U. E. represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</sup>

---

<sup>1</sup> The Field Examiner stated that there were approximately 400 employees in the unit claimed to be appropriate; that the U. E. submitted 206 authorization cards; and that the cards, except for 22 which were undated, were dated in November and December 1943 and January 1944.

At the hearing, the Company noted that the authorization cards submitted by the U. E. had not been checked with actual signatures of the Company's employees, that certain of the cards were undated or dated subsequent to the petition and hence should not be counted, and that the remaining cards fell short of a 50 percent showing of representation which the Company contended should be required before an election is ordered at a plant engaged in war production. We find no merit in any of the above objections voiced by the Company. We have frequently stated that authorization or membership cards are required not as proof of the precise number of employees who desire to be represented by a labor organization, or as a basis for determining the appropriate representative, but simply to provide a reasonable safeguard against the indiscriminate institution of representation proceedings by labor organizations which might have little or no membership in the unit claimed to be appropriate. See *Matter of H. G. Hill Stores, Inc. Warehouse*, 39 N. L. R. B. 874, 876, and cases cited therein. The cards submitted by the U. E. constitute *prima facie* proof that the U. E.'s representation of employees in the unit claimed to be appropriate is substantial. Comparison of the signatures appearing on the cards with the actual signatures of em-

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

As brought out at the hearing, the U. E. seeks a unit of all production and maintenance employees of the Company, including the set-up operator in the magnet department, and janitors, but excluding supervisory employees, office and clerical employees, guards, and professional engineers.

The Company agrees that an industrial unit is appropriate but is in disagreement with the U. E. as to the exclusion from the unit of several classifications of employees which are discussed below.

The Operating Engineers makes no claim respecting an appropriate unit, inasmuch as it asserts an interest in only one employee of the Company. As to this employee, however, the Operating Engineers desires that he be excluded from the unit sought by the U. E.

*Timekeepers:* The Company employs five timekeepers, all of whom are paid on an hourly basis, are located in the plant, and are responsible directly to the general foreman. They are engaged entirely in clerical work, which involves, for the most part, the maintaining of time records. The Company contends that they should be included in the unit; the U. E. would exclude them. Since the work of the timekeepers is entirely clerical, and their contact with the production and maintenance employees appears to be very slight, we are of the opinion that their duties and interest are not sufficiently akin to those of the production and maintenance employees to warrant their inclusion within the same bargaining unit.<sup>2</sup> Accordingly, we shall exclude them.

*Tag and record clerks:* There are 10 or 11 tag and record clerks located in partitioned-off offices in the plant. They are hourly paid employees under the supervision of the general foreman who are in charge of production records. It is their duty to follow orders. Some of them go out into the plant with machine tags and records. The Company contends that they should be included in the unit, whereas the U. E. would exclude them. Although the work of the tag and

---

ployees is deemed unnecessary. See *Matter of Ellicott Machine Corporation*, 54 N. L. R. B. 732. As respects the dates appearing on the cards, we find no valid reason for rejecting cards signed after a petition has been filed. If the 22 cards which are undated are not counted, the representation showing of the U. E. is still substantial. Moreover, it appears in this case that organization of the Company's plant did not begin prior to November 1943, so that the undated cards are probably of recent origin. Finally, our experience has indicated that the requirement of a substantial showing rather than a 50 percent showing of representation is adequate protection against the indiscriminate institution of representation proceedings.

<sup>2</sup> See *Matter of Aluminum Forgings, Inc., et al.*, 53 N. L. R. B. 1054.

record clerks is also entirely clerical, their contact with the production employees is greater than is that of the timekeepers. For this reason we shall include tag and record clerks in the unit.

*Inspectors and process inspectors:* The Company's inspection force is generally divisible into two groups: 10 *inspectors*, and 10 *process inspectors*. All are hourly paid and are under the supervision of the chief inspector.

(1) The *inspectors* perform their functions after the wire has been manufactured and wound on spools. Approximately eight of them work in the label department and two in the stranding department. Their duties are routine, consisting of surface inspection. All wire found to be defective is set aside. Three or four of the inspectors rewind wire. Another performs routine spot checks in the inspection laboratory. The Company would include all the inspectors. The U. E. agrees that all but the inspector in the laboratory should be included; it would exclude the latter employees solely because of her location in the laboratory. We do not deem this to be sufficient reason to justify treating this employee any differently than the other inspectors. We shall, therefore, include all the inspectors in the unit.

