

In the Matter of HARNISCHFEGER CORPORATION *and* PATTERN MAKERS  
LEAGUE OF NORTH AMERICA, MILWAUKEE ASSOCIATION (A. F. L.)

*Case No. 13-R-2127.—Decided March 31, 1944*

*Mr. T. W. Korb*, of Milwaukee, Wis., for the Company.

*Mr. G. Hallstrom*, of Chicago, Ill., and *Mr. John D. Maher*, of Milwaukee, Wis., for the Pattern Makers.

*Messrs. W. C. Sonneman* and *Walter J. Burke*, of Milwaukee, Wis., for the Steelworkers.

*Messrs. Leon Novak* and *David V. Easton*, both of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by Pattern Makers League of North America, Milwaukee Association (A. F. L.), herein called the Pattern Makers, alleging that a question affecting commerce had arisen concerning the representation of employees of Harnischfeger Corporation, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert R. Rissman, Trial Examiner. Said hearing was held at Milwaukee, Wisconsin, on December 20, 1943. The Company, the Pattern Makers, and United Steelworkers of America, Local 1114, C. I. O., herein called the Steelworkers, 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

Harnischfeger Corporation is a Wisconsin corporation with its office and principal place of business in Milwaukee, Wisconsin, where it is  
55 N. L. R. B., No. 162.

engaged in the manufacture, assembly, sale, and distribution of electric motors, electric overhead cranes, hoists, arc welders, position finders, power shovels, trenching machines, and truck cranes. Raw materials used at the Milwaukee plant are chiefly steel, wood, copper, tin, coal, tires, and motors. During 1943, the Company used such raw materials of a value in excess of \$10,000,000, of which approximately 75 percent was shipped to its plant from points outside the State of Wisconsin. During the same period the Company's gross sales were in excess of \$30,000,000, approximately 90 percent of which was shipped to points outside the State of Wisconsin. The Company is engaged exclusively in war production for the military forces of the United States.

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

#### II. THE ORGANIZATIONS INVOLVED

Pattern Makers League of North America, Milwaukee Association, (A. F. L.), affiliated with the American Federation of Labor, is a Labor organization admitting to membership employees of the Company.

United Steel Workers of America, Local 1114, C. I. O., affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

#### III. THE ALLEGED APPROPRIATE UNIT

The Pattern Makers in its petition requests a unit consisting of all journeymen and apprentice pattern makers employed by the Company. The Company and the Steelworkers contend that only an industrial unit in which the pattern makers are included is appropriate.

Since 1939 the Steelworkers has bargained with the Company on an industrial basis. Included among the approximately 3,000 production and maintenance employees employed by the Company, at its Milwaukee plant, are 9 pattern makers. It does not appear that the pattern makers at any time sought separate representation as a craft unit. Following the advent of the Steelworkers as bargaining representative of the Company's production and maintenance employees, a substantial number<sup>1</sup> of the pattern makers became members of the Steelworkers. Thereafter, the Steelworkers represented the pattern makers as part of the industrial unit and, on a number of occasions, presented specific grievances in their behalf. As a result of such bargaining by the Steelworkers, the pattern makers shared in the general increases obtained by the Steelworkers, in the years 1939, 1940, and 1941. In 1942, the Steelworkers presented a request

<sup>1</sup> The record indicates that at least four of the pattern makers joined the Steelworkers.

to the Company for a wage increase for the pattern makers only, and was successful in obtaining such an increase. The record also indicates that the Steelworkers was successful, through bargaining with the Company, in preventing temporary lay-offs of the pattern makers in periods when there was insufficient work to keep them occupied, and in obtaining continuance of the pattern makers department after the Company had indicated a desire to discontinue the work performed there. Thus it appears that there has been no history of collective bargaining with the Company on other than an industrial basis; that the pattern makers have acquiesced for years in the exclusive agency of the Steelworkers, as illustrated by their voluntary membership in that organization and by their acceptance of the benefits obtained by it in their behalf, and that during this time they made no effort to retain separate identity as a craft group.

We find no reason, on the basis of the facts and circumstances outlined above, to set the pattern makers apart from the remainder of the Company's employees. It is true, as we have frequently found, that pattern makers form a highly skilled, clearly identifiable, homogeneous group, and that we have customarily permitted them to separate from a plant-wide unit where the history of bargaining on a plant basis is of relatively short duration and the pattern makers have not affirmatively participated in the plant-wide bargaining and have attempted to establish their separate identity. These factors are not present here. We are of the opinion that the facts in this case do not justify the disturbance of the long history of plant-wide collective bargaining which appears to have achieved and maintained harmony between the Company and the employees. We conclude that the unit requested by the pattern makers is not an appropriate unit for the purposes of collective bargaining and we so find.<sup>2</sup>

#### IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since, as we have held in Section III, above, the bargaining unit sought to be established by the petition is inappropriate for the purposes of collective bargaining, we find that no question has been raised concerning the representation of employees in an appropriate bargaining unit. Accordingly, we shall dismiss the petition.

#### ORDER

Upon the basis of the above findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives filed by Pattern Makers League of North America, Milwaukee Association (A. F. L.), be, and it hereby is, dismissed.

<sup>2</sup> For a more complete discussion of this problem, see *Matter of Goodyear Tire & Rubber Company*, Case No 8-R-1216, 55 N. L. R. B. 918.