

In the Matter of THE DUMORE COMPANY and INTERNATIONAL ASSOCIATION OF MACHINISTS, LODGE No. 437, A. F. OF L.

Case No. 13-R-2418.—Decided August 10, 1944

Mr. G. E. Shoup, of Racine, Wis., for the Company.

Messrs. P. L. Siemiller, and Ambrose Bakstic, of Chicago, Ill., for the A. F. L.

Messrs. Michael Holly, William C. Date, Zenon Smolarek, and John McGinn, of Racine, Wis., for the Association.

Mrs. Catherine W. Goldman, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by International Association of Machinists, Lodge No. 437, A. F. of L., herein called the A. F. L., alleging that a question affecting commerce had arisen concerning the representation of employees of The Dumore Company, Racine, Wisconsin, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George S. Freudenthal, Jr., Trial Examiner. Said hearing was held at Racine, Wisconsin, on June 27, 1944. At the hearing the Trial Examiner granted a motion to intervene made by Dumore Factory Employees Association, herein called the Association. The Company, the A. F. L., and the Association, 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 hearings 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 Dumore Company, a Wisconsin corporation with its plant and office located in Racine, Wisconsin, is engaged in the manufacture of fractional horsepower motors and electric grinders. During the year 1943, the Company's purchases of raw materials exceeded \$2,000,000 in value, of which more than 80 percent was brought from outside the State of Wisconsin. During the same period the Company's gross sales exceeded \$5,000,000 in value, of which more than 80 percent represents shipments to points outside the State of Wisconsin. The Company's entire production is devoted to the war effort.

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

II. THE ORGANIZATIONS INVOLVED

International Association of Machinists, Lodge No. 437, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

Dumore Factory Employees Association is an unaffiliated labor organization admitting to membership employees of the Company.

III. THE ALLEGED QUESTION CONCERNING REPRESENTATION; THE ALLEGED APPROPRIATE UNIT

The A. F. L. requests a unit covering the Company's tool room employees. The Association contends that such a unit is inappropriate since a plant-wide unit, including the tool room employees, has been established by its past bargaining with the Company. The Company also objects to a unit confined to tool room employees on the ground that the work of the tool room is interrelated with production work.

The Company's tool room is located at the end of one floor of its factory building. There are no partitions setting off the tool room from the Company's other operations. The tool room employees, consisting of tool and die makers, lamination die makers, tool makers, tool makers' apprentices, machine hands, and grinders, are primarily engaged in the making of tools and dies and the maintenance of machinery and tools used in production processes, but part of their time is spent in production work. For the past 6 years the tool room employees have been represented by the Association pursuant to a contract executed on December 8, 1937, by which the Company recognized the Association as the exclusive bargaining agency of all its employees.

The tool room employees have been members of the Association, have been represented on its committees, and have had grievances presented in their behalf by the Association. In view of the foregoing history of collective bargaining upon a plant-wide basis, we are of the opinion that a unit confined to tool room employees, as requested by the A. F. L., is inappropriate.¹ We shall, therefore, dismiss the A. F. L.'s petition.

Since the unit proposed in this proceeding is not appropriate for the purposes of collective bargaining, we find that no question has arisen concerning the representation of employees of the Company within the meaning of Section 9 (c) of the Act.

ORDER

Upon the basis of the above findings of fact and the entire record in this proceeding the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of The Dumore Company, Racine, Wisconsin, filed by International Association of Machinists, Lodge No. 437, A. F. of L., be, and it hereby is, dismissed.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Order.

¹ See *Matter of Howard B. Jones Company*, 55 N. L. R. B. 1176.