

In the Matter of DOUGLAS AIRCRAFT COMPANY, INC. and INTERNATIONAL ASSOCIATION OF MACHINISTS, LOCAL 842

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Cases Nos. 16-R-865 and 16-R-868 respectively.—Decided April 29, 1944

Messrs. Wendell D. Barnes and Ted Haugh, both of Tulsa, Okla., for the Company.

Mr. C. A. Buskel, of Tulsa, Okla., for the I. A. M.

Messrs. J. L. Sayen and George Rigney, both of Oklahoma City, Okla., for the U. A. W.

Mr. David V. Easton, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon separate petitions duly filed by International Association of Machinists, Local 842, herein called the I. A. M., alleging that questions affecting commerce had arisen concerning the representation of employees of Douglas Aircraft Company, Inc., Tulsa, Oklahoma, herein called the Company, the National Labor Relations Board consolidated the cases and provided for an appropriate hearing upon due notice before John A. Weiss, Trial Examiner. Said hearing was held at Tulsa, Oklahoma, on March 29, 1944. The Company, the I. A. M., and International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (C. I. O.), herein called the U. A. W., appeared, participated, and were afforded full opportunity to be heard; to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. During the course of the hearing the Company moved to dismiss the petitions on the ground that the units sought are inappropriate. This motion was referred to the Board for determination. For reasons stated in Section III herein, the motion of the Company is hereby granted. The Trial Examiner's rulings made at the hearing are free from prejudicial

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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

Douglas Aircraft Company, Inc. is a Delaware corporation, qualified to do business in the State of Oklahoma. The principal office and place of business of the Company is located at Santa Monica, California. In addition to its plant at Tulsa, Oklahoma, with which we are concerned herein, the Company operates plants at Long Beach, El Segundo, and Daggett, California, Oklahoma City, Oklahoma, and Chicago, Illinois. The Tulsa plant of the Company is engaged in the manufacture of aircraft parts and the assembling of complete aircraft units under cost plus fixed fee contracts with the United States Government. During 1943 the Company purchased materials, parts, and equipment for use at its Tulsa plant valued in excess of \$6,000,000. During the same period the Tulsa plant manufactured and assembled these materials into finished parts of airplanes, equipment, and assemblies valued at approximately \$25,000,000. Approximately 40 percent of the raw materials, articles and equipment used in the manufacture, fashioning, and processing of aircraft parts and aircraft was procured from points located outside the State of Oklahoma; all products manufactured, processed, finished, and assembled at the Tulsa plant were sold, distributed, and transported in interstate commerce into and through States of the United States other than the State of Oklahoma.

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

II. THE ORGANIZATIONS INVOLVED

International Association of Machinists, Local 842, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

International Union, United Automobile, Aircraft and Agricultural Implement 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

The I. A. M. is petitioning for two separate units, one composed of the Company's Tulsa plant employees in Department 635, and the other of the Company's Tulsa plant employees in Departments 706, 714 and 715. It seeks to exclude from each unit electricians, welders, and

operating engineers,¹ employees represented at present by labor organizations other than those appearing in this proceeding. The Company and the U. A. W. each contends that the proposed units are inappropriate, since they constitute neither craft nor industrial units.

Department 635 consists of employees classified as machinists, operators, general helpers, tool crib attendants, welders, tool and die makers, and clericals. Department 706 is composed of leadmen, sheet metal workers, pipe fitters, plumbers, general helpers, and a clerical. Department 714 is comprised of electricians, carpenters, laborers, and pipe fitters. Department 715 is composed solely of janitors. The record indicates that Department 635 is merely one of several departments within the Planing and Fabrication of Tools Division, which is a subdivision of the Tooling Division of the Company, and that employees in some classifications identical to those in Department 635 are also engaged in other departments within the Planing and Fabrication of Tools Subdivision. Furthermore, identical classifications of employees are found in departments of the Company which are not part of the Tooling Division. Similarly, classifications of employees identical with those in Departments 706, 714 and 715 may be found in departments other than those which are the subject of this proceeding. Evidence was adduced which discloses that transfers of employees take place between the departments involved herein and other departments of the Company, some permanent, and of a formal nature, and others temporary, and of an informal character. Thus, it is apparent that the units sought by the I. A. M. are not delineated upon any craft, industrial, or departmental basis,² nor can the proposed units be justified upon the ground that they constitute identifiable groups since, as above noted, there is an interchange of employees between departments. In view of the foregoing, we perceive no reasonable basis for finding that the units proposed by the I. A. M. are appropriate for the purposes of collective bargaining.

IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since, as indicated in Section III above, the bargaining units sought to be established by the petitions herein are inappropriate for the purposes of collective bargaining, we find that no question concerning the representation of employees of the Company in an appropriate unit has been raised. Accordingly, we shall dismiss the petitions herein.

¹ Although the petitions do not so specifically provide, the record indicates that the I. A. M. would also exclude clerical employees attached to the departments in question.

² We have already noted that Department 635 contains welders and clerks, Department 706 clerks and stationary engineers, and Department 714 electricians. The I. A. M. does not seek to represent the employees so classified.

ORDER

Upon the basis of the above findings of fact, the National Labor Relations Board hereby orders that the petitions for investigation and certification of employees of Douglas Aircraft Company, Inc., Tulsa, Oklahoma, filed by International Association of Machinists, Local 842, affiliated with the American Federation of Labor be, and they hereby are dismissed.