

In the Matter of LOCKHEED AIRCRAFT CORPORATION *and* PATTERN
MAKERS ASSOCIATION OF LOS ANGELES & VICINITY, AFL

Case No. 21-R-2165.—Decided July 4, 1944

Mr. Maurice J. Nicoson, for the Board.

Mr. Homer I. Mitchell, of Los Angeles, Calif., and *Mr. Emil Steck, Jr.*, of Burbank, Calif., for the Company.

Messrs. Ralph Kaplan, and *W. F. Jebe*, of Los Angeles, Calif., and *Mr. George Q. Lynch*, of Washington, D. C., for the P. M. A.

Messrs. E. R. White, and *Roy W. Brown*, of Los Angeles, Calif., *Mr. Dale O. Reed*, of Burbank, Calif., and *Mr. L. O. Thomas*, of Washington, D. C., for the I. A. M.

Mr. Robert E. Tillman, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon petition duly filed by Pattern Makers Association of Los Angeles & Vicinity, AFL, herein called the P. M. A., alleging that a question affecting commerce had arisen concerning the representation of employees of Lockheed Aircraft Corporation, Burbank, California, herein called the Company,¹ the National Labor Relations Board provided for an appropriate hearing upon due notice before James C. Batten, Trial Examiner. Said hearing was held at Los Angeles, California, on April 21, 22, and 24, 1944. The Company, the P. M. A., and International Association of Machinists, Aeronautical Industrial District Lodge No. 727, herein called the I. A. M., 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 rulings of the Trial Examiner made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board. On June 15, 1944, pursuant

¹ In the formal papers of this proceeding, the Company is designated as "Lockheed Aircraft Corp." Its name appears in the caption and body of this Decision as it was amended at the hearing.

to notice served upon all the parties, a hearing for the purpose of oral argument was held before the Board at Washington, D. C. The Company, the P. M. A., and the I. A. M. appeared and participated.

At the hearing before the Trial Examiner, the Company and the I. A. M. joined in a motion to dismiss the petition of the P. M. A. Ruling on this motion was reserved for the Board. For the reasons set forth in Section III, *infra*, the motion is hereby granted.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Lockheed Aircraft Corporation, a California corporation, has its principal office and place of business in Burbank, California. The Company is engaged in the manufacture and sale of airplanes and airplane parts. In the conduct of its business, it owns and operates numerous plants, service units, warehouses, and a modification center located in Burbank, Los Angeles, Pomona, Bakersfield, Fresno, Taft, and Santa Barbara, California.² During the fiscal year ending June 30, 1941, the Company purchased raw materials aggregating more than \$50,000,000 in value, of which approximately 85 percent originated at points outside the State of California. During the same period, sales by the Company of such items as airplanes, airplane parts, and used airplanes amounted to over \$85,000,000, of which more than 90 percent represents the value of sales made to customers located outside the State of California.³ Since the above-mentioned period, the operations of the company have materially increased in volume.

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

II. THE ORGANIZATIONS INVOLVED

Pattern Makers Association of Los Angeles & Vicinity is a labor organization affiliated with Pattern Makers League of North America, which, in turn, is affiliated with the American Federation of Labor. It admits to membership employees of the Company.

International Association of Machinists, Aeronautical Industrial District Lodge No. 727, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

² The Company also operates certain facilities in Dallas, Texas.

³ At the time for which the above figures are given, there were two separate corporations: Lockheed Aircraft and Vega Aircraft. The figures include the purchases and sales of both corporations. On December 15, 1943, Vega Aircraft Corporation was dissolved and its assets transferred to Lockheed Aircraft Corporation.

III. THE ALLEGED APPROPRIATE UNIT

The P. M. A. seeks a unit confined to two departments of the Company and consisting of all wood and metal pattern makers, or other employees therein, who are engaged for any part of their time in making wood or metal patterns which are used for castings, including leadmen, but excluding supervisory employees of the rank of group supervisor and above. The Company and the I. A. M. contend that the existing system-wide industrial unit, including pattern makers, in which the I. A. M. is recognized by the Company as the collective bargaining representative, is appropriate, and that the unit sought by the P. M. A. compromise only a segment of a craft, inasmuch as the Company has nine departments in which wood and metal pattern makers are employed.

