

In the Matter of THE WELDON TOOL COMPANY (PLANT No. 1) and
UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA
(CIO)

Case No. 8-R-1410.—Decided April 12, 1944

Baker, Hostetler & Patterson, by Mr. S. D. L. Jackson, Jr., of Cleveland, Ohio, for the Company.

Mr. Frank Haug, of Cleveland, Ohio, for the Union.

Mrs. Augusta Spaulding, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon petition duly filed by United Electrical, Radio & Machine Workers of America (CIO), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Weldon Tool Company, Cleveland, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Dominick Manoli, Trial Examiner. Said hearing was held at Cleveland, Ohio, on March 3, 1944. The Company and the Union 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 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

The Weldon Tool Company is engaged in the manufacture of metal cutting tools and aviation pumps at Cleveland, Ohio, where the Company operates three plants. In the manufacture of its finished products, the Company uses steel, copper, iron, and other materials. During the year 1943, the Company used at its plants raw materials valued in excess of \$1,000,000, of which more than 50 percent was received

from points outside Ohio. During the same period, the Company sold products finished at its plants valued in excess of \$5,000,000, of which more than 50 percent was shipped to points outside Ohio.

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

II. THE ORGANIZATION INVOLVED

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

III. THE ALLEGED APPROPRIATE UNIT

On or about January 29, 1944, the Union asked the Company for recognition as exclusive bargaining representative of production and maintenance employees at the Company's main plant. The Company, taking the position that production and maintenance employees at its three plants constituted a bargaining unit and that the unit proposed by the Union was inappropriate for bargaining, declined to recognize the Union until a bargaining unit appropriate for its employees should be determined by the Board.

Until November 1942, the Company conducted its entire manufacturing operations, consisting principally of metal cutting tools, at 3000 Woodhill Road, Cleveland, Ohio, herein called the main plant. In August 1942, the Company, pressed for space and unable to procure suitable materials or the necessary labor for building construction, leased for its use an empty automobile garage, located approximately 2½ miles from the main plant.¹ This plant is called the warehouse. To the warehouse, the Company immediately transferred 22 employees, of whom 11 subsequently returned to the main plant. In October the Company initiated at its main plant the manufacture of pumps for use in airplanes. Expansion of this work compelled the Company in February 1943 to seek additional facilities for production. For this purpose it leased a building near the warehouse, herein called the pump plant.² The Company secured equipment for the warehouse and for the pump plant from the Defense Plant Corporation. When it opened the pump plant, the Company transferred from the main plant thereto 20 employees, and later 29 additional employees.³ Frequent transfers of employees from one plant to an-

¹ The lease is for a 3-year period, with an option on the part of the Company to cancel the lease upon the sooner termination of the war.

² The lease is for a 5-year period, with a similar option for cancellation upon the sooner termination of the war.

³ Five of these employees subsequently returned to the main plant. Two other employees, originally hired for work at the pump plant, were thereafter transferred to the main plant, and one of these later returned to the pump plant.

other continued to the date of the hearing herem. The Company intends to return all manufacturing operations to the main plant as soon as production needs are reduced to its capacity or materials become available for its adequate enlargement.

The Company presently manufactures milling cutters, cutting tools, sharpening fixtures, and fluid metering pumps. The warehouse includes a cut-off department, where the first operation on tool steel is performed before the steel is sent to the main plant for processing. Cutting tools and partly fabricated cutting tools are made at the main plant. Some tools are sent from the main plant to the warehouse for hardening, and then returned to the main plant for future processing. For its pumps, the Company buys certain completely fabricated parts, including motors, filters, rheostats, shaft springs, shaft washers, rubber insets, and screws. At its main plant, the Company manufactures the pump body, cover, shaft, and seal and plug pins, performing in all at this plant 9 operations, approximately 32 percent of its work, in the manufacture of pumps. The various parts are sent to the pump plants, where they are painted, inspected, and assembled to form the finished product. In one department at the pump plant, the Company manufactures cams for use at the main plant and for sale to customers. Cams are used in connection with cutting tools or cutting machines and are not connected with pump manufacture. The equipment at the pump plant is similar to that at the main plant, and, except for differences in product, the work operations at the two plants are substantially the same. Raw materials and supplies for use at both plants are stored at the warehouse. A metallurgical laboratory is located at the warehouse, where raw materials used in the manufacture of pumps and tools are analyzed. In general, the skills of the production employees in the three plants are substantially the same.

The Company's maintenance department, under the supervision of a foreman, has its headquarters at the main plant, but serves all 3 plants of the Company. The maintenance foreman is also in charge of the plant guards who are shifted periodically from one plant to another. All three plants are supplied with tools, jigs, fixtures, and blueprints from departments in the main plant, where all tools are likewise sharpened.

Wage scales, vacations, pensions, and Company policies are uniform for all plants. All employees are hired at the employment office at the main plant, where foremen at the 3 plants place their requests for additional employees. Identification badges, consecutively numbered, are issued to all employees when hired. These badges are worn by employees at all 3 plants, and except for the serial numbers are identical. Employees have access to any of the 3 plants. The Com-

pany maintains 1 pay roll, upon which all employees are listed in the order of their serial numbers. The Company divides its operations among 50 departments. After the pay envelopes are made up at the main plant, they are separated as to departments and are delivered to the respective foremen for distribution to the employees therein.

On February 13, 1944, the Company employed 378 hourly paid employees at its main plant, one-third of whom were women, 84 hourly paid employees at the pump plant, all but 10 of whom were women, and 9 men at its warehouse. The 3 plants are under the direct supervision of the general manager of the Company's operations, to whom supervisory employees at the main plant, the pump plant, the metallurgist department, and the warehouse are respectively subject.

The Union began its organization of the Company's employees in 1942 when they were all housed at the main plant. After the Company established its pump plant and warehouse, the Union concentrated its activities among employees at the main plant, but it solicited membership generally among employees at the pump plant. The record does not disclose the full extent of the Union's organization among them. The Company's operations at the 3 plants clearly constitute continuous manufacturing operations. Upon the basis of the entire record herein, we conclude that a bargaining unit limited to employees at the Company's main plant is not appropriate at this time.⁴ Since it does not appear that any question has been raised concerning the representation of employees of the Company, in an appropriate unit within the meaning of Section 9 (c) of the Act, we shall dismiss the petition filed herein.⁵

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 of employees of The Weldon Tool Company, Cleveland, Ohio, filed by United Electrical, Radio & Machine Workers of America (CIO), be, and it hereby is, dismissed.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Order.

⁴ *Matter of Anthony Company*, 51 N. L. R. B. 1084.

⁵ In support of its claim to represent employees at the Company's main plant, the Union submitted 147 authorization cards, of which 5 were undated and the remaining bore dates in November and December 1943 and January and February 1944. Of these cards, 125 bear the names of employees on the Company's pay roll of February 15, 1944. The Union submitted no evidence to indicate the scope of its organization among employees at the pump plant and at the warehouse. There are approximately 450 non-supervisory employees at the 3 plants.