

IN THE MATTER OF SNAP-ON TOOLS CORPORATION *and* RACINE-KENOSHA  
DIE SINKERS LODGE NO. 280 OF THE INTERNATIONAL DIE SINKERS  
CONFERENCE

*Case No. 13-R-2215.—Decided March 29, 1944*

*Mr. Robert L. Grover*, of Kenosha, Wis., for the Company.

*Mr. J. G. Meiner*, of Cleveland, Ohio, for the Die Sinkers.

*Mr. P. L. Siemiller*, of Chicago, Ill., for the I. A. M.

*Miss Frances Lopinsky*, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Racine-Kenosha Die Sinkers Lodge No. 280 of the International Die Sinkers Conference,<sup>1</sup> herein called the Die Sinkers, alleging that a question affecting commerce had arisen concerning the representation of employees of Snap-On Tools Corporation of Kenosha, Wisconsin, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert T. Drake, Trial Examiner. Said hearing was held at Kenosha, Wisconsin, on January 31, 1944, and February 1, 1944. The Company, the Die Sinkers, and International Association of Machinists, Lodge No. 34, herein called the I. A. M., appeared and participated.<sup>2</sup> 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.

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<sup>1</sup> On motion of the Die Sinkers, the petition and formal papers in the case were amended to show the correct name of the organization, as set forth above.

<sup>2</sup> International Brotherhood of Blacksmiths, Drop Forgers & Helpers of America, and Metal Polishers International Union, also served with notice, did not appear.

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

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE COMPANY

Snap-On Tools Corporation is a Delaware Corporation having its principal office at Kenosha, Wisconsin. It operates a plant at Mt. Carmel, Illinois, and another at Kenosha, Wisconsin. This proceeding concerns only the latter plant, which utilizes steel in the manufacture of mechanics' hand service tools. During the past year its purchases of raw materials exceeded \$800,000, more than 95 percent of which was shipped to the Company from points outside the State of Wisconsin. During the same period, the value of its manufactured products exceeded \$2,000,000, more than 95 percent of which was shipped to points outside the State of Wisconsin.

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

#### II. THE ORGANIZATIONS INVOLVED

Racine-Kenosha Die Sinkers Lodge No. 280 of the International Die Sinkers Conference is an unaffiliated labor organization admitting to membership certain employees of the Company.

International Association of Machinists, Lodge No. 34, 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 Die Sinkers as the exclusive bargaining representative of the employees in its die sinking department unless the Die Sinkers is certified by the Board in an appropriate unit.<sup>3</sup>

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Die Sinkers represents a substantial number of employees in the unit it requests.<sup>4</sup>

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<sup>3</sup>The Company has had a series of contracts with the I A M which the I A M contends covered the Die Sinkers. Upon execution of the last of these, however, the parties to the contract simultaneously signed a stipulation which stated *inter alia* that the execution of the contract was not to be construed to prejudice or to impair any rights of the parties to this proceeding. At the time the Die Sinkers requested recognition, the Company's 1942-43 contract with the I. A. M. had expired and no new contract had been signed.

<sup>4</sup>The Field Examiner reported that the Die Sinkers submitted 10 application for membership cards all of which corresponded with names listed on the Company's pay roll of January 10, 1944, which contained the names of 11 employees in the alleged appropriate unit, and that the cards were all dated August 1943.

The I. A. M. relied upon its contract to show its interest in the matter.

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) (7) of the Act.

#### IV. THE APPROPRIATE UNIT; THE DETERMINATION OF REPRESENTATIVES

The Die Sinkers requests a unit of all employees in the Forge Die Room of the Company's plant who work on dies or parts of dies used in the manufacture and completion of forgings, excluding supervisors and clerical employees. The I. A. M. contends that die sinkers are not a distinct craft but are a part of the tool machinists' craft and that they should be and are presently represented in a unit which includes all of the machinists in the Company's employ.

The Board has had many occasions to examine the work of die sinkers in relation to the work of other production employees in plants similar to the one here involved, and we here reiterate that die sinkers, who undergo a training period of from 7 to 10 years, and who perform work that not even the most proficient tool maker can perform without special training, do constitute a craft separate and distinct from other machinists' crafts.<sup>5</sup> The I. A. M. contends that in the Company's plant, tool makers and die sinkers are interchangeable. The record reveals that occasionally die sinkers make use of equipment outside their department, and tool makers use the equipment in the die room, but the work which the tool makers perform in the die room is not die sinking. Nothing in the record distinguishes the die sinkers here from those involved in cases heretofore decided by the Board.

We conclude, then, that the die sinkers constitute a distinct craft. The questions remain whether they nevertheless can best be represented in a unit with the machinists of the plant and whether they are presently a part of such a unit.

