

In the Matter of THE WATERBURY FARREL FOUNDRY & MACHINE CO.  
and UNITED STEELWORKERS OF AMERICA (CIO)

*Case No. 1-R-1899.—Decided July 14, 1944*

*Messrs. J. S. Whiteside, Jr., of New Haven, Conn., and William Secor, of Waterbury, Conn., for the Company.*

*Messrs. Edward J. Levery, and Edward J. Hilland, of New Haven, Conn., for the Union.*

*Mr. Joseph C. Wells, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Waterbury Farrel Foundry & Machine Company, Waterbury, Connecticut, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John W. Coddairé, Trial Examiner. Said hearing was held at Waterbury, Connecticut, on May 23, 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 errors 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 Waterbury Farrel Foundry & Machine Co. is a Connecticut corporation with its principal place of business at Waterbury, Connecticut, where it is engaged in the manufacture and sale of cold metal working machines, such as pressers, headers, rolling mills, chaindraw

benches, and wire drawing machines. During the year 1943, the Company purchased raw materials having a total value of approximately \$3,000,000, of which about 65 percent was shipped to it from points outside the State of Connecticut. During the same period, the Company manufactured products having a total value of approximately \$6,600,000, of which about 75 percent was shipped to points outside the State.

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

## II. THE ORGANIZATION INVOLVED

United Steelworkers of America affiliated with the Congress of Industrial Organizations, 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 its employees until the Union has been certified by the Board in an appropriate unit.

A statement of the Field Examiner, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>1</sup>

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 parties agree that the appropriate unit should be comprised of all production, maintenance, and shipping employees of the Company, excluding clerical workers, engineering department employees, watchmen and guards, executives, foremen, and all other supervisory employees. The only dispute between the parties regarding the unit involves the Union's contention that certain apprentices should be included in the unit and the Company's contention that they should be excluded.

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<sup>1</sup> The Field Examiner reported that the Union submitted 374 membership application cards, of which there were 3 dated March 1944, 324 dated April 1944, and 47 undated; that no check of the names contained thereon had been made against the Company's pay roll; and that there were 600 employees in the unit proposed by the Union.

The Company contends that the Board should not order an election at this time because of lack of evidence in the record proving that the Union represents employees of the Company in the proposed unit. As we have frequently stated, the appraisal of a union's evidence of representation is a discretionary matter, and we do not invariably require a check of names on union cards against the employer's pay roll. We are here satisfied that the cards submitted by the Union afford reasonable assurance that the proceedings have not been instituted indiscriminately. We therefore find no merit in the Company's contention. See *Matter of San-Equip, Inc.*, 44 N. L. R. B. 524.

The Company employs apprentices whom it trains as machinists. These apprentices need possess no specific qualifications, except that they must be at least 16 years of age. After a probationary period of approximately 300 hours, the Company usually enters into a written agreement with the apprentices or their guardians which *inter alia* sets the length of the apprenticeship and the rates of pay the apprentice shall receive during that period. During the apprenticeship period the apprentice spends 2 hours each week in a school conducted by the Company for apprentices. Except for this, it appears that the apprentices work on production machines and perform other duties alongside the regular production workers. It further appears that, while the apprentices are engaged in regular production work, they are subject to the same supervision as the regular production workers. They work the same hours, enjoy the same vacation benefits as regular employees, and after serving their apprenticeship the great majority of them continue in the employ of the Company as machinists. Upon the entire record we are of the opinion that there is nothing in their work during their apprenticeship which so differentiates them from the other workers as to require their exclusion. In accordance with our usual practice, we shall include the apprentices within the unit.<sup>2</sup>

We find that all production, maintenance, and shipping employees of the Company, including apprentices, but excluding clerical workers, engineering department employees, watchmen, guards, executives, foremen, 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 National Labor Relations 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 payroll 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

<sup>2</sup> See *Matter of Bell and Howell Company*, 49 N. L. R. B. 42; *Matter of Builders Iron Foundry*, 40 N. L. R. B. 1393, and cases cited therein.

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with The Waterbury Farrel Foundry & Machine Co., Waterbury, 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 First 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 polls, but excluding those employees 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 United Steelworkers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.