

In the Matter of CONSOLIDATED VULTEE AIRCRAFT CORPORATION, LOUISVILLE DIVISION and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW-CIO

Case No. 9-R-1460.—Decided September 16, 1944

Pruitt & Grealis, by *Mr. John J. Grealis*, of Chicago, Ill., and *Mr. R. H. Byron*, of San Diego, Calif., for the Company.

Messrs. H. D. Burcham and *Wilber E. Gupton*, of Louisville, Ky., for the UAW-CIO.

Messrs. Van B. Carter and *E. L. Mercker*, of Louisville, Ky., for the IAM.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, UAW-CIO, herein called the UAW-CIO, alleging that a question affecting commerce had arisen concerning the representation of employees of Consolidated Vultee Aircraft Corporation, Louisville Division, Louisville, Kentucky, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before David Karasick, Trial Examiner. Said hearing was held at Louisville, Kentucky, on August 11, 1944. At the commencement of the hearing the Trial Examiner granted a motion of International Association of Machinists, A. F. of L., herein called the IAM, to intervene. The Company, the UAW-CIO, and the IAM appeared, participated, and 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 opportunity to file briefs with the Board.

58 N. L. R. B., No. 60.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Consolidated Vultee Aircraft Corporation is a Delaware corporation with its principal office at San Diego, California. The Company operates 12 divisions or plants throughout the United States. We are here concerned with its plant at Louisville, Kentucky, known as the Louisville Division. The Company in its various divisions, is engaged in the design, manufacture, development, and sale of aircraft, aircraft parts, and accessories. The Company is one of the largest manufacturers of air boats, one of the largest contractors to the United States Army and Navy, and one of the largest aircraft manufacturers in the United States. The Louisville Division is owned by United States Defense Corporation but is privately operated by the Company. The United States Army delivers all materials and all plans for modification to the Louisville Division and takes delivery of the aircraft after modification at Louisville. During 1943 about \$1,000,000 worth of raw materials were shipped to the Louisville Division from points outside the State of Kentucky and the Louisville Division shipped more than \$1,000,000 worth of aircraft to points outside the State of Kentucky.

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

II. THE ORGANIZATIONS INVOLVED

International Union, United Automobile, Aircraft & Agricultural Implement Workers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

International Association of Machinists is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

During May and June 1944, respectively, the UAW-CIO and the IAM requested the Company to recognize them as the exclusive collective bargaining representatives of the employees in the Louisville Division. The Company refused these requests.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the UAW-CIO represents a sub-

stantial number of employees in the unit hereinafter found to be appropriate.¹

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The UAW-CIO and the IAM urge that all production and maintenance employees at the Louisville Division of the Company, including inside expeditors, flight line mechanics, and inspectors, but excluding carpenters and craters, maintenance electricians, their helpers and apprentices, plant-protection employees, cafeteria employees, time-keepers, office and clerical employees, draftsmen, outside expeditors, engineering department employees, professional and administrative personnel, employees in the industrial relations department, flight personnel, factory clerical employees, employees in the planning department, medical employees, station wagon drivers and chauffeurs, outside truck drivers, superintendents, foremen, and assistant foremen, constitute an appropriate bargaining unit. The only controversy with respect to the unit concerns inside expeditors, flight line mechanics, and inspectors. The Company would exclude all such employees from the unit while the labor organizations would include them.

The Company employs between 12 and 20 expeditors. All such persons work either in the production control, master scheduling, or production department. They are charged with the duty of seeing that special jobs are performed in accordance with time schedules and specifications. They also make out reports of various operations which are submitted to their superiors. The record indicates that the duties of the inside expeditors are concerned with production operations. Under all the circumstances we shall include the inside expeditors in the unit.²

The Company employs between 20 and 30 flight line mechanics, all of whom work in the flight department. They are primarily airplane motor mechanics but also make minor adjustments to other parts of aircraft. Their wage rates overlap with those of the assemblers and installers. The latter two classes of employees are admittedly in the unit. The work performed by the flight line me-

¹ The Field Examiner reported that the UAW-CIO presented 415 authorization cards bearing the names of persons who appear on the Company's pay roll of June 22, 1944. There are approximately 1,192 employees in the appropriate unit. The Field Examiner further reported that the IAM presented 54 authorizations bearing the names of persons who appear on the June 22, 1944, pay roll.

² *Matter of Consolidated Vultee Aircraft Corporation (Allentown Division)*, 55 N. L. R. B 443.

chanics is a final operation with respect to the production of aircraft. We shall include the flight line mechanics in the unit.

The Company employs 90 inspectors who inspect parts as to quality and workmanship and determine whether various parts have been installed according to specifications. The inspectors have no supervisory authority and the rejection of work by them does not affect the production employees in any way inasmuch as the latter are paid on an hourly rate. It appears that inspectors are included in production and maintenance bargaining units covered by contracts with some Divisions of the Company, while they are excluded in others. Under all the circumstances, we shall include the inspectors in the unit.³

We find that all production and maintenance employees at the Louisville Division of the Company, including inside expeditors, flight line mechanics, and inspectors, but excluding carpenters and craters, maintenance electricians, their helpers and apprentices, plant-protection employees, cafeteria employees, timekeepers, office and clerical employees, draftsmen, outside expeditors, engineering department employees, professional and administrative personnel, employees in the industrial relations department, flight personnel, factory clerical employees, employees in the planning department, medical employees, station wagon drivers and chauffeurs, outside truck drivers, superintendents, foremen, assistant foremen, 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 means of 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.

The UAW-CIO requests that it appear on the ballot as "Local 603, UAW-CIO." The request is hereby granted.

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

³ *Matter of Consolidated Vultee Aircraft Corporation, Ft Worth Division*, 55 N. L. R. B. 577; *Matter of Consolidated Aircraft Corporation (Modification Center-Tucson Division)*, 46 N. L. R. B. 493; *Matter of Consolidated Vultee Aircraft Corporation (Allentown Division)*, 55 N. L. R. B. 443.

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 Consolidated Vultee Aircraft Corporation, Louisville Division, Louisville, Kentucky, 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 Ninth 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 any 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 they desire to be represented by Local 603, UAW-CIO, or by International Association of Machinists, A. F. of L., for the purposes of collective bargaining, or by neither.