The Company utilizes forgings in the manufacture of its product. Until 1942, it purchased them. In that year it established its Drop Forge plant consisting of a hammer shop and a die room. The first die sinker was hired in October 1942; the second in December 1942. It was not until March 1943 that the die shop began to operate with a reasonably full complement of workmen. In June 1943, the hammer shop attained a reasonably full complement of workmen.

Prior to the establishment of the Drop Forge plant, all of the employees of the plant were represented by the I. A. M. and the International Polishers, Buffers & Platers and Helpers of America.

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<sup>5</sup> See *Matter of Willys Overland Motors, Inc (Toledo, Ohio)* 52 N. L. R. B. 109; *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, *Matter of Willys Overland Motors, Inc.*, 35 N. L. R. B. 549.

Local No. 45,<sup>6</sup> herein called the Metal Polishers, both of which are affiliated with the American Federation of Labor.<sup>7</sup> On November 7, 1942, the Company signed a new contract with these organizations which contract contained wage rates for every classification of employees in the plant except those employed and to be employed in the new Drop Forge plant. In June 1943, the Company recognized the International Brotherhood of Blacksmiths, Drop Forgers and Helpers, Local No. 652, herein called the Blacksmiths, as the exclusive bargaining representative of the employees in the hammer shop. At that time a supplemental agreement making the Blacksmiths a party to the November 7 agreement was signed. The agreement contained wage rates and other provisions applicable to hammer shop employees but made no mention of die sinkers. In August 1943, a number of die sinkers, who had theretofore been members of the I. A. M., resigned from that organization and affiliated with the Die Sinkers. In January 1944 the Company, the I. A. M., the Metal Polishers, and the Blacksmiths executed a contract in which no reference to die sinkers was made.<sup>8</sup> The I. A. M. insists that it has represented the die sinkers from the time that the first die sinker was employed and that the parties to the contract thought this too obvious a fact to require mention in the supplemental agreement of June 1943. In support of its contention, the I. A. M. proved that it represents die sinkers in many plants in the Kenosha area and that prior to their affiliation with the Die Sinkers, the die sinkers employed by the Company were members of the I. A. M., who had been employed in plants in which the I. A. M. represented die sinkers in units composed of machinists of all types. In denial of the contention, the Die Sinkers pointed out that all other categories of employees, obviously covered by the collective bargaining contracts, were specifically listed therein for purposes of defining wage rates; that die sinkers are the only employees not so listed, and that the die sinkers employed by the Company were never provided with a shop steward to represent them in the I. A. M.

Upon consideration of the foregoing facts we are of the opinion that the die sinkers are not and have never been covered by the bargaining between the Company and the I. A. M. The custom of bargaining in the area, however, does indicate the feasibility of the unit requested by the I. A. M. Under the circumstances, we believe that the employees in the Company's die shop may properly constitute a

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<sup>6</sup> So designated in the contracts.

<sup>7</sup> The American Federation of Labor was recognized by the Company as the exclusive bargaining representative of its employees in 1936 after it had won a consent election in the Company's plant.

<sup>8</sup> This is the contract mentioned in footnote 3 herein which was signed simultaneously with the stipulation

separate bargaining unit or may equally achieve the full benefit of their right to self-organization and collective bargaining as a part of the unit in which machinists are represented. We are of the opinion that our determination of the unit issue with respect to the employees in question should depend, in part, on the desires of the affected employees to be expressed in the election hereinafter directed. Consequently we shall make no final determination of the unit at this time, but shall defer such determination pending the results of the said election.

We shall direct an election among all employees in the Forge Die Room of the Company's plant who work on dies or parts of dies used in the manufacture and completion of forgings, excluding 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.<sup>9</sup> If they select the Die Sinkers they will thereby have indicated their desire to constitute a separate unit. If they select the I. A. M. they will have indicated their desire to be represented together with machinists for the purposes of collective bargaining.<sup>10</sup>

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the foregoing employees who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

### 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 Snap-On Tools Corporation, Kenosha, Wisconsin, 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 to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the Forge Die Room of the Company's

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<sup>9</sup> All parties are in agreement as to the constituency of the voting group

<sup>10</sup> The I. A. M. appears to be the statutory bargaining representative for all shop employees at the Company's plant including machinists but excluding employees of the plating and polishing department and forge shop employees

plant who work on dies or parts of dies used in the manufacture and completion of forgings, excluding 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, 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 Racine-Kenosha Die Sinkers Lodge No. 280 of the International Die Sinkers Conference, or by International Association of Machinists, affiliated with the American Federation of Labor, for the purposes of collective bargaining or by neither.