

In the Matter of CATERPILLAR MILITARY ENGINE COMPANY and LOCAL UNION #146, I. B. OF E. W.

In the Matter of CATERPILLAR MILITARY ENGINE COMPANY and CARPENTERS LOCAL UNION 742

In the Matter of CATERPILLAR MILITARY ENGINE COMPANY and INTERNATIONAL ASSOCIATION OF MACHINISTS

In the Matter of CATERPILLAR MILITARY ENGINE COMPANY and PAINTERS LOCAL UNION 288

In the Matter of CATERPILLAR MILITARY ENGINE COMPANY and INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS, #279.

In the Matter of CATERPILLAR MILITARY ENGINE COMPANY and LOCAL UNION No. 65, UNITED ASSOCIATION OF JOURNEYMEN PLUMBERS AND STEAMFITTERS OF THE UNITED STATES AND CANADA

In the Matter of CATERPILLAR MILITARY ENGINE COMPANY and UNITED FARM EQUIPMENT AND METAL WORKERS OF AMERICA, C. I. O.

Cases Nos. 13-R-2250, 13-R-2254, 13-R-2297; 13-R-2271, 13-R-2256, 13-R-2330 and 13-R-2371, respectively.—Decided May 31, 1944

Mr. Thomas W. Samuels, of Decatur, Ill., for the Company.

Mr. William Payton, of Terrè Haute, Ind., and *Mr. F. H. Campbell*, of Decatur, Ill., for the I. B. E. W.

Mr. Harold F. Cheesman, of Alton, Ill., and *Mr. Lawrence M. Duncan*, of Decatur, Ill., for the Carpenters.

Mr. P. L. Siemiller and *Mr. E. E. Westbrook*, of Chicago, Ill., for the I. A. M.

Mr. E. A. Levy, of Decatur, Ill., for the Painters.

Mr. Mack Ray, by *Mr. L. M. Duncan*, of Decatur, Ill., for the Teamsters.

Mr. Harry A. Boyer, of Decatur, Ill., for the Plumbers.

Meyers & Meyers, by *Mr. Ben Meyers*, of Chicago, Ill., for the C. I. O.

Mr. Leonard E. Cranfill, of Decatur, Ill., for the UAW-AFL.

Mrs. Augusta Spaulding, of counsel to the Board.

56 N. L. R. B., No 202.

DECISION
AND
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon separate petitions duly filed by Local Union #146, International Brotherhood of Electrical Workers, herein called the I. B. E. W.; by Carpenters Local Union 742, herein called the Carpenters; by International Association of Machinists, herein called the I. A. M.; by Painters Local Union 288, herein called the Painters; by International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers, #279, herein called the Teamsters; by Local Union No. 65, United Association of Journeymen Plumbers and Steamfitters of the United States and Canada, herein called the Plumbers; and by United Farm Equipment and Metal Workers of America, C. I. O., herein called the C. I. O., each alleging that a question affecting commerce had arisen concerning the representation of employees of Caterpillar Military Engine Company, Decatur, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate consolidated hearing upon due notice before Mozart G. Ratner, Trial Examiner. Said hearing was held at Decatur, Illinois, on April 20, 1944. The Company, the I. B. E. W., the Carpenters, the I. A. M., the Painters, the Teamsters, the Plumbers, the C. I. O., and International Union, United Automobile Workers of America, affiliated with the American Federation of Labor, herein called the UAW-AFL, appeared and participated.¹ 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

Caterpillar Military Engine Company is engaged in the manufacture of tanks, tractor engines, and spare parts therefor, at its plant at Decatur, Illinois, the only plant of the Company involved in this proceeding. During 1943 the Company purchased raw materials valued in excess of \$3,000,000, of which approximately 50 percent was

¹ International Hod Carriers, Building & Common Laborers Union of America, Local 159, and Metal and Tin Smiths Local Union, A. F. of L., also served with notice, did not appear.

shipped to the Company from points outside Illinois. During the same period the Company sold to the United States Government at its Decatur, Illinois, plant, finished products valued at approximately \$1,500,000.

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

II. THE ORGANIZATIONS INVOLVED

Local Union #146, International Brotherhood of Electrical Workers; Carpenters Local Union 742; International Association of Machinists; Local Union No. 65, United Association of Journeymen Plumbers and Steamfitters of the United States and Canada; International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers, #279; Painters Local Union 288; and International Union, United Automobile Workers of America, are labor organizations affiliated with the American Federation of Labor, admitting to membership employees of the Company.

United Farm Equipment and Metal Workers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTIONS CONCERNING REPRESENTATION

The Company has refused to grant recognition to any of the several labor organizations herein concerned as the exclusive bargaining representative of its employees until the Board shall determine the appropriate bargaining unit, or units, for such employees and shall certify the exclusive bargaining representative of employees therein.

A statement of a Board agent and other evidence introduced at the hearing indicate that the petitioning unions each represents a substantial number of employees in the units respectively proposed by them to be appropriate.