(2) All the *process inspectors*, with the exception of one who is employed in the inspection laboratory, are assigned to production departments where they inspect manufacturing operations and make constant tests. If they discover defective wire, they have authority to stop production. Approximately seven of them are also referred to as department inspectors because each of them is the only inspector in a particular department on a given shift. The Company contends that all process inspectors should be included in the unit; the U. E. would exclude those who are designated as department inspectors and the one who works in the laboratory. All the process inspectors perform comparable functions. Those who are also known as department inspectors and the process inspector in the laboratory receive a week's vacation with pay after 1 year's service, whereas the others must first have 3 years' service.<sup>3</sup> Infrequently, some of the process inspectors who are termed department inspectors will supervise a department in the absence of the foreman, but when so acting, merely watch over the work in the department while continuing their regular inspection duties. We do not find that any of the process inspectors exercise supervisory powers warranting their exclusion from the unit. We further find that our conclusion as to the inspector in the laboratory is equally applicable to the process inspector in the laboratory. Moreover, we are of the opinion that the work of process inspectors and inspectors is basically so similar that if one group is included in a

---

<sup>3</sup> *Inspectors* and production and maintenance employees must also have 3 years' service before being entitled to a week's vacation with pay

production and maintenance unit, the other should likewise be included. We shall, therefore, include all process inspectors in the unit.

*Cafeteria employees:* The Company has two cafeterias, one in the office building and the other in the plant. The U. E. would exclude the employees in both cafeterias, whereas the Company would exclude only those in the office cafeteria. There are five or six employees in the plant cafeteria, consisting of a cook and kitchen and lunchroom helpers. Because the work of cafeteria employees is not related to that of production and maintenance employees, we shall exclude them from the unit.

*Plant nurse:* The Company employs one nurse, who is located in the First-Aid Room. The Company would include her in the unit and the U. E. would exclude her. Inasmuch as she is not engaged in production or maintenance work, and in view of the specialized character of her services, we shall exclude the plant nurse from the unit.

*Salaried rewind inspector; salaried mechanic; and experimental machine operator:* These three employees, because of their long terms of service, are on a salaried basis. The Company contends that they should be included in the unit; the U. E. would exclude them.

(1) The *salaried rewind inspector* is located in the label room where she makes spot checks of spooled wire and is under the supervision of the forelady of the label room. She sets aside bad spools of wire. Her duties are thus substantially the same as hourly paid inspectors, whom we have included in the unit. We shall, therefore, include the salaried rewind inspector.

(2) The *salaried mechanic* is located in the machine shop where, because of his greater skills and experience, he performs more difficult and finer work than other mechanics. Since his work is otherwise the same as the hourly paid employees in the machine shop, we shall include him also.

(3) The *experimental machine operator* is situated in the magnet wire division. Her work differs from other machine operators only in that she runs samples on various machines to see that they are ready for production, instead of performing straight production work. Also, because of her greater experience, she advises other employees who encounter difficulty in the performance of their work. She has no supervisory powers. We shall include her.

*Chief boiler room engineer:* This employee is the only one in whom the Operating Engineers claims an interest. Although his title might indicate otherwise, he has no one under his supervision. He alone cares for the boiler room and checks air compression. He has been a member of the Operating Engineers for 2 years. The Company contends that he should be included in the unit. The Operating Engi-

neers requests the Board to exclude him. The position of the U. E. is that it has no objection to excluding him, and that if he is included, it would allow the Operating Engineers to bargain for him. In view of the positions of the only two labor organizations involved and the employee's membership in a clearly identifiable and highly skilled craft, we find that the policies of the Act will best be effectuated by excluding him from the production and maintenance unit.

We find that all production and maintenance employees of the Company, including the set-up operator in the magnet department, janitors, tag and record clerks, inspectors, process inspectors, the salaried rewind inspector in the label department, the salaried mechanic in the machine shop, and the experimental machine operator in the magnet wire division, but excluding office and clerical employees,<sup>4</sup> guards, professional engineers, timekeepers, cafeteria employees, the plant nurse, the chief boiler room engineer, 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 our Direction of Election herein, subject to the limitations and additions set forth therein.

#### 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 Belden Manufacturing Company, Chicago, Illinois, 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 Thirteenth Region, acting in this matter as agent for the National Labor Relations Board, and subject

<sup>4</sup> The U. E. and the Company agreed that this category has reference to all employees in the office building, two employment clerks in the plant, and the secretary to the plant superintendent.

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 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 any 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 United Electrical, Radio and Machine Workers of America, CIO, for the purposes of collective bargaining.

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