

In the Matter of THE TORRINGTON MANUFACTURING Co. and UNITED  
AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF  
AMERICA, CIO

*Case No. 1-R-1733.—Decided April 13, 1944*

*Mr. K. T. Middleton*, of Stamford, Conn., for the Company.

*Mr. Samuel E. Angoff*, of Boston, Mass., for the Union.

*Mr. Isadore Greenberg*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Automobile, Aircraft & Agricultural Implement Workers of America, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Torrington Manufacturing Company, Torrington, Connecticut, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John W. Coddair, Jr., Trial Examiner. Said hearing was held at Torrington, Connecticut, on March 9, 1944. The Company and the Union 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

The Torrington Manufacturing Company is a Connecticut corporation having its place of business at Torrington, Connecticut. The Company operates two departments, the Machine Department (known as the Franklin Street plant), which manufactures special machinery of various types, such as sheet tubing and spring coiling

machinery, and the Manufacturing Department (known as the Treat Street plant), which manufactures air impelling equipment such as fan blades, blower wheels, and the like. The raw materials used by the Company in its operations consist of steel, copper, brass, aluminum, and iron, 85 percent of which was shipped from points outside the State of Connecticut in 1943. The products manufactured by the Company in 1943 had a value in excess of \$2,800,000. During that year the Company shipped 90 percent of its finished products to points outside the State of Connecticut.

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

## II. THE ORGANIZATION INVOLVED

United Automobile, Aircraft & Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations, 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 Union as the exclusive bargaining representative of certain of its employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>1</sup>

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

The Union seeks a unit consisting of production and maintenance employees of the Company's Franklin Street plant, including shipping and receiving employees, but excluding office, clerical, drafting department, laboratory, executive and supervisory employees, and watchmen and gatemen. The Company disputes the appropriateness of a Franklin Street unit, contending that the employees of both the Franklin Street and the Treat Street plants constitute a single appropriate unit.

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<sup>1</sup> The Field Examiner reported that the Union submitted 95 authorization and transfer cards all of which bore apparently genuine original signatures, that the names of 79 persons appearing on the cards were listed on the Company's pay roll of February 4, 1944, which contained the names of 118 employees in the appropriate unit; and that 23 of the cards were dated November 1943, while 72 were undated. Testimony at the hearing indicated that the 72 undated cards had been signed during November and December 1943.

The Franklin Street plant and the Treat Street plant are in separate structures about 100 yards apart, both within one enclosure comprising the Company's premises. The Franklin Street plant differs from the Treat Street plant in that its operations are devoted mainly to the manufacture of complete machines, while the latter produces, for the most part, lighter apparatus such as fan blades and blower wheels. Although part of the same corporate structure, the two plants have separate executive and supervisory staffs, each, respectively, being managed by a different vice president, and supervised by its own superintendent and subordinate hierarchy of foremen. Separate accounts for costs, production, and sales are kept for each plant, though by a common clerical and bookkeeping staff. The employees of the two plants are distinguished by differently colored identification badges.<sup>2</sup> The testimony indicates that there is little interchange of employees from one plant to another.

While the Union, at the beginning of its organizational campaign, made a few tentative attempts to organize all the employees of the Company, only two of the Treat Street employees became members of the Union. The Franklin Street employees, on the other hand, have indicated their desire to bargain collectively with the Company without delay.

We are of the opinion, in view of the foregoing facts, particularly the limited extent of organization of the Company's employees, that collective bargaining between the Company and a unit composed of the employees of the Franklin Street plant alone is feasible. Our determination will not preclude a later finding that a company-wide unit is appropriate, when and if organization has extended more fully to other employees of the Company.

Due to crowded conditions at the Franklin Street plant, several of its employees perform their work in the Treat Street plant. However, their wages, and the other costs of their work are charged as an expense to the Franklin Street plant, and the employees concerned are under the supervision of the Franklin Street superintendent. The Company employs a maintenance crew, consisting in part of a group of six laborers who perform such duties as sweeping, mowing lawns, and shoveling snow. Two of these six laborers spend all of their time in the Franklin Street plant, though they may, on occasion, be called to the Treat Street plant. The Union seeks the inclusion in the appropriate unit of those Franklin Street employees housed in the Treat Street plant, the two maintenance laborers whose time is spent at the Franklin Street plant, and a stockroom clerk employed at the Franklin Street plant. Subject to its contention that a separate Frank-

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<sup>2</sup> A group of maintenance workers hereinafter discussed wear identification badges of still a different color.

lin Street unit is inappropriate, the Company does not oppose the inclusion of these employees in the appropriate unit. We shall therefore include them.

A question arose at the hearing as to the supervisory status of employee John Spissak, Jr., the Company contending that he is a supervisory employee, while the Union disputes this fact, and seeks to have him included in the unit. Spissak is in charge of the Company's welding operations, laying out work for the four other welders employed by the Company, and assigning work to them. At the hearing Spissak described himself as a leadman, and testified that he tells the welders "what to do." On some occasions he has recommended raises for welders. The Company states that he has the power to recommend wage increases and the hiring and firing of welders. Spissak spends about 50 percent of his time in actual welding, devoting the rest of his time to preparing work for the other welders, and in supervising their work. We find that Spissak possesses sufficient supervisory authority to warrant his exclusion from the unit as a supervisory employee as that term is defined below.

We find that all production and maintenance employees of the Company's Franklin Street plant, including the two maintenance laborers who spend their time at the Franklin Street plant, and those employees on the pay roll of the Franklin Street plant who work on the premises of the Treat Street plant, shipping and receiving employees, and the stockroom clerk, but excluding office and clerical employees, drafting department and laboratory employees, watchmen, gatemen, executives, and all other 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 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 Torrington Manufacturing Company, Torrington, Connecticut, 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 First 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 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 or not they desire to be represented by United Automobile, Aircraft & Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations.

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