

In the Matter of ALUMINUM COMPANY OF AMERICA and INTERNATIONAL
DIE SINKERS CONFERENCE, MONROE LOCAL No. 300

Case No. 7-R-1625

SUPPLEMENTAL DECISION
AND
CERTIFICATION OF REPRESENTATIVES

April 29, 1944

On January 22, 1944, the National Labor Relations Board issued its Decision and Direction of Election in the above-styled proceeding.¹ Thereafter, on January 31, 1944, prior to the election therein directed, United Steelworkers of America, Local 1565, CIO, filed its Petition for Rehearing. On February 4, 1944, the Board denied the aforesaid petition of the CIO. On February 16, 1944, pursuant to said Decision and Direction of Election, an election by secret ballot was conducted under the direction and supervision of the Regional Director for the Seventh Region (Detroit, Michigan). Upon the conclusion of the said election the duly designated agent of the Regional Director, acting pursuant to Article III, Section 10, of National Labor Relations Board Rules and Regulations—Series 3, furnished to the parties a Tally of Ballots. As to the balloting and its results, the agent reported as follows:

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| Approximate number of voters..... | 72 |
| Valid votes counted..... | 62 |
| Votes cast for International Die Sinkers Conference, Monroe Local No. 300..... | 35 |
| Votes cast for United Steelworkers of America, Local 1565, CIO..... | 27 |
| Votes cast against participating unions..... | 0 |
| Challenged ballots..... | 20 |
| Void ballots..... | 0 |

Since the challenged ballots were sufficient in number to affect the result of the election, the Regional Director caused an investigation to be made of the issues raised by said challenges and thereafter prepared and served upon the parties on March 25, 1944, his Report on

¹ 54 N. L. R. B. 782.

56 N. L. R. B., No. 36.

Challenged Ballots, including his recommendations with reference thereto. Thereafter, the CIO filed its exceptions to the Report on Challenged Ballots and requested that the record be reopened and testimony taken on the issues raised. For the reasons appearing hereinafter, the exceptions are overruled. Since the exceptions raised no substantial issues of fact, and we are satisfied that a thorough and adequate investigation has been made, the request that the record be reopened is denied.

In his Report on Challenged Ballots, the Regional Director reported that each of the challenges is based on the contention that the employee attempting to vote does not work upon dies or parts of dies and therefore is not within the voting group set forth in the Decision and Direction of Election. The Report sets forth the duties and the nature of the work of all the persons whose ballots were challenged and makes recommendations concerning the disposition of said challenges. The employees in question fall into several occupational categories, which are discussed below:

*Tool grinders:*² Four of the challenged employees are classified on the Company's pay roll as tool grinders. They work in the Die Shop Department and are engaged in the grinding of tools used by the die sinkers and specialists in the production of dies. The CIO, which challenged their eligibility, asserts that because they do not actually work on dies or parts of dies, they do not fall within the voting group established in the Decision and Direction of Election. The Die Sinkers contends that the tool grinders are specialists in the same sense as the employees in the voting group established in the Decision in that they are engaged in a type of work which in normal times is done by journeymen die sinkers, and that it is work which has traditionally been considered to be part of the die sinkers' trade. The Regional Director recommends that the challenges to the ballots of these four tool grinders be overruled and we accept his recommendation. We hereby overrule the challenges to the ballots of the tool grinders and shall include them in the appropriate unit. However, in view of our disposition of the remainder of the challenged ballots, it will be unnecessary to open and count these ballots, since they cannot affect the result of the election.

*Tool crib attendants:*³ Two of the challenged employees are classified on the Company's pay roll as tool crib attendants. Their duties, as implied by their title, are to act as custodians of the tools. They are stationed in the Die Shop Department. On occasion they do a little simple tool grinding work, but this work is merely incidental to their regular duties. Neither the CIO nor the Die Sinkers contended

² Samuel Jolliceu, Loren Kohn, David McCartney, and Frank Modica

³ Marie Bacrella and Pearl Gonia.

that these employees were eligible to vote, and they were accordingly challenged by the Board's Field Examiner at the polls. The Die Sinkers does not admit them to membership. It is clear that the work of these employees does not constitute a part of the apprenticeship of a die sinker. The Regional Director recommends that the challenges to the ballots of the tool crib attendants be sustained. We hereby accept that recommendation and sustain the said challenges.⁴