The I. A. M. was recognized by the Company in 1937 as the exclusive collective bargaining representative of its production and maintenance employees, on the basis of a majority showing made by a pay-roll check of membership cards. Beginning in March 1937, the Company and the I. A. M. entered into a series of bargaining contracts covering the production and maintenance employees, including pattern makers. In 1939, Vega Aircraft Corporation was incorporated as a subsidiary of the Company, and it also entered into a contract with the I. A. M. Since 1940, the employees of the two companies (now the Company) have been included in the same contracts.

The Board has observed heretofore that the mass production operations in the airplane industry are particularly conducive to collective bargaining upon an industrial unit basis.⁴ The record in the instant case reveals that the Company's operations are highly integrated and thus gives support to this conclusion. On the other hand, the Board has recognized, under appropriate circumstances, that collective bargaining upon a craft basis is feasible in the airplane industry. Where proper conditions are present, the Board has frequently postponed its determination of the appropriate unit pending an indication of the desires of employees sought to be set off in separate units. Among the crafts which have been found to constitute separate appropriate units is that of the pattern maker, concerning whose highly developed skills there can be little question.

In the instant case, however, we do not consider that the proper conditions warranting a postponement of our determination of the appropriate unit have been met, inasmuch as the unit sought by the P. M. A. comprises only a segment of a craft. The petition of the P. M. A., as amended at the hearing, is directed to 2 departments in plant B-1 of the Company at Burbank. In all, the Company has 9 departments in

⁴ See *Matter of The Glenn L. Martin-Nebraska Company*, 54 N. L. R. B. 424; and *Matter of Illinois Division, Bendix Aviation Corporation*, 54 N. L. R. B. 1051.

which it employs wood and metal pattern makers. The numerical designations of these departments and the particular plant in which each is located are as follows:

| Burbank Plant: | Department No. |
|----------------|----------------------------|
| B-1..... | 44-53; 28-26; 72-25-83 |
| B-5..... | 72-25-B |
| A-1..... | 29-42; 15-08; 43-28; 71-60 |
| A-2..... | 17-C8 |

The P. M. A. attempted to prove that only the employees it desired to include in its unit were true pattern makers and that the Company had more or less indiscriminately given classification of wood and metal pattern maker to other employees.⁵ The record fails to support these contentions of the P. M. A. The Company's classification of wood and metal pattern maker is based upon a directive issued by the National War Labor Board which fixes classifications and wage rates for the Southern California air frame industry.⁶ In this directive the following "job summary" for wood and metal pattern makers is contained:

This occupation requires the layout of complicated metal and wood patterns, mock-ups, and wood models from prints or sketches and the ability to layout and complete any information lacking in the print, or, in some cases, to develop and make the pattern, mock-up, or model from the part drawing or templates.

The operations consist of making simple and complicated, large and small, wood patterns, wood mock-ups, and wind tunnel models, occasional wood jigs, and form blocks * * *.

At the time of the hearing, the Company had a total of 107 wood and metal pattern makers. In the 2 departments in which the P. M. A. evinced an interest, there were 69 wood and metal pattern makers, not all of whom the P. M. A. would include in its proposed unit. Department 44-53, located in plant B-1, is the principal department in which the P. M. A. is interested, being the only one designated in the original petition which it filed with the Board. This department is divided into the following 3 sections each headed by a section supervisor: (1) Foundry, (2) Plaster, and (3) Pattern and Motor Parts. The latter section, in turn, is subdivided into 3 groups, namely, Wood and Metal Patterns, Form Press Group A, and Form Press Group B, each headed by a group supervisor. There are 50 wood and metal pattern makers

⁵ The P. M. A. did not contend that the several plants of the Company should be treated separately in determining the appropriate unit or units for collective bargaining purposes. Had it so contended, little support could be found in the record for its position in view of the integrated character of the operation and management of the Company's system of plants and the history of bargaining on a system-wide basis.

