

In the Matter of THE HOWELL COMPANY and INTERNATIONAL ASSOCIATION OF MACHINISTS, DISTRICT No. 108

Case No. 13-R-2310.—Decided April 13, 1944

Mr. James D. Moore, of Chicago, Ill., for the Company.

Messrs. P. L. Siemiller and *J. Fitz Patrick*, of Chicago, Ill., for the I. A. M.

Mr. Gerald K. Treadwell, of Elgin, Ill., for the Association.

Mr. Howard A. Plank, of Chicago, Ill., for the F. & O.

Miss Kate Wallach, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Association of Machinists, District No. 108, herein called the I. A. M., alleging that a question affecting commerce had arisen concerning the representation of employees of The Howell Company, St. Charles, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Jack G. Evans, Trial Examiner. Said hearing was held at St. Charles, Illinois, on March 8, 1944. The Company, the I. A. M., the International Brotherhood of Firemen and Oilers, Elgin, Illinois, Local # 94, herein called the F. & O., and The Howell Company Employees' Association, herein called the Association, 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 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

The Howell Company is an Illinois corporation having its principal office and place of business at St. Charles, Illinois, where it is engaged in the production of bombs and aircraft parts under war

contracts. During the calendar year 1943, the Company purchased raw materials consisting of sheet steel, strip steel, steel tubing, etc., valued in excess of \$1,000,000, all of which were shipped to the Company from points outside the State of Illinois. During the same period, the Company sold finished products valued in excess of \$3,000,000, of which 90 percent were shipped from the plant to points outside the State of Illinois.

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

II. THE ORGANIZATIONS INVOLVED

The International Association of Machinists, District No. 108, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

The International Brotherhood of Firemen and Oilers, Elgin, Illinois, Local #94, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

The Howell Company Employees' Association is an unaffiliated labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The I. A. M. and the F. & O. each claims to represent a majority of the Company's employees in an appropriate unit, and the Company has declined to recognize either the I. A. M. or the F. & O. because it has in the past entered into and is presently negotiating a new bargaining contract with the Association as the representative of its employees.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the I. A. M. represents a substantial number of employees in the unit hereinafter found appropriate.¹

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.

¹ The Field Examiner reported that the I. A. M. submitted 84 application cards, all of which bore apparently genuine, original signatures; that the names of 82 persons appearing on the cards were listed on the Company's pay roll of February 18, 1944, which contained the names of 160 employees in the appropriate unit; and that 53 cards were dated January, 12 cards February, and 17 were undated.

The F. & O. submitted 11 application cards, all of which bore apparently genuine, original signatures. The names of all persons appearing on the cards were contained in the aforesaid pay roll which contained the names of 14 employees in the alleged appropriate unit. The cards were dated February 11, 1944.

The Trial Examiner stated at the hearing that from an examination of the Association's entry book of dues receipts he found that 53 employees on the afore-mentioned pay roll paid dues as follows: 5 through March 1944, 2 through February, 27 through January, 12 through December 1943, 2 through November 1943, 3 through September, and 2 through August 1943. The names of 20 of these employees also appeared on application cards submitted by the I. A. M., 1 was duplicated by the F. & O.

IV. THE APPROPRIATE UNIT

The I. A. M. seeks a unit composed of production and maintenance employees, including inspectors, group leaders, utility and yard employees, factory clericals, time clerks, the stock clerk at the Geneva, Illinois, warehouse, and the trainees at the Modern Steel Equipment Company at Geneva, Illinois, but excluding powerhouse, office, technical (including draftsmen and engineers), and clerical employees, the industrial nurse, armed guards, and all supervisory employees. The Association agrees with the unit sought by the I. A. M. The F. & O. requests a unit of maintenance employees exclusive of all production, toolroom, and powerhouse employees, clerical employees, watchmen, armed guards, industrial nurse, maintenance foremen, and all other supervisory employees.² The Company takes no position with regard to the appropriate unit. Thus, the only issue before the Board is whether the maintenance department constitutes a separate appropriate unit, as the F. & O. contends.

The Association has for several years bargained for both the production and maintenance employees of the Company, the last 2 years as the exclusive representative of such employees. The employees in the maintenance department have participated in collective bargaining and have been represented on the grievance committee. The record does not show that the employees in the maintenance department have made any previous attempts to obtain separate recognition.

The employees whom the F. & O. seeks to represent in a separate unit fall into various craft groups which are usually within the jurisdiction of affiliated craft organizations.³ While the Board has found, in the absence of collective bargaining history, that maintenance employees comprising various types of craftsmen may constitute an appropriate bargaining unit,⁴ it has deemed such a unit inappropriate where there is history on a plant-wide basis. The integrated operations of the Company indicate the appropriateness of a production and maintenance unit, and in view of the bargaining history on a plant-wide basis, we find that the maintenance group sought by the F. & O. does not constitute a separate appropriate unit.⁵

We find that all production and maintenance employees, including inspectors, group leaders, utility and yard employees, factory clericals, time clerks, the stock clerk at the Geneva, Illinois, warehouse, and the trainees at the Modern Steel Equipment Company at Geneva,

² Pursuant to a cross-check agreement reached before the Board in Case No. 13-R-1963, the F & O has bargained for the powerhouse employees as their exclusive representative.

³ Millwrights, electricians, steamfitters, carpenters, welders, and oilers

⁴ *General Motors, Fisher Cleveland Aircraft Division*, 52 N. L. R. B. 1291; *Allis Chalmers, Supercharger Works*, 54 N. L. R. B. 1587; *Douglas Aircraft Co., Inc.*, 53 N. L. R. B. 456; *Truscon Steel*, 33 N. L. R. B. 61, 67; *Corn Products Refining Co.*, 52 N. L. R. B. 1324

⁵ See *Matter of MacAndrews & Forbes Co.*, 39 N. L. R. B. 699, 703.

Illinois, but excluding powerhouse, office, technical (including engineers and draftsmen), and clerical employees, the industrial nurse, armed guards, 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 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 The Howell Company, St. Charles, 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 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 the 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 they desire to be represented by the International Association of Machinists, District No. 108, affiliated with the American Federation of Labor, or by The Howell Company Employees' Association, for the purposes of collective bargaining, or by neither.

CHAIRMAN MILLS took no part in the consideration of the above Decision and Direction of Election.