We find that questions affecting commerce have 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 DETERMINATION OF REPRESENTATIVES

The Company, the C. I. O., and the UAW-AFL agree that a plant-wide unit, including production and maintenance employees at the Decatur plant, constitutes an appropriate bargaining unit for the Company's employees. The Plumbers, the Painters, the Carpenters, the I. B. E. W., and the Teamsters seek units limited to employees in certain named sections or shops of the plant. The I. A. M. seeks a residuary plant unit, specifically excluding the groups of employees

claimed by the several respective craft unions named above. The Company and the several labor organizations agree that supervisory employees within the Board's usual definition of that term should be excluded from any unit, or units, which the Board may find appropriate as the result of these proceedings.

The Company is principally engaged in manufacturing tractor engines and transmissions at its Decatur plant. The plant is similar to the Company's Peoria plant and other large engine plants of its competitors. Its physical properties include five buildings and its operations are divided into seven broad operating departments known as the administrative, comptrollers', industrial relations, plant protection, purchasing, engineering, and manufacturing departments. Each of these, in turn, is broken down into divisions and subdivisions. Plant maintenance is the charge of employees in the plant engineering division of the manufacturing department.² Craftsmen and their helpers whom the Painters, the Plumbers, the Carpenters, and the I. B. E. W., respectively, desire to include in separate bargaining units, have their headquarters in shops or working areas in this division. The craft unions respectively propose the following bargaining units, all limited to employees in the named categories working within the plant engineering division of the manufacturing department: the Painters, all employees within the painting section, which includes painters and their helpers; the Plumbers, all employees in the plumbing and ventilating sections, which includes pipe fitters and their helpers and employees who work on the ventilating system; the Carpenters, all employees in the carpenter and millwright sections, which includes carpenters, cabinet makers, tanners, welders, and helpers; and the I. B. E. W., electricians and their helpers. The Teamsters proposes a unit limited to outside truck drivers, ram truck drivers, and gasoline station attendants employed in the trucking section of the traffic, stores, reclamation, and trucking division, within the manufacturing department.

With respect to employees other than those discussed above, the Company, the C. I. O., the UAW-AFL, and the I. A. M. agree that production and maintenance employees, including employees in the experimental and testing section and in the service engineering section of the engineering department and employees in the safety and sanitation section of the industrial relations department, should be included in a plant or residual unit. They further agree that the following employees should be excluded from such unit: employees in the plant protection department; all office and plant clerical employees who

² The plant engineering division was frequently identified at the hearing as the "maintenance division" and the terms were used interchangeably to refer to this one main division at the plant.

perform purely clerical functions; all employees in the comptroller's department and in the purchasing and administrative departments; all employees in the engineering department except employees in the experimental and testing section and in the service engineering section; all metallurgical laboratory employees; all employees in the industrial relations department except employees in the safety and sanitation section; all tool designers of the tool section of the manufacturing department, and all employees in the planning section of the manufacturing department. These excluded employees are office, clerical, and technical employees whom we regularly exclude from plant production units.

In view of the interests indicated by the organizational program among the Company's employees and particularly in the absence of any collective bargaining history at this plant, we shall make no determination of the unit or units appropriate for the Company's employees until we have held elections among employees in the units proposed by the craft unions and among employees in the residual group.

The C. I. O., the UAW-AFL, and the I. A. M., all of whom have organized employees in the larger group, disagree with respect to the inclusion therein of employees in the training division of the manufacturing department who have not been previously employed by the Company in some other division of the plant. The C. I. O. and the UAW-AFL would exclude, and the I. A. M. would include these employees. New production employees hired by the Company spend the first 3 days of their employment in a classroom where they review mathematics and learn to use measuring instruments and hand tools. Thereafter they are placed in a separate machine shop within the training division, where they are taught various mechanical operations. The training program requires approximately 4 weeks for completion. Thereafter the trainees become learners and work in production departments. They remain learners until they have developed sufficient skill to be rated as regular production workers. Sometimes employees already in the Company's service enter the training division in order to qualify for positions as skilled operators. Such employees have already earned regular employment status. The interested labor organizations agree that these employees should be included in a bargaining unit and we shall deem them included as production and maintenance employees. Since newly hired employees in the training division do not work in production divisions and, as far as the record discloses, no work done by them flows into production, we shall exclude all trainees in the training division of the manufacturing department, except trainees who have been previously employed by the Company, from voting in the election which we shall conduct among employees in this residual group.

As hereinabove indicated, we shall make no final determination with respect to the appropriate unit or units for the Company's employees pending the outcome of the elections hereinafter directed. We shall direct that separate elections by secret ballot be held among the employees in each of the voting groups below set forth, who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, subject to the limitations and additions set forth in the Direction:

