

In the Matter of C. A. DUNHAM COMPANY and INTERNATIONAL
ASSOCIATION OF MACHINISTS, DISTRICT 118 (A. F. L.)

Case No. 18-R-1046.—Decided August 21, 1944

Mr. William J. Scott, for the Board.

Mr. Frank B. Gilmer, of Chicago, Ill., for the Company.

Mr. James Ashe, of St. Paul, Minn., and *Mr. Earl P. Hogan*, of Marshalltown, Iowa, for the IAM.

Mr. Herbert C. Kame, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Association of Machinists, District 118 (A. F. L.); herein called the IAM, alleging that a question affecting commerce had arisen concerning the representation of employees of C. A. Dunham Company, Marshalltown, Iowa, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Stephen M. Reynolds, Trial Examiner. Said hearing was held at Marshalltown, Iowa, on July 12, 1944. The Company and the IAM 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

C. A. Dunham Company is an Iowa corporation normally engaged in the manufacturing of heating equipment, and presently engaged, to a large extent, in the production of war items. In addition to the Marshalltown, Iowa, plant, the only one here involved, the Company operates a plant at Michigan City, Indiana.

The Company uses in excess of \$100,000 worth of raw materials, over 50 percent of which is shipped to the Company's plant from points outside the State of Iowa. The Company annually manufactures over \$1,000,000 worth of finished products, over 50 percent of which is shipped to points outside the State of Iowa.

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

II. THE ORGANIZATION INVOLVED

International Association of Machinists, District 118, affiliated with the American Federation of Labor, 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 IAM as the exclusive bargaining representative of certain of its employees until the IAM has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicated that the IAM represents a substantial number of employees in the unit hereinafter found appropriate.¹

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 IAM claims that all employees in the machine shop, or factory, of the Company constitute an appropriate unit. The Company contends that its foundry employees should also be included in the unit. There is also a dispute as to the inclusion or exclusion of various fringe and supervisory groups.

The Company's contention that foundry employees should be included in the unit is based upon its claim that there has been interchange between the foundry and factory, over a period of years, in such degree that it would be impossible satisfactorily to delineate factory and foundry employees. The record shows, however, that this interchange has been confined to unskilled and semi-skilled employees; the skilled employees have not been shifted, but have remained at their particular jobs. Since the interchange between the factory and the foundry has been confined to unskilled employees and since the skilled

¹The Field Examiner reported that the IAM submitted 62 application cards; that the names of 57 persons appearing on the cards were listed on the Company's pay roll of June 22, 1944, which contained the names of 130 employees in the appropriate unit; and that the cards were dated . 34 in May 1944, 17 in June 1944; and 11 undated.

molders and core makers and their apprentices form a traditionally distinct and long recognized craft, we shall exclude them from the unit. We shall, however, include the unskilled foundry employees.

The Company contends that group heads be included in the unit. Uncontradicted testimony showed that the group heads come within our usual definition of supervisory employees. We shall exclude them.

The Company desires janitors and watchmen to be excluded from the unit; the IAM wants them included. The employees perform both janitorial and watchmen duties, they are neither uniformed nor armed. We shall include them.

The IAM wishes to include the operating engineer over the objection of the Company. It is clear that he is an ordinary maintenance employee without supervisory authority. We shall include him.

The Company contends that two inspectors, whom the IAM wishes to include, be excluded as being closely allied to management. It is clear, however, that inspectors have no supervisory authority, and we are of the opinion that their duties are closely allied to those of the ordinary production employees. Accordingly, we shall include them.

We find that all production and maintenance employees at the Marshalltown plant including watchmen and janitors, inspectors and the operating engineer, but excluding office and clerical employees, skilled molders and coremakers and their apprentices, group heads and all or any other 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 (c) 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 C. A. Dunham Company, Marshalltown, Iowa, 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 Eighteenth 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 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 International Association of Machinists, District 118, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

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