

In the Matter of CANTON DROP FORGING & MANUFACTURING COMPANY  
and UNITED STEELWORKERS OF AMERICA (CIO)

*Case No. 8-R-1577.—Decided September 15, 1944*

*Messrs. D. W. Raley, C. H. Brauchler, L. H. Bowers, Charles Greene, F. L. Cavender, and G. E. Young, of Canton, Ohio, for the Company.*

*Messrs. I. W. Abel, R. E. Young, and Lawrence Larkin, of Canton, Ohio, for the C. I. O.*

*Messrs. J. G. Meiner and R. E. Wilson, of Cleveland, Ohio, for the Die Sinkers.*

*Joseph A. Padway, by Mr. Robert A. Wilson, of Washington, D. C., Mr. E. Wayne Patterson, of Cleveland, Ohio, and Messrs. Wesley Morris, C. E. Young, and Howard Ellis, of Canton, Ohio, for the Blacksmiths.*

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

DECISION

AND

DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America (CIO), herein called the C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of Canton Drop Forging & Manufacturing Company, Canton, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Thomas E. Shroyer, Trial Examiner. Said hearing was held at Canton, Ohio, on August 1, 1944. At the hearing the Trial Examiner granted motions to intervene made by International Die Sinkers Conference, herein called the Die Sinkers, and by International Brotherhood of Blacksmiths, Drop Forgers and Helpers (AFL), herein called the Blacksmiths. The Company, the C. I. O., the Die Sinkers, and the Blacksmiths 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 Blacksmiths moved that the petition be dismissed, and the motion was referred to the

Board. For reasons hereinafter stated, the motion is hereby denied. 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

Canton Drop Forging & Manufacturing Company, an Ohio corporation, is engaged in the manufacture of steel drop forgings at two plants in Canton, Ohio. Only Plant 2 is involved in this proceeding. During 1943 the Company made purchases exceeding \$7,000,000 in value, 5 percent of which was shipped from outside the State of Ohio. During the same period the Company sold products exceeding \$10,000,000 in value, 60 percent of which was shipped 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

United Steelworkers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

International Die Sinkers Conference is a labor organization admitting to membership employees of the Company.

International Brotherhood of Blacksmiths, Drop Forgers and Helpers, 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 C. I. O. as the exclusive bargaining representative of the employees of Plant 2 until the C. I. O. has been certified by the Board in an appropriate unit.<sup>1</sup>

A statement of a Board agent, introduced into evidence at the hearing, indicates that the C. I. O. represents a substantial number of employees in the unit alleged to be appropriate.<sup>2</sup>

<sup>1</sup> The Blacksmiths contends, in support of its motion to dismiss, that no question concerning representation exists since no formal request for recognition was made by the C. I. O. prior to the filing of its petition. We find no merit to the contention. See *Matter of Crown Zellerbach Corp.*, 54 N. L. R. B. 25.

<sup>2</sup> The Field Examiner reported that the C. I. O. submitted 273 authorization cards; that the names of 237 persons appearing on the cards were listed on the Company's pay roll of July 10, 1944; that there are 659 employees in the unit requested by the C. I. O.;

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 DETERMINATION OF REPRESENTATIVES

The C. I. O. contends that the appropriate unit should comprise all employees of Plant 2 of the Company with the exception of employees working on dies or parts of dies,<sup>3</sup> guards,<sup>4</sup> clerical employees, foremen, and assistant foremen. The Blacksmiths and the Company contend that employees in the forge department of the plant should not be included in the unit.<sup>5</sup> They would also exclude working foremen, hot inspectors, steel expeditors, and laboratory employees.

For approximately 40 years the Company has engaged in the production of steel forgings at Plant 1. In 1943 it began operations at Plant 2, which is owned by Defense Plant Corporation, an agency of the United States Government. The two plants produce similar products; but Plant 1 is equipped to produce a greater variety of products, and Plant 2 is equipped to produce heavier products. The operations at Plant 2 are housed in four connecting buildings. The forging department, which occupies two of these buildings, includes sawing, upsetting, hammer, and trimming operations. Twenty-five percent of the Company's product upon leaving the forging department is shipped without further processing. The forging department, unlike other departments in Plant 2, is under the supervision of the forge superintendent who also has charge of the forging department of Plant 1. There is interchange of employees within the forging department of Plant 2 and between the forging departments of Plant 1 and Plant 2; there is no interchange of employees between the forging department and other departments of Plant 2. The employees in the forging department are generally higher paid than the employees in the remaining departments. In the forge shop the employees are paid on an incentive basis; all other employees are paid on a straight basis. The working conditions of employees in the forging department are more unfavorable than those of other employees due to the extreme

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and that the cards were dated as follows: 1 in August 1943, 26 in May 1944, 183 in June 1944, and 27 undated.