⁶ Neither the P. M. A. nor its parent body participated in the conferences which culminated in the National War Labor Board's directive

in the entire department, some of whom are in the Plaster Section with plaster pattern makers where they make the wood and metal bases for plaster patterns, but the majority of whom are in the Wood and Metal Patterns Group of the Pattern and Motor Parts Section. This Group has its working shop on the upper floor of the building which adjoins the building in which the Plaster Section occupies the lower floor. The wood and metal pattern makers in the Group work on wood patterns, metal patterns, models, jigs, fixtures, and mock-ups. The patterns which they make are used for castings of airplane parts. This is the decisive test allegedly applied by the P. M. A. in determining which employees are to be included in its proposed bargaining unit.

Department 28-26, also located in Plant B-1, is the other department in which there are pattern makers whom the P. M. A. would include in its proposed unit. This department is likewise divided into 3 sections, 1 of which, the Tool and Wood Shop Section, is subdivided into the following 3 groups: Wood Fabrication and Patterns; Tooling; and Jigs. There are 19 wood and metal pattern makers in the department, all of whom are to be found in the Patterns Group. The P. M. A. claims that only 7 of these employees are engaged in making patterns to be used for castings, and therefore may properly be included in its proposed unit. The record indicates that most of the 19 wood and metal pattern makers in Department 28-26 work on wood, metal, and plaster patterns, models, mock-ups, jigs, and fixtures. Patterns made in this department are used for tool castings. The Company's assistant manager of the Tool Engineering Division testified that 7 or 8 of the employees may devote most of their time to pattern making. On the other hand, a jig and fixture builder employed in the department denied that any pattern makers therein worked exclusively on patterns for castings; he testified that almost all the pattern makers made patterns for cerrobend castings.

In a third department of Plant B-1, i. e. 72-25-83, two wood and metal pattern makers make wood patterns for castings to be used on experimental tests of airplane design.

In Department 72-25-B of Plant B-5, there are five wood and metal pattern makers, who also make wood patterns for castings to be used on experimental airplanes.

In Department 29-42 of Plant A-1, there are 5 wood and metal pattern makers. They are chiefly engaged in making jigs, fixtures, and models, and very seldom make patterns. Department 15-08 of the same plant is assigned 9 wood and metal pattern makers, who make the wood and metal bases of plaster patterns as well as splashes, mock-ups, master models, and, occasionally, a wood pattern for castings or a complete plaster pattern. They work in conjunction with plaster pattern

makers. In Department 43-28 of this same plant, there are 11 wood and metal pattern makers, who make wood patterns for tool castings, form blocks, master models, jigs, and fixtures. In still a fourth department, 71-60, a single wood and metal pattern maker is engaged in making wood patterns from which castings for wind tunnel models are made. There are also 9 model builders in the department performing similar work.

Plant A-2 has a single department, 17-08, in which five wood and metal pattern makers are employed. They make the wood and metal bases for plaster patterns, an occasional wood pattern for kirksite castings, and master models.

The above brief descriptions of work performed by the wood and metal pattern makers employed by the Company in nine of its departments tend to indicate that the line of division sought to be drawn by the P. M. A. among the Company's wood and metal pattern makers is arbitrary.⁷ Moreover, the record indicates that other employees of the company, such as the model builders, appear to have skills which are substantially similar, if not identical, to those possessed by pattern makers, and appear to perform similar work, and yet are not included in the proposed bargaining unit.

Because the unit sought by the P. M. A. comprises only a segment of a craft group employed by the Company possessing similar skills and performing comparable work, we find that it is not appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since, as stated in Section III, above, the bargaining unit sought to be established by the petition of the P. M. A. is not appropriate for the purposes of collective bargaining, we find that no question affecting commerce has arisen concerning the representation of employees of the Company in an appropriate unit. Accordingly, we shall dismiss the petition.

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 employees of Lockheed Aircraft Corporation, Burbank, California, filed by Pattern Makers Association of Los Angeles & Vicinity, AFL, be, and it hereby is, dismissed.

⁷ We also note that the P. M. A. admits that plaster pattern makers, of whom the Company employs a considerable number, are eligible to membership and further admits that the only reason it does not seek to include them in the unit petitioned for at this time is that "they are not members of our association."