

In the Matter of THE COLUMBUS BOLT WORKS COMPANY and
COLUMBUS DIE SINKERS LODGE #290 OF THE INTERNATIONAL DIE
SINKERS CONFERENCE

Case No. 9-R-1373.—Decided June 17, 1944

Messrs. John M. Rankin and Ray Speer, of Columbus, Ohio, for the
Company.

Mr. J. G. Meiner, of Cleveland, Ohio, for the Die Sinkers.

Mr. Daniel E. Bevis, of Columbus, Ohio, for the Independent.

Mr. Seymour J. Spelman, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by Columbus Die Sinkers Lodge #290 of the International Die Sinkers Conference, herein called the Die Sinkers, alleging that a question affecting commerce had arisen concerning the representation of employees of The Columbus Bolt Works Company, Columbus, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Allen Sinsheimer, Jr., Trial Examiner. Said hearing was held at Columbus, Ohio, on April 14 and 15, 1944. The Company, the Die Sinkers, and American Bolt Workers of Columbus, Independent Union, herein called the Independent, 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 Columbus Bolt Works Company, an Ohio corporation having its principal place of business in Columbus, Ohio, is engaged in the

production of bolts, nuts, rods, and drop forgings. During 1943 the Company purchased raw materials valued in excess of \$1,750,000, of which approximately 75 percent was shipped from points outside the State of Ohio. During the same period, the Company produced finished products valued in excess of \$10,000,000, of which approximately 75 percent was shipped to points outside the State of Ohio.

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

II. THE ORGANIZATIONS INVOLVED

Columbus Die Sinkers Lodge #290 of the International Die Sinkers Conference is an unaffiliated labor organization, admitting to membership employees of the Company.

American Bolt Workers of Columbus, Independent Union, is an unaffiliated labor organization, admitting to membership employees of the Company.

III. THE ALLEGED APPROPRIATE UNIT

The Die Sinkers is seeking to represent a unit comprising all employees of Department 15 who are working on dies or parts of dies used in the manufacture and completion of forgings.¹ The Independent and the Company contend that it would be inappropriate to establish a separate unit of die sinkers in view of the fact that, for the past 3 years, collective bargaining has been successfully conducted on the basis of a single, plant-wide unit which included die sinkers.

Pursuant to a series of written collective bargaining agreements dating since August 1941, the Company has recognized and dealt with the Independent as the exclusive bargaining representative of a plant-wide unit comprising all production and maintenance employees, including the die sinkers.² In November 1942, in a consent election conducted by this Board involving the Independent and another labor organization, the Independent was selected by a majority of the employees in the aforesaid plant-wide unit as their exclusive bargaining representative. During this bargaining period of approximately 3 years, the die sinkers have participated in all the benefits provided by the contracts covering the plant-wide unit. They have maintained membership in the Independent, have been elected to various offices therein, and have served on grievance and bargaining committees.

¹ The employees in the proposed unit will be sometimes referred to hereinafter as die sinkers.

² The current contract, executed on May 15, 1943, and automatically renewed on March 31, 1944, for an additional 1-year period, constitutes no bar to the instant proceeding, since the Die Sinkers asserted its claim and filed the petition prior to the aforesaid automatic renewal.

The Independent has prosecuted their grievances, two very recently, and has secured for them general and special wage increases. Except for a brief and unsuccessful effort in 1941 (prior to the formation of the Independent), the Die Sinkers has not attempted to organize the employees in the proposed unit prior to the present proceeding. In sum, the die sinkers have acquiesced and participated in 3 years of collective bargaining conducted by the Independent on a plant-wide basis.

On December 2 and 3, 1942, a committee composed of four die sinkers met with representatives of the Company to discuss special wage, seniority, and related problems of die sinkers. The minutes of the two meetings recite that the die sinkers' committee represented the Independent, and the Company's personnel director testified that this fact was understood by all who attended the meetings. Three of the four die sinkers were members of the Independent at that time; two of these were office holders in that organization. The minutes of the meeting of December 2, which related to seniority and classifications of die sinkers, were subsequently attached to and made a part of the Independent's contract with the Company. Pursuant to an agreement reached at the meeting December 3, the Independent petitioned the National War Labor Board for a 6-percent wage increase for the die sinkers. On March 27, 1943, the National War Labor Board granted the increase.

The Die Sinkers contends that this collective bargaining history should not foreclose the present establishment of a separate unit of die sinkers because (1) these employees constitute a highly skilled, clearly identifiable and homogeneous group, and (2) they have been treated as a special and separate group in collective bargaining. It is clear that, if it were not for the history of collective bargaining herein, we would find the proposed unit appropriate, for we have had frequent occasion to examine the nature of the work performed by die sinkers and have found it to constitute a highly skilled and clearly identifiable craft. However, we are of the opinion that this fact alone does not justify the disturbance of the substantial history of plant-wide collective bargaining which appears to have achieved and maintained harmony between the Company and its employees, including the die sinkers. We do not regard it as significant that in certain phases of collective bargaining the die sinkers were treated as a separate group, for it is clear that this bargaining was conducted by the Independent within the framework of a single plant-wide unit, established by contract; that, for many purposes, the die sinkers were not singled out for special treatment; and that, for some purposes, other groups within the unit were also accorded special treatment. We therefore believe,

and find, that the unit proposed by the Die Sinkers is inappropriate for the purposes of collective bargaining.³

IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since, as we have held in Section III, above, the bargaining unit sought to be established by the petition is inappropriate for the purposes of collective bargaining, we find that no question has been raised concerning the representation of employees in an appropriate bargaining unit. Accordingly, we shall dismiss the petition.

ORDER

Upon the basis of the above findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives filed by Columbus Die Sinkers Lodge #290 of the International Die Sinkers Conference be, and it hereby is, dismissed.

³ See *Matter of Harnischfeger Corporation*, 55 N. L. R. B. 909; *Matter of Howard B. Jones Company*, 55 N. L. R. B. 1176; cf. *Matter of Goodyear Tire & Rubber Company*, 55 N. L. R. B. 918.