1. All employees in the electrical section of the plant engineering division of the manufacturing department;
2. All employees in the carpenter and millwright sections of the plant engineering division of the manufacturing department;
3. All employees in the plumbing and ventilating sections of the plant engineering division of the manufacturing department;
4. All employees of the Company in the painting section of the plant engineering division of the manufacturing department;
5. All outside truck drivers, ram truck operators, and gasoline station attendants employed in the trucking section of the traffic, stores, reclamation, and trucking division of the manufacturing department; and
6. All production and maintenance employees, including employees in the experimental and testing section and in the service engineering section of the engineering department and employees in the safety and sanitation section of the industrial relations department, but excluding all employees in the electrical section, in the carpenter and millwright sections, in the plumbing and ventilating sections, and in the painting section of the plant engineering division of the manufacturing department; all outside truck drivers, ram truck operators, and gasoline station attendants employed in the trucking section of the traffic, stores, reclamation, and trucking division of the manufacturing department; all employees of the plant protection department; all office and plant clerical employees who perform purely clerical functions; all employees in the comptroller's department; all employees in the purchasing and administrative departments; all employees of the engineering department, except employees in the experimental and testing sections and in the service engineering section; all metallurgical laboratory employees; all employees in the industrial relations department except employees in the safety and sanitation section; and all employees in the training division not previously employed elsewhere by the Company, tool designers of the tool section, and all employees in the planning section of the manufacturing department.

We shall provide that the C. I. O. and the UAW-AFL shall participate in all elections and that the craft unions each shall participate in the election among employees whom it claims to represent. The I. A. M. does not desire to participate in the several elections among employees in the groups organized by the craft unions. It desires to participate in the election among employees in the residual group and we shall so provide. The result that unions affiliated with the same parent body will compete in each election is unavoidable in the present situation of organization among the Company's employees. Although we often decline to resolve questions of representation when competing labor organizations have common affiliation, in this case, it is noted, a labor organization not affiliated with the same parent body will be a contestant in each election, thus bringing this case within a well-established exception of our usual rule.

Upon the results of these elections in the afore-mentioned groups will depend, in part, our determination of the appropriate unit or units for the Company's employees.

DIRECTION OF ELECTIONS

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 Caterpillar Military Engine Company, Decatur, Illinois, elections by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction of Elections, under the direction and supervision of the Regional Director for the Thirteenth 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 groups of employees described below who were employed by the Company at its Decatur plant, during the pay-roll period immediately preceding the date of this Direction of Elections, 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 employees who have since quit or been discharged for cause, and have not been rehired or reinstated prior to the date of the elections, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in status of employees, or effectively recommend such action:

1. All employees in the electrical section of the plant engineering division of the manufacturing department to determine whether they desire to be represented by Local Union #146, International Brotherhood of Electrical Workers, or by United Farm Equipment and Metal Workers of America, C. I. O., or by International Union, United Automobile Workers of America, A. F. of L., for the purposes of collective bargaining, or by none;

2. All employees in the carpenter and millwright sections of the plant engineering division of the manufacturing department to determine whether they desire to be represented by Carpenters Local Union 742, or by United Farm Equipment and Metal Workers of America, C. I. O., or by International Union, United Automobile Workers of America, A. F. of L., for the purposes of collective bargaining, or by none;

3. All employees in the plumbing and ventilating sections of the plant engineering division of the manufacturing department to determine whether they desire to be represented by Local Union No. 65, United Association of Journeymen Plumbers and Steamfitters of the United States and Canada, or by United Farm Equipment and Metal Workers of America, C. I. O., or by International Union, United Automobile Workers of America, A. F. of L., for the purposes of collective bargaining, or by none;

4. All employees in the painting section of the plant engineering division of the manufacturing department to determine whether they desire to be represented by Painters Local Union 288, or by United Farm Equipment and Metal Workers of America, C. I. O., or by International Automobile Workers of America, A. F. of L., for the purposes of collective bargaining, or by none;

5. All outside truck drivers, ram truck operators, and gasoline station attendants employed in the trucking section of the traffic, stores, reclamation, and trucking division of the manufacturing department to determine whether they desire to be represented by International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers #279, or by United Farm Equipment and Metal Workers of America, C. I. O., or by International Union, United Automobile Workers of America, A. F. of L., for the purposes of collective bargaining, or by none; and

6. All production and maintenance employees, including employees in the experimental and testing section and in the service engineering section of the engineering department and employees in the safety and sanitation section of the industrial relations department, but excluding all employees in the electrical section, in the carpenter and millwright sections, in the plumbing and ventilating sections, and in the painting section of the plant engineering division of the manufactur-

ing department; all outside truck drivers, ram truck operators, and gasoline station attendants employed in the trucking section of the traffic, stores, reclamation, and trucking division of the manufacturing department; all employees of the plant protection department; all office and plant clerical employees who perform purely clerical functions; all employees in the comptroller's department; all employees in the purchasing and administrative departments; all employees of the engineering department, except employees in the experimental and testing section and in the service engineering section; all metallurgical laboratory employees; all employees in the industrial relations department, except employees in the safety and sanitation sections; and all employees in the training division not previously employed by the Company, tool designers of the tool section, and all employees in the planning section of the manufacturing department, to determine whether they desire to be represented by United Farm Equipment and Metal Workers of America, C. I. O., or by International Association of Machinists, or by International Union, United Automobile Workers of America, A. F. of L., for the purposes of collective bargaining, or by none.

[See *infra*, 56 N. L. R. B. 1609 for Amendment to Direction of Elections.]