

In the Matter of CRANE ENAMELWARE COMPANY and DISTRICT 50,  
UNITED MINE WORKERS OF AMERICA

*Case No. 10-R-1135.—Decided May 4, 1944*

*Messrs. John H. Thomson and Harry C. Daley, of Chicago, Ill., and Mr. Paul L. Yates, of Chattanooga, Tenn., for the Company.*

*Mr. Joe Morris, of Birmingham, Ala., and Messrs. Maxwell M. Lackey and Ralph Willbanks, of Chattanooga, Tenn., for the U. M. W.*

*Messrs. W. H. Crawford and W. B. Frazier, of Chattanooga, Tenn., for the Steelworkers.*

*Mr. A. Sumner Lawrence, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by District 50, United Mine Workers of America, herein called the U. M. W., alleging that a question affecting commerce had arisen concerning the representation of employees of Crane Enamelware Company, Chattanooga, Tennessee, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Mortimer H. Freeman, Trial Examiner. Said hearing was held at Chattanooga, Tennessee, on March 31, 1944. The Company, the U. M. W., and United Steelworkers of America, herein called the Steelworkers, 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

Crane Enamelware Company, a Tennessee corporation and wholly owned subsidiary of Crane Co., an Illinois corporation, has its prin-

cipal office and place of business in Chattanooga, Tennessee, where it is engaged in the manufacture of cast iron sanitary enamelware. During the past 12 months prior to March 31, 1944, the Company purchased for use at its Chattanooga plant raw materials valued in excess of \$250,000, of which 50 percent was obtained from points outside the State of Tennessee. During the same period, the Company manufactured and sold finished products valued in excess of \$500,000, of which approximately 75 percent was shipped from the Company's Chattanooga plant to points outside the State of Tennessee.

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

## II. THE ORGANIZATIONS INVOLVED

District 50, United Mine Workers of America is a labor organization admitting to membership employees of the Company.

United Steelworkers of America is a labor organization, affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

On January 18 and February 21, 1944, respectively, the U. M. W. and the Steelworkers, each claiming majority representation, requested recognition from the Company as representative of the Company's employees for the purposes of collective bargaining. The Company made no reply to either request for recognition.

A statement of a Field Examiner for the Board, introduced in evidence at the hearing, indicates that the U. M. W. and the Steelworkers severally represent 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 U. M. W. contends that all the Company's factory employees, including general production inspectors, but excluding office clerks, timekeepers, tally clerks, expeditors, scheduling clerks, storekeepers, laboratory and technical employees, guards, foremen, and supervisory employees with authority effectively to recommend hiring, discharge,

<sup>1</sup> The Field Examiner reported that the U. M. W. had submitted 278 designations, of which 221 dated between December 1943 and March 1944, bore the apparently genuine original signatures of persons whose names appear on the Company's pay roll of March 11, 1944, contained 494 names within the claimed appropriate unit.

promotion, and demotion, constitute an appropriate unit. The Company and the Steelworkers are in substantial agreement with the U. M. W. with respect to the proposed unit. The only issue between the parties relates to the category of general production inspectors whom both the Company and the Steelworkers contend should be excluded.

The Field Examiner further reported that the Steelworkers had submitted 439 designations, of which 92 dated between 1941 and March 1944, bore the apparently genuine original signatures of persons whose names appear on the aforesaid pay roll of March 11, 1944.

The record reveals that general production inspectors, of whom there are two presently employed by the Company, are hourly paid employees assigned to the inspection department under the supervision of the Chief Inspector but actually employed in certain production departments known as the enamel room and the No. 1 grinding room. The duty of the general production inspectors is to make a final examination of the finished products prior to their shipment from the plant and to return to the production department from whence it came any piece found to be defective either in workmanship or material. In the performance of this duty, these inspectors may reject defective work over the protest of the foreman of the department involved. However, the general production inspectors have no disciplinary authority with respect to any employees whose work they have rejected, nor do they have supervisory authority within our customary definition over any other production employees. In addition thereto, it appears that the general production inspectors work the same number of hours and receive the same overtime rate of pay as do the general factory employees; and that they also punch time clocks and use the same plant facilities as do the production and maintenance workers.<sup>2</sup>

The Company, nevertheless, contends that general production inspectors should be excluded from the appropriate unit upon the ground that they are essentially representatives of management. There is nothing in the evidence, however, to indicate that general production inspectors have any voice in determining or shaping the labor policy of the Company. Since their work brings them in close contact with the production employees and since their interests are similar to those of the ordinary factory workers, we shall include the general production inspectors within the unit hereinafter found appropriate.<sup>3</sup>

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<sup>2</sup> The record reveals that general production inspectors are eligible to membership in the U. M. W. and that one such inspector now occupies the position of president of the U. M. W. local.

<sup>3</sup> See *Matter of McDonnell Aircraft Corporation*, 49 N. L. R. B. 897; *Matter of Howard Aircraft Corporation*, 51 N. L. R. B. 336; *Matter of Republic Aviation Corporation*, 51 N. L. R. B. 1287; *Matter of Lanster-Kaufmann Aircraft Corporation*, 52 N. L. R. B. 155; *Matter of Gardner-Denver Company*, 52 N. L. R. B. 1277; *Matter of Winter & Company*, 55 N. L. R. B. 824.

We find that all factory employees and general production inspectors employed at the Company's Chattanooga plant, excluding office clerks, timekeepers, tally clerks, expeditors, scheduling clerks, storekeepers, laboratory and technical employees, guards, foremen, 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

The Company contended at the hearing that no election should be directed at this time for the reason that at the time of the hearing it was operating at approximately 25 percent of capacity and expected momentarily to receive contracts which would necessitate an increase in personnel ranging from a minimum of 70 to a maximum of 300 percent of the employees presently employed by the Company. However, the Company's brief indicates that no contract such as would insure an increase in personnel has yet been executed by the Company and that the prospects of an early expansion in employment are at best speculative. Moreover, the employees now on the Company's pay roll constitute a fair cross section of those who will ultimately be employed and we see no reason at the present time for depriving them of the benefits of collective bargaining. We shall, therefore, deny the Company's request for a postponement of the election. However, in view of the possibility that a substantial increase in employment may occur within the immediate future, we shall provide herein for the contingency that within a period of less than 1 year following our certification, if any, the Company's pay roll may be more than doubled. Accordingly we shall entertain a new representation petition affecting the employees involved herein within a period of less than 1 year, but not before the expiration of 6 months, from the date of any certification which may issue in the instant proceedings, upon proof (1) that the number of employees in the appropriate unit is more than double the number of employees eligible to vote in the election hereinafter directed; and (2) that the petitioning labor organization represents a substantial number of employees in the expanded unit.<sup>4</sup>

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

<sup>4</sup> See *Matter of Aluminum Company of America*, 52 N. L. R. B. 1040.

Election herein, subject to the limitations and additions set forth in the Direction.

The U. M. W. and the Steelworkers requests that they may appear on the ballot as "District 50, United Mine Workers of America, Local Union 12827" and as "The United Steelworkers of America, C. I. O." respectively. The requests are hereby granted.

### 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 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 Crane Enamelware Company, Chattanooga, Tennessee, 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 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 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 District 50, United Mine Workers of America, Local Union 12827 or by The United Steelworkers of America, C. I. O., for the purposes of collective bargaining, or by neither.