Tool maker: James Fleming; classified on the Company's pay roll as a tool maker, attempted to cast a ballot in the election and was challenged by the CIO. Fleming operates the heat treat furnaces, which are located adjacent to but not in the Die Shop Department. He is principally engaged in hardening tools, pins, and punches used in the Die Shop Department. This work, however, does not come within the customary scope of the die sinking craft. Fleming could more accurately be described as a metallurgist than as a tool maker. The Die Sinkers does not admit to membership employees doing this class of work. The Regional Director recommends that the challenge to Fleming's ballot be sustained. We hereby accept the Regional Director's recommendation and sustain the challenge to Fleming's ballot.

Machinist and bench hand: Nick Halason, classified on the Company's pay roll as a machinist and bench hand, works in the Die Shop Department, but is engaged principally in the cleaning and storing of dies, now and then doing a little incidental work on dies such as removing burrs from them by hand. This is not particularly skilled work and is not considered to be part of the apprenticeship training of a die sinker. The Regional Director recommends that the challenge to Halason's ballot be sustained. We accept that recommendation. The challenge to Halason's ballot is hereby sustained.

Oiler: John P. Barron, classified as an oiler, works in the Die Shop Department, but he has nothing to do with the sinking of dies. His work does not come within the traditional craft jurisdiction of the die sinkers. No one had suggested his eligibility prior to the election and, when he attempted to vote, his ballot was challenged by the Field Examiner. The Regional Director recommends that the challenge to Barron's ballot be sustained, and we accept that recommendation. The challenge to Barron's ballot is hereby sustained.

Machinists and welders: The remainder of the employees whose ballots were challenged are classified on the Company's pay roll as machinists, of whom there are eight, and welders, of whom there are three. These employees do not work in the Die Shop Department, but are located in the Maintenance Machine Shop. The machinists are engaged principally in the machining of keys, bolster plates, and

⁴ *Matter of Willys-Overland Motors, Inc. (Toledo, Ohio)*, 53 N. L. R. B. 1343.

dowel pins. Several of the machinists, although this is denied by the Company, claim that they also are frequently called upon to machine knock-out pins or punches, articles used to eject forgings after they have been shaped in the press. In addition, several of the machinists on occasions perform operations in the making of so-called bending dies. These are not, however, considered to be die sinking operations, nor is the bending die made in the Die Shop Department or used for the same purposes as the dies produced in that department. The welders do general maintenance welding and on occasion are required to weld die blocks. None of these operations comes within the traditional jurisdiction of the die sinkers' trade, and such work as the machinists and welders do upon dies is merely incidental to their regular occupations. The Regional Director recommends that the challenges to the ballots of the machinists and welders be sustained, and we accept that recommendation. The challenges to the ballots of the machinists and welders are hereby sustained.

We find that the exceptions to the Report on Challenged Ballots raise no substantial or material issues with respect to the said report. They are hereby overruled.

In the Decision and Direction of Election heretofore mentioned, the Board made no final determination of the appropriate unit, but stated that such final determination would depend, in part, upon the results of the election therein directed.

Upon the entire record in the case, including the matter set forth above, the Board makes the following:

SUPPLEMENTAL FINDINGS OF FACT

We find that all employees of the Company at its plant in Monroe, Michigan, working on dies or parts of dies, including the tool grinders in the Die Shop Department, but excluding the machinist and bench hand, the tool crib attendants, and the oiler in the Die Shop Department, the machinists and welders in the Maintenance Machine Shop, and further excluding clerical employees, plant-protection employees 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.

CERTIFICATION OF REPRESENTATIVES

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, Sections 9 and 10, of National Labor Relations Board Rules and Regulations—Series 3,

IT IS HEREBY CERTIFIED that International Die Sinkers Conference, Monroe Local No. 300, has been designated and selected by a majority of all employees of Aluminum Company of America at its plant in Monroe, Michigan, working on dies or parts of dies, including the tool grinders in the Die Shop Department, but excluding the machinist and bench hand, the tool crib attendants, and the oiler in the Die Shop Department, the machinists and welders in the Maintenance Machine Shop, and further excluding clerical employees, plant-protection employees 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, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the Act, International Die Sinkers Conference, Monroe Local No. 300, is the exclusive bargaining representative of all such employees for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.