

In the Matter of DOEHLER DIE CASTING CO. and MECHANICS EDUCATIONAL SOCIETY OF AMERICA, LOCAL 4

*Case No. 8-R-1505.—Decided September 11, 1944*

*Mr. Thomas E. Shroyer, of Cleveland, Ohio, for the Board.*

*Messrs. David L. Benetar and Harold L. Samuels, of New York City, for the Company.*

*Leider, Witt & Cammer, by Mr. Nathan Witt, of New York City, for the CIO.*

*Mr. J. W. Starritt, of Toledo, Ohio, for MESA.*

*Mr. Bernard Goldberg, of counsel to the Board.*

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by Mechanics Educational Society of America, Local 4, herein called MESA, alleging that a question affecting commerce had arisen concerning the representation of employees of Doehler Die Casting Co., Toledo, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Charles W. Schneider, Trial Examiner. Hearings were held at Toledo, Ohio, on July 18, 19, 20, 21, 1944. The Company, MESA, and International Union of Mine, Mill & Smelter Workers, C. I. O., herein called the CIO, 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. At the hearing, the Trial Examiner reserved for the Board a ruling on the CIO's motion to dismiss the petition. For reasons hereinafter stated the said motion is hereby granted. 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.

58 N. L. R. B., No. 32.

Upon the entire record in the case, the Board makes the following:

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE COMPANY

Doehler Die Casting Co., a New York corporation, has plants in Pottstown, Pennsylvania; Batavia, New York; Chicago, Illinois; and Toledo, Ohio. This proceeding is concerned with the plant in Toledo, Ohio, where the Company is engaged in the manufacture of die castings, permanent mold castings, and forgings. During the 1943 calendar year, the Company purchased raw materials for use at its Toledo plant of a value in excess of \$1,000,000, a substantial portion of which came from outside the State of Ohio. During the same period, the Company manufactured products whose value exceeded \$1,000,000, of which more than 50 percent was shipped to points outside the State of Ohio.

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

#### II. THE ORGANIZATIONS INVOLVED

Mechanics Educational Society of America, Local 4, affiliated with Confederated Unions of America, is a labor organization admitting to membership employees of the Company.

International Union of Mine, Mill & Smelter Workers, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

#### III. THE ALLEGED APPROPRIATE UNIT

MESA seeks a unit consisting of substantially all of the non-supervisory employees in the skilled division, comprising the tool, machine, die, die repair, and engineering departments of the Toledo plant.<sup>1</sup> The CIO and the Company contend that on the basis of the bargaining history, the only appropriate unit is a company-wide unit covering production and maintenance employees in all four plants of the Company.

Since 1937, the CIO and its predecessor organization have bargained with the Company for the production and maintenance employees in all of the Company's plants. The contracts executed have been on a multi-plant, company-wide basis and have covered employees in the skilled divisions of the various plants as well as those in the production

<sup>1</sup> The unit sought by MESA includes a number of different craft groups, e. g., tool and die makers, tool and die designers, machinists, welders, grinders, as well as inspectors, tool crib attendants, handymen, and porters, among others.

departments. One of the most significant factors in determining the appropriateness of any bargaining unit is the form which self-organization has taken in the past. Where a pattern of organization and bargaining history on a plant-wide basis has existed for a number of years, the Board has declined to find as appropriate a smaller unit composed of a fraction of the employees,<sup>2</sup> whether a homogeneous craft group<sup>3</sup> or an aggregation of employees in some but not all of the departments of a company.<sup>4</sup> An exception to this doctrine has been made in the case of certain craft groups under appropriate circumstances.<sup>5</sup> However, the unit sought by MESA in the instant case is not within the exceptions heretofore recognized by the Board. In view of the established bargaining history on a company-wide basis, we find that the unit sought by MESA is inappropriate for the purposes of collective bargaining, and we shall dismiss the petition filed herein.

#### IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since the bargaining unit sought to be established by the petition is inappropriate, as stated in Section III, above, we find that no question has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) of the National Labor Relations Act.

#### ORDER

Upon the basis of the above findings of fact and the entire record in the case, the Board hereby orders that the petition for investigation and certification of representatives of employees of Doehler Die Casting Co., Toledo, Ohio, filed by Mechanics Educational Society of America, Local 4, affiliated with Confederated Unions of America, be, and it hereby is, dismissed.

<sup>2</sup> *Matter of American Can Co.*, 13 N. L. R. B. 1252.

<sup>3</sup> *Matter of Columbia Bolt Works Company*, 56 N. L. R. B. 1517; *Matter of Burt Foundry Company*, 45 N. L. R. B. 957

<sup>4</sup> *Matter of Toledo Scale Company*, 45 N. L. R. B. 472.

<sup>5</sup> *Matter of Goodyear Tire & Rubber Company*, 55 N. L. R. B. 918, and cases cited therein.