The Die Sinkers and the Blacksmiths rely upon contracts with the Company to establish their interest in the proceeding.

<sup>3</sup> At the hearing the C. I. O. amended its petition to exclude these employees who are currently represented by the Die Sinkers pursuant to an exclusive bargaining contract dated June 24, 1944.

<sup>4</sup> The guards are armed, uniformed, and militarized.

<sup>5</sup> The Blacksmiths prefers that a plant-wide unit excluding employees in the forging department be found appropriate, but requests in the alternative that a separate unit of employees in the forging department be established, or that a "Globe" election be conducted among employees in the forging department. Should the Board find appropriate a plant-wide unit including employees in the forging department, the Blacksmiths does not desire to participate in the election.

heat in that department. There are approximately 100 employees in the forging department of Plant 2, including 16 maintenance men whose time is devoted exclusively to the forging department.<sup>6</sup> About 75 percent of the persons employed in the forging department of Plant 2 were transferred from the forging department of Plant 1 and retain their seniority status in Plant 1.

For a period of 10 years the Company has bargained with the Blacksmiths as the representative of the employees of Plant 1, with the exception of employees engaged in machine and die operations, and with the Die Sinkers as the representative of employees working on dies and parts of dies. At present it has exclusive bargaining contracts with these two organizations for the employees of Plant 1. On September 16, 1943, it executed a members-only contract with the Blacksmiths for employees in the forging department of Plant 2, and on June 24, 1944, it executed an exclusive bargaining contract with the Die Sinkers for employees working on dies and parts of dies in Plant 2.

The physical separation of the forging department, its separate supervision, the difference in wages and working conditions of its employees, and the prior bargaining relations between the Company and the Blacksmiths, indicate the appropriateness of separate representation for the employees of the forging department. On the other hand, their work is an integral part of the Company's production process. Under these circumstances, we are of the opinion that the employees in the forging department and the remaining employees of Plant 2 may constitute separate bargaining units or be combined into a single unit. Accordingly, we shall defer our determination of the appropriate unit. Such determination will depend, in part, upon the results of the elections which we shall herein direct.

There remains for consideration the specific composition of the voting groups. As indicated above, the Company and the Blacksmiths would exclude working foremen, hot inspectors, and steel expeditors, whom the C. I. O. would include. Some of the working foremen work in the shipping department and some have charge of particular furnaces. They have authority to discipline, to transfer, and to make effective recommendations concerning hire and discharge. Hot inspectors work in the forging department. They give direct orders to the crews of workmen and may upon their own initiative effectively recommend hire and discharge of employees under their supervision. Steel expeditors are in charge of the saw operations of the forging department. They are considered full-time supervisors. We are of the opinion that working foremen, hot inspectors, and

<sup>6</sup> Plant 2 employs 659 workmen, including die sinkers.

steel expeditors fall within our customary definition of supervisory employees; accordingly, we shall exclude them from the voting groups.

The Company and the Blacksmiths would also exclude laboratory employees; the C. I. O. takes no position concerning these employees. The laboratory employees are technically trained engineers performing skilled work under the supervision of a chief metallurgist. In view of the technical nature of their duties, we shall exclude the laboratory employees.

We shall direct that the question concerning representation which has arisen be resolved by separate elections by secret ballot among employees in the following groups, excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction: (1) all employees in the forging department of Plant 2, excluding foremen, assistant foremen, working foremen, hot inspectors, and steel expeditors; and (2) all the remaining employees of Plant 2, excluding employees working on dies or parts of dies, guards, laboratory employees, clerical employees, foremen, assistant foremen, and working foremen.

#### DIRECTION OF ELECTIONS

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 Canton Drop Forging & Manufacturing Company, Canton, Ohio, elections 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 Eighth 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 following groups, 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 elec-

tions, 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:

(1) All employees in the forging department of Plant 2, excluding foremen, assistant foremen, working foremen, hot inspectors, and steel expeditors, to determine whether they desire to be represented by International Brotherhood of Blacksmiths, Drop Forgers and Helpers, affiliated with the American Federation of Labor, or by United Steelworkers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining, or by neither;

(2) All remaining employees of Plant 2, excluding employees working on dies or parts of dies, guards, laboratory employees, clerical employees, foremen, assistant foremen, and working foremen, 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.