

IN the Matter of THE JEFFREY MANUFACTURING COMPANY and
PATTERN MAKERS LEAGUE OF NORTH AMERICA, DISTRICT No. 1
A. F. L.

IN the Matter of THE JEFFREY MANUFACTURING COMPANY and
UNITED STEELWORKERS OF AMERICA (C. I. O.)

Cases Nos. 9-R-1456 and 9-R-1553, respectively.—Decided October
18, 1944

Burs, Porter, Stanley & Treffinger, by *Messrs. W. Glover Porter, Charles S. Gillespie, and Harry W. DeBruin*, of Columbus, Ohio, for the Company.

Mr. C. D. Madigan, of Cleveland, Ohio, for the Pattern Makers.

Mr. Phillip M. Curran of Pittsburgh, Pa., and *Mr. Howard N. Porter*, of Columbus, Ohio, for the Steelworkers.

Mr. Julius Kirle, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon petitions duly filed by Pattern Makers League of North America, District No. 1, A. F. L., herein called the Pattern Makers, and United Steelworkers of America (C. I. O.), herein called the Steelworkers, alleging that a question affecting commerce had arisen concerning the representation of employees of The Jeffrey Manufacturing Company, Columbus, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate consolidated hearing upon due notice before Louis Penfield, Trial Examiner. Said hearing was held at Columbus, Ohio, on September 6, 1944. The Company, the Pattern Makers, and the Steelworkers appeared and participated.¹ All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. Prior to the hearing, the Company filed a motion to dismiss the petition of the Steelworkers

¹ The Steelworkers waived its right to protest any election in the instant proceeding on grounds set forth in Case No 9-C-2049, now pending before the Board.

on the ground that the Steelworkers had not requested recognition as the exclusive bargaining agent of all the Company's employees. At the hearing, the Company pressed this motion. Ruling on the motion was reserved for 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.²

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Jeffrey Manufacturing Company, an Ohio corporation, having its principal office and place of business at Columbus, Ohio, is engaged in the manufacture of mining machinery. During the year 1943, the Company purchased raw materials valued in excess of \$1,000,000, more than 60 percent of which came from points outside the State of Ohio. During the same period, the Company's finished products were valued in excess of \$2,500,000, approximately 75 percent of which was shipped to points outside that State.

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

II. THE ORGANIZATIONS INVOLVED

Pattern Makers League of North America, District No. 1, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

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

III. THE QUESTION CONCERNING REPRESENTATION

On or about May 15, 1944, the Company refused to grant recognition to the Pattern Makers as the exclusive bargaining representative of the Company's employees in the pattern making department until certified by the Board. On June 10, 1944, at a conference called to discuss issues raised by the pending petition of the Pattern Makers, the Steelworkers orally advised the Company that it was interested in negotiating a contract, with the Company's entire plant as a bargaining unit. The Company gave no indication that it would

² Subsequent to the hearing the Company filed a motion to correct minor errors in the transcript. The motion is hereby granted.

grant recognition without certification by the Board. The Steelworkers made no further formal demand for recognition prior to the filing of its petition on August 8, 1944. The Company's contention that the petition should be dismissed, because the Steelworkers made no formal demand upon the Company for collective bargaining prior to the filing of its petition, is without merit. For a proceeding of this kind, it is sufficient that, as of the date of the hearing, the Steelworkers status as a bargaining representative is disputed and that recognition depends upon certification by the Board.³

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Pattern Makers and Steelworkers each represents a substantial number of employees in the unit which each contends to be appropriate.⁴

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 Steelworkers claims as appropriate for collective bargaining a unit composed of all employees of the Company,⁵ including stockmen and storekeepers, inspectors, part-time cafeteria workers employed full time in production, wood and metal pattern makers, and pattern makers' apprentices, but excluding full-time cafeteria workers, rate setters, graduate nurses, chemists, the metallurgist, guards, clerical employees, foremen, assistant foremen, and other supervisory employees. The Pattern Makers desires a unit composed of all wood and metal pattern makers, and pattern makers' apprentices, but excluding supervisory employees. The Company takes a neutral position with respect to the general unit issue and either agrees to or does not oppose the specific exclusions and inclusions sought by the Steelworkers. The principal controversy thus concerns the appropriateness of a separate unit for the pattern makers.

