

In the Matter of THE YALE & TOWNE MANUFACTURING COMPANY and
AMERICAN FEDERATION OF LABOR

Case No. 2-R-4624.—Decided May 31, 1944

Porter & Taylor, by *Mr. F. Carroll Taylor*, of New York City, for the Company.

Mr. Raphael O'Connell, of Springdale, Conn., and *Mr. James J. Clerkin*, of New Britain, Conn., for the Union.

Mr. William Strong, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by American Federation of Labor, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Yale & Towne Manufacturing Company, Stamford, Connecticut, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before David H. Werther, Trial Examiner. Said hearing was held at Stamford, Connecticut, on May 2, 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 Yale & Towne Manufacturing Company, a Connecticut corporation, has its principal office and place of business in Stamford, Connecticut, where it is engaged in the manufacture of locks, hardware, and related products. The Company purchases raw materials valued

annually at more than \$2,000,000, of which approximately 50 percent is shipped to the Company from points outside of Connecticut. The annual production of the Company has an approximate value of \$11,000,000, of which about 50 percent is shipped from the plant to points outside of Connecticut.

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

II. THE ORGANIZATION INVOLVED

The American Federation of Labor 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 the Company's 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.¹

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 composed of all methods engineers and product designers of the Company at its Stamford, Connecticut, plant, excluding office and clerical employees, expeditors, and supervisory employees. The Company disputes the appropriateness of the Union's proposed unit on the ground that the employees involved are an arm of management and may not constitute a unit for collective bargaining purposes.

The Company employs 11 methods engineers and 6 product designers. The methods engineers are employed in the Methods Department and are under the supervision of a superintendent and an assistant superintendent of methods.² They work throughout the plant, and observe and chart the various stages of production operations for

¹ The Field Examiner reported that the Union submitted 17 authorization cards, 14 of which bore apparently genuine original signatures of persons listed on the Company's pay roll of March 30, 1944, which contained the names of 17 employees in the appropriate unit.

² There are also office and clerical workers and expeditors in this department. These employees are part of a residual unit of office and clerical employees including various fringe categories, which we have heretofore found to be appropriate in *Matter of Yale & Towne Manufacturing Company*, 55 N. L. R. B. 66.

the purpose of determining costs, and investigate new products and new methods. Most of the methods engineers are college graduates, the others having equivalent qualifications in practical experience; all are highly skilled. They exercise initiative and their work is both creative and routine.

The product designers together with certain office and clerical employees³ and a supervisor comprise the Design Department and make complete drawings of present and proposed products of the Company. They possess initiative, skill, and engineering training.

Both the product designers and method engineers are housed in one room. Their salaries range from \$150 to about \$200 a month.

The methods engineers and product designers who have been employed by the Company for a long time are used at times to train or oversee new employees in those categories. In such instances they may recommend the transfer or discharge of the newer employees principally because of inefficiency. The final disposition of the matter, however, is strictly the responsibility of the superintendent or his assistant, who makes a separate report on the matter. It appears, also, that generally all the older employees exercise similar prerogatives throughout the plant. The Union does not desire the inclusion in the unit of the permanent supervisors, but would include these sporadic overseers. Neither the methods engineers nor the product designers exercise any supervisory functions over production, maintenance, clerical, or other employees. Neither group's duties are connected with labor relations in the plant; all of which are under the supervision of the Company's Industrial Relations Department. Far from being an "arm of management," these engineers and designers are treated like all other employees, being required, for example, to check in with the guard at the gate when they are late and to submit subsequently a lateness excuse.

The record shows that the Company and The Yale & Towne Employees Association, an independent labor organization, bargained and contracted orally for employees in a company-wide unit, including methods engineers and product designers, from 1937 to 1942.

In view of all these considerations, we are of the opinion that the employees in question are not supervisory employees within the meaning of our customary definition nor are they so closely related to management as to require us to deny to them collective bargaining rights under the Act, that they are a clearly identifiable, homogeneous, and highly skilled group, having similar interests, and that they may properly constitute a unit appropriate for the purposes of collective bargaining.

³ These clerical employees are part of the unit established in the *Yale & Towne* case referred to above.

We find that all methods engineers and product designers employed in the Stamford plant of the Company, excluding office and clerical employees, expeditors, 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.

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 pay-roll 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 Yale & Towne Manufacturing Company, Stamford, 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 Second 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 the 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 poll's, 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 or not they desire to be represented by American Federation of Labor, for the purposes of collective bargaining.