

In the Matter of AMERICAN PROPELLER CORPORATION and MECHANICS  
EDUCATIONAL SOCIETY OF AMERICA (CUA), LOCAL 4

Case No. 8-R-1494.—Decided June 16, 1944

*Mr. John J. Grealis*, of Chicago, Ill., for the Company.

*Mr. George Pilkiewicz*, of Toledo, Ohio, for the MESA.

*Messrs. David C. Guberman, Randolph Gray, and William Buschmann*, of Toledo, Ohio, for the CIO.

*Mr. William C. Baisinger, Jr.*, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon petition duly filed by Mechanics Educational Society of America (CUA), Local 4, herein called the MESA, alleging that a question affecting commerce had arisen concerning the representation of employees of American Propeller Corporation, Toledo, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before James C. Paradise, Trial Examiner. Said hearing was held at Toledo, Ohio, on May 11, 1944. The Company, the MESA, and International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (CIO) and Local 12, United Automobile, Aircraft and Agricultural Implement Workers of America (CIO), herein collectively called the CIO and sometimes referred to as the UAW and Local 12, respectively, appeared and participated. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, to introduce evidence bearing on the issues, and to file briefs with the Board. The Trial Examiner reserved ruling upon the motion made by the CIO to dismiss the petition on the ground that the unit sought by the MESA is inappropriate. For reasons set forth in Section III, *infra*, we hereby grant the motion. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the Board makes the following:

56 N. L. R. B., No. 261.

## FINDINGS OF FACT

## I. THE BUSINESS OF THE COMPANY

American Propeller Corporation, incorporated in New York, is a wholly owned subsidiary of Aviation Corporation, a Delaware corporation. The Company's principal office and plant are located in Toledo, Ohio, where it is engaged in the manufacture of airplane propeller blades. During the calendar year 1943, the Company purchased in excess of \$500,000 worth of raw materials, a substantial portion of which was shipped to its plant from points outside the State of Ohio. During the same period, the Company manufactured finished products valued in excess of \$1,000,000, a substantial majority of which was shipped to points outside the State of Ohio.

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

## II. THE ORGANIZATIONS INVOLVED

Mechanics Educational Society of America (CUA), Local 4, is a labor organization affiliated with the Confederated Unions of America, 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.

Local 12, 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

A. *Contentions of the parties*

The MESA contends that all employees of the Company employed in Department 9 constitute an appropriate bargaining unit. The CIO argues that the history of collective bargaining among the Company's employees on an industrial basis militates against the establishment of the unit sought by the MESA.

B. *History of collective bargaining*

On October 9, 1942, the Board, pursuant to the results of elections which it directed in a representation proceeding,<sup>1</sup> found that "all pro-

<sup>1</sup> *Matter of American Propeller Corporation, Toledo, Ohio, et al.*, 43 N. L. R. B. 518. In the cited case, the Board directed that separate elections be conducted among the following groups of employees:

(1) All maintenance mechanics, maintenance machinists, tool and die makers, tool grinders, and tool inspectors employed in Department 9 of the Company, excluding all

duction and maintenance employees of the Company, including maintenance mechanics, maintenance machinists, tool and die makers, tool grinders, and tool inspectors employed in Department 9, but excluding office employees, timekeepers, counters and checkers, watchmen, time-study employees, tool design employees, employees of the engineering and drafting department and the engineering and experimental department, plant engineers, employees of the medical department, the production follow-up staff, and the planning staff, foremen, assistant foremen, and other supervisory employees," constituted an appropriate bargaining unit, and certified the UAW as their exclusive bargaining representative.<sup>2</sup> Thereafter, on November 25, 1942, the Company and International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (CIO), Local No. 27, herein called Local 27, entered into a collective bargaining contract covering the employees in the unit for which the UAW was the certified representative. This contract is still in effect. In February 1944, Local 27, which was at that time an amalgamated local of the UAW, voted to transfer jurisdiction over the Company's employees to Local 12. The president of Local 27 testified at the hearing in the instant proceeding that his organization no longer has any interest in the employees of the Company.

### C. *Functional considerations*

The Company's plant consists of a single floor on which all of its operations are conducted. The various production departments of the plant form a single production line. The tool and die division, the inspection division, the machine repair division, and the gauge and scale division, which constitute Department 9, are located on the plant's floor adjacent to the production line. The tool and die division adjoins the inspection division but is separated from the other two divisions of Department 9, which also adjoin one another, by the width of the plant or approximately 360 feet. None of the various departments in the plant is separated from the others by walls or partitions. Department 9 employs tool and die makers,

supervisory employees, to determine whether they desire to be represented by the MESA, the UAW, or neither;

(2) All remaining production and maintenance employees of the Company, excluding office employees, timekeepers, counters and checkers, watchmen, time-study employees, tool design employees, employees of the engineering and drafting department and the engineering and experimental department, plant engineers, employees of the medical department, the production follow-up staff, and the planning staff, foremen, assistant foremen, and other supervisory employees to determine whether or not they desired to be represented by the UAW.

In its Decision in that case, the Board made no final determination of the appropriate unit but said, "Upon the results of these elections will depend in part our determination of the appropriate unit or units."

<sup>2</sup> 44 N. L. R. B. 1004.

machine repairmen, arbor grinders, hob grinders, toolroom learners, tool inspectors, lathe operators, cutter grinders, welders, precision scale repairmen, and toolroom machinists. Of these approximately 125 employees, only 15 are highly skilled tool and die makers; the rest are merely specialists or learners and helpers. Two of the tool and die makers are permanently stationed in Department 40, which is one of the production departments. The machine repairmen and the precision scale repairmen spend the greater portion of their working time in the production departments repairing machinery and inspecting and maintaining precision instruments. Many of the other employees in Department 9 also spend part of their working time in the production departments. From the record, it also appears that employees are frequently transferred from production departments to Department 9 in order to promote full utilization of available manpower. The wages received by the majority of the employees in Department 9 are comparable to those paid the Company's production and maintenance employees in other departments.

From the foregoing facts, particularly the Board's earlier establishment of a larger bargaining unit, including employees of Department 9, the history of collective bargaining based upon that unit, and the apparent community of interests existing between the employees sought to be represented by the MESA and the employees engaged in other departments of the Company, we are of the opinion and find that a unit, restricted in scope to Department 9, is inappropriate for the purposes of collective bargaining.

#### IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since, as stated above in Section III, the bargaining unit sought to be established by the MESA is inappropriate for collective bargaining purposes, we find that no question affecting commerce has arisen concerning the representation of the employees of the Company in an appropriate bargaining unit.

#### ORDER

Upon the basis of the foregoing findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of the employees of American Propeller Corporation, Toledo, Ohio, filed by Mechanics Educational Society of America (CUA), Local 4, be, and it hereby is, dismissed.