³ See *Matter of Canton Drop Forging & Manufacturing Company*, 58 N L R B 277; *Matter of Crown Zellerbach Corporation*, 54 N L R B 25

⁴ The Field Examiner reported that the Pattern Makers submitted 12 authorization cards, that the names of all persons appearing on the cards were listed on the Company's pay roll of June 10, 1944, which allegedly contained the names of 24 employees in the claimed appropriate unit, and that the cards were dated May 1944

The Steelworkers submitted 500 authorization cards, 8 of which bore the names of persons in the alleged Pattern Makers unit. The remaining 492 cards were dated between September 1943 and August 1944. No pay roll was submitted by the Company in advance of the hearing, and no check of these cards was made against the pay roll. There are 1,630 persons in the unit alleged as appropriate by the Steelworkers

⁵ The Company's plant occupies an area of approximately 38 acres of which 16 acres are under roof. Approximately 1 acre under roof is devoted to the Company's general offices; the remaining 15 acres under roof are devoted chiefly to various phases of production. Included in these 15 acres are the plant office, hospital, restaurant, and the employees cooperative store. The plant contains 45 separate departments

The wood and metal pattern makers, and apprentices perform the usual type of highly skilled work that is generally associated with the trade. They occupy two shops, the larger being devoted to the making of wood patterns, the smaller to the making of metal patterns. The record discloses no previous history of collective bargaining at the plant. Under the circumstances, including the fact that pattern makers have a substantial interest in a well-recognized craft and are to a large extent physically segregated from employees in other departments, we are of the opinion, and find, that the pattern makers as a group could properly function as a separate bargaining unit, or as part of a plant-wide unit. Accordingly, our determination of the appropriate unit or units will depend in part upon the desires of the employees themselves, to be expressed in the elections hereinafter directed.⁶

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,⁷ 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 wood and metal pattern makers, and pattern makers' apprentices;⁸

(2) All other employees, including part-time cafeteria workers who work full time at production and maintenance work, stockmen and storekeepers, and inspectors, but excluding wood and metal pattern makers, pattern makers' apprentices, full-time cafeteria workers, rate setters, graduate nurses, chemists, the metallurgist, guards, clerical employees,⁹ foremen, and assistant foremen.

There are presently on the Company's pay roll a group of high school students who have been working during the summer months, are under age, and will return to school upon its reopening. There are also two teachers in this group who have worked for the Company the past two summers but will return to school upon its reopening. They have no expectation of returning to work next summer inasmuch as the Company's work is not seasonal. The parties agree

⁶ *Matter of Crown Zellerbach Corporation*, 54 N L R B 25

⁷ The parties agree, and we find, that the chief clerk of the iron foundry, the chief plumber, the chief electrician, the chief bricklayer, the chief inspector, and the chief of police, are supervisory employees within the definition set forth above.

⁸ Kenneth Kashner is included as a pattern makers' apprentice

⁹ Plant clericals, other than the stockmen and storekeepers whose work is chiefly manual and who are specifically included above, perform clerical work exclusively, and the parties agreed, and we find, that they are excluded as falling within the general category of clerical employees.

that they should be ineligible to vote. We find, in accord with an agreement of the parties, that they are ineligible to participate in the elections. As stated above, upon the results of these elections will depend, in part, our determination of the appropriate unit or units.

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 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 The Jeffrey Manufacturing Company, Columbus, 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 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 groups 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 seasonal and temporary employees, 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, (1) to determine whether the employees described in group (1) of Section IV desire to be represented by Pattern Makers League of North America, District No. 1, A. F. of L., or by United Steelworkers of America, C. I. O., for the purposes of collective bargaining, or by neither;¹⁰ (2) to determine whether or not the employees described in group (2) of Section IV desire to be represented by United Steelworkers of America, C. I. O., for the purposes of collective bargaining.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Elections.

¹⁰ The Steelworkers and the Pattern Makers requested that they be designated on the ballot as set forth above. The request is hereby granted.