

In the Matter of SPRINGFIELD, MASSACHUSETTS, PLANT OF THE BALDWIN
DUCKWORTH DIVISION OF CHAIN BELT COMPANY and UNITED STEEL-
WORKERS OF AMERICA (CIO)

Case No. 1-R-1968.—Decided August 15, 1944

Mr. John I. Robinson, of Springfield, Mass., for the Company.

Mr. Harold B. Roitman, of Boston, Mass., for the Union.

Mr. Philip Licari, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America (CIO), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Springfield, Massachusetts, Plant of the Baldwin Duckworth Division of Chain Belt Company, herein called the Company,¹ the National Labor Relations Board provided for an appropriate hearing upon due notice before Leo J. Halloran, Trial Examiner. Said hearing was held at Springfield, Massachusetts, on July 18, 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 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

Chain Belt Company, a Wisconsin corporation, with its principal place of business in Milwaukee, Wisconsin, is engaged in the manu-

¹ At the hearing, the parties agreed to amend the petition and all other papers in this proceeding so that the name of the Company shall read "Springfield, Massachusetts, Plant of the Baldwin Duckworth Division of Chain Belt Company."

⁵⁷ N. L. R. B., No. 210.

facture of chains, sprockets, universal joints, and turnbuckles. The Chain Belt Company operates several plants in various parts of the United States. The instant proceeding involves only the Baldwin Duckworth Division of the Chain Belt Company located at Springfield, Massachusetts. During the first 6 months of 1944, the Company purchased for this plant steel and brass valued at approximately \$100,000, all of which was shipped from points outside the State of Massachusetts. During the same period, the Company produced at this plant finished goods valued at approximately \$500,000, all of which was shipped to points outside the State of Massachusetts.

The Company admits, and we find, 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 refused to grant recognition to the Union as the exclusive bargaining representative of the Company's production and maintenance employees at the Springfield plant until the Union has been certified by the Board in an appropriate unit.

A statement of a Field Examiner for the Board introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.²

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 Union seeks a unit for the purposes of collective bargaining composed of "all employees of the Company, except engineers, designers, time-study men, salesmen, supervisors, and office and clerical employees." The Company would also exclude from the alleged unit certain classifications of employees among which are watchmen, time-keepers, setters, laboratory and research employees, and first-aid employees.³ We shall proceed to consider each classification separately.

² The Field Examiner reported that the Union submitted 156 authorization cards, of which 154 were dated June, 1944, and 2 were undated. He further reported that there were approximately 200 employees in the unit alleged to be appropriate.

³ While the Company also wishes to exclude non-productive inspectors, indentured apprentices, assistant foremen, guards, and instructors, these classifications of employees do not appear now on the Company's pay roll, and, therefore, we shall not provide for their exclusion or inclusion.

The *watchmen* employed by the Company perform the usual duties incidental to that position. Thus, they make hourly tours of inspection, punch clocks, prevent unauthorized persons from entering the plant, and on occasion they also do some janitorial work. They are neither armed nor uniformed. We shall include them in the unit.

The *setters or set-up men* are employees whose functions are primarily to lay out the work for other employees, and to adjust machinery run by other operators. At times they inspect some work to check on the accuracy in the adjustments of the various production machinery. They are under the supervision of a regular departmental foreman. A few of these employees act as foremen in the absence of the regular foremen because of illness or vacation periods; however, they receive no extra compensation for this service. The Company urges that these employees be excluded from the appropriate unit on the ground that they are supervisory employees. We are of the opinion that the functions of these men cannot be characterized as supervisory; the fact that a few of them on occasion act in a nominally supervisory capacity for a short period of time does not warrant the conclusion that they exercise the full authority and bear all the responsibilities of the regular foremen. Therefore, we shall include all the set-up men in the unit.⁴

The *laboratory and research employee* is engaged in highly specialized tasks involving experimental work of a confidential nature. The Company's contention that his work is technical and confidential is fully supported by uncontradicted testimony of the Company's witness. We shall exclude him from the unit as a technical employee.

The *first-aid employee* performs work limited to the treatment of employees' minor injuries, and the dispensing of simple medicines. This employee's duties are clearly distinguishable from the work of the production and maintenance employees, and, therefore, we are of the opinion that she should be excluded from the unit.

Timekeepers. There is one employee in this category appearing on the Company's pay roll. This employee is in charge of all the work and production records of the employees in the plant. The payroll department supervises the performance of this employee's work, and she is under the direction of the head of the payroll department. Inasmuch as the work of this employee is purely clerical, we shall exclude her from the unit.

We find that all employees at the Company's Springfield, Massachusetts, plant, including watchmen and set-up men, but excluding executives, engineers, assistant engineers, draftsmen, time-study men, salesmen, timekeepers, the laboratory and research department em-

⁴ See *Matter of Ahlberg Bearing Company*, 56 N. L. R. B. 1794. See also *Matter of Olean Tile Co.*, 32 N. L. R. B. 288.

ployee, the first-aid attendant, office and clerical employees, 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 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 (a) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Springfield, Massachusetts, Plant of the Baldwin Duckworth Division of Chain Belt Company, 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 payroll period immediately preceding the date of this Direction, including employees who did not work during said payroll 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.

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