

In the Matter of GENERAL ELECTRIC COMPANY (PLASTICS DIVISION)  
and UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA  
(CIO) LOCAL 254

*Case No. 1-R-1904.—Decided August 25, 1944*

*Messrs. David Fitzgerald and Franz X. Brugger, of Pittsfield, Mass.,  
for the Company.*

*David Scribner by Mr. Frederick R. Livingston, of New York City,  
and Messrs. Hugh Harley, Jr., and Ivan W. Lord, of Pittsfield, Mass.,  
for the Union.*

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

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Electrical, Radio & Machine Workers of America (CIO) Local 254, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of General Electric Company (Plastics Division), Pittsfield, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John W. Coddaira, Jr., Trial Examiner. Said hearing was held at Pittsfield, 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

General Electric Company, a New York corporation, is engaged in the manufacture of electrical equipment at plants throughout the

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United States. It maintains two plants at Pittsfield, Massachusetts, known as the Electric Division and the Plastics Division. This proceeding is concerned with the Plastics Division, where the Company is engaged in the production of molded plastics. During 1943 the Company used raw materials amounting in value to \$1,000,000, 90 percent of which was shipped from points outside the Commonwealth of Massachusetts. During the same period the Company produced finished products amounting in value to \$7,000,000, approximately 75 percent of which was shipped to points outside the Commonwealth of Massachusetts.

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

## II. THE ORGANIZATION INVOLVED

United Electrical, Radio & Machine Workers of America, Local 254, 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 recognize the Union as the exclusive bargaining representative of the tool designers of its Plastics Division until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, 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 Union requests a unit composed of the Company's tool designers in the Plastics Division. The Company contends that the tool designers are included in a previously established unit of production and maintenance employees of the Electric Division and the Plastics Division.

At a consent election conducted in 1940, Local 255, affiliated with the same parent organization as the Union, was selected as bargaining representative of the employees of the Company at its two plants

<sup>1</sup>The Regional Director reported that the Union submitted 7 membership cards; that the names of 7 persons appearing on the cards were listed on the Company's pay roll of May 31, 1944, which contained the names of 10 employees in the appropriate unit, and that the cards were dated in August and September 1943.

in Pittsfield, Massachusetts. It appears, however, that the tool designers at the Plastics Division were not included on the eligibility list, were not notified of the election, and did not vote or participate in the election in any way. Local 255 has not bargained for these employees or even attempted to organize them. In view of these facts, we do not believe that the prior consent election render inappropriate a separate unit of tool designers at the Plastics Division.

There are 10 employees at the Plastics Division, classified as tool designers.<sup>2</sup> These employees are located in the tool design room, which is separated by partitions from the adjacent departments. They enter the plant by a different entrance than do the production and maintenance employees and punch the timeclock used by office employees rather than that used by production and maintenance employees. They work under the immediate supervision of the chief tool designer who reports to the works engineer in charge of the inspection and engineering departments. The ordinary toolroom employees, who are included in the unit of production and maintenance employees, are under the immediate supervision of the toolroom foreman who reports to the division manager. Tool designers are paid on the same basis as the tool room employees, but at a higher rate. They operate on only one shift, while ordinary production and maintenance employees operate on two or three shifts. Most of the tool designers are skilled employees with several years experience as toolmakers. While employees may be transferred from the toolroom to the tool design room, the transfer is usually in the nature of a permanent promotion, and there is no interchange between the employees in the toolroom and those in the tool design room. The work of the tool designers is confined to drafting. From instructions devised by the engineering department, the tool designers make drawings of molds, which are sent to the toolroom where the toolmakers work from the drawings to produce steel molds. Tool designers work at drafting boards, using equipment from small drafting kits. In view of the separate location and supervision of the tool designers and the highly skilled and technical nature of their work, we are of the opinion that the tool designers may properly constitute a separate unit.<sup>3</sup>

There remains for determination the specific composition of the unit. The chief tool designer is a salaried foreman and is the only supervisor in direct charge of the tool design room. He has the authority to recommend the hire and discharge of tool designers. We find that the chief tool designer falls within our customary definition of

<sup>2</sup> The Company employs 2,300 workmen at the Plastics Division

<sup>3</sup> See *Matter of Bendix Products Division, Bendix Aviation Corporation*, 56 N. L. R. B. 1805.

supervisory employees; accordingly, we shall exclude him from the unit.

We find that all tool designers at the Plastics Division, including apprentices,<sup>4</sup> but excluding student engineers,<sup>5</sup> the chief tool designer, and all 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 pay-roll 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 General Electric Company (Plastics Division), Pittsfield, Massachusetts, 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

<sup>4</sup> The Company and the Union are agreed that two girls employed as apprentices in the tool design room should be included in the unit.

<sup>5</sup> The Company and the Union are agreed that two student engineers temporarily assigned to the tool design room as part of their training program should be excluded from the unit.

the date of the election, to determine whether or not they desire to be represented by United Electrical, Radio & Machine Workers of America, Local 254, 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.