

In the Matter of GRINNELL COMPANY, INC. and UNITED STEELWORKERS
OF AMERICA, C. I. O.

Case No. 10-R-1145.—Decided April 24, 1944

Mr. M. F. Goldstein and *Mr. H. A. McClellan*, both of Atlanta, Ga.,
for the Company.

Mr. W. H. Crawford, of Atlanta, Ga., for the Union.

Mr. Joseph W. Kulkis, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Grinnell Company, Inc., Atlanta, Georgia, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before T. Lowry Whittaker, Trial Examiner. Said hearing was held at Atlanta, Georgia, on March 30, 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 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

Grinnell Company, Inc., a Delaware corporation, having its principal office and place of business at Providence, Rhode Island, operates plants at Auburn, Rhode Island; Columbia, Pennsylvania; Warren, Ohio; and Atlanta, Georgia. The Company is a wholly owned subsidiary of General Fire Extinguisher Company, a Delaware corpora-

tion.¹ This proceeding is concerned solely with the Atlanta, Georgia, plant. The principal raw materials used by the Company at its Atlanta, Georgia, plant, consist of pig iron, scrap iron, molding sand, and coke. During a 12-month period ending March 30, 1944, the Company purchased approximately \$70,000 worth of raw materials, of which 90 percent was shipped in from points outside the State of Georgia. During the same period, this plant manufactured approximately 4,800 tons of finished products, consisting of water and steam pipe fittings and pipe, of which 70 percent was shipped to points outside the State of Georgia. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Steelworkers of America, C. I. O., is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company's Atlanta, Georgia, plant.

III. THE QUESTION CONCERNING REPRESENTATION

By letter, dated February 21, 1944, the Union requested the Company to recognize it as the exclusive bargaining representative of the employees within the alleged appropriate unit. On March 10, 1944, during a conference between parties, the Company refused to accord the Union such recognition unless and until the Union was certified by the Board.

A statement of the Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees within the unit hereinafter found to be appropriate.²

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 parties agree generally that all employees of the Company's Atlanta, Georgia, plant, in Department 81 (melting), Department 82 (molding), Department 83 (core room), Department 84 (cleaning room), Department R (machine shop), Department W (pattern shop), Department P (pipe shop), Department S (fabricating shop), and

¹ The General Fire Extinguisher Company, by an approved charter amendment, effective April 1, 1944, is now known as the Grinnell Corporation

² The report of the Field Examiner shows that the Union submitted 149 authorization cards, of which 105 of the cards bear names appearing on the March 11, 1944, pay roll of the Company, which contains the names of 196 persons within the alleged appropriate unit.

Department Z (shipping), excluding office clerks, executives, sales department, engineering department, power, pipe and bearing divisions, contracting force, and all supervisory employees, constitute an appropriate unit. The parties are in disagreement, however, with respect to the inclusion or exclusion of the working supervisor in Department 82 (molding), and of the employees in Department Y (toolroom).

Working supervisor: The Company desires the inclusion and the Union seeks the exclusion of the working supervisor in Department 82 (molding). This individual supervises a night force of 10 men. In addition to his supervision of the men, he has the duty of moistening the sand to the proper degree. He makes reports and recommendations of discipline or discharge to the day foreman with respect to frequent absences or a person's refusal to properly perform his work. In view of the foregoing, we find that he falls within our usual definition of a supervisory employee, and accordingly, we shall exclude him from the unit.

Department Y (toolroom): The Company contends that the toolroom employees, consisting of machinists, constitute a craft unit and are therefore entitled to exclusion from the industrial unit. The Union seeks their inclusion. Although the toolroom employees receive 35¢ to 40¢ an hour more than the machine operators in the machine shop known as Department R, the record shows that these two groups of employees occupy the same building, have the same foreman, work on some of the same machines. At times the machine operators assist the toolroom machinists, and in the past have been promoted to toolroom machinists. The manager of the Company testified that the working conditions of the toolroom machinists and the machine operators were identical. In view of the foregoing, we find that the toolroom is an integrated part of the industrial unit, and accordingly, we shall include Department Y (toolroom) within the unit.

We find that all employees of Grinnell Company, Inc., Atlanta, Georgia, in Department 81 (melting), Department 82 (molding), Department 83 (core room), Department 84 (cleaning room), Department P (pipe shop), Department R (machine shop), Department S (fabricating shop), Department W (pattern shop), Department Y (toolroom), and Department Z (shipping), excluding office clerks, sales department, engineering department, power, pipe and heating division, contracting force, executives, the working supervisor in Department 82, 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 means of 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.³

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 Grinnell Company, Inc., Atlanta, Georgia, 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 Tenth Region, acting in this matter as agent for the National Labor Regulations 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 any who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of election, to determine whether or not they desire to be represented by United Steelworkers of America, C. I. O., for the purposes of collective bargaining.

³ The Union requested the pay-roll date of March 10, 1944, and the Company requested the pay-roll date of March 18, 1944. Inasmuch as no valid reason was presented warranting a departure from our usual practice, the requests are hereby denied.