

In the Matter of THE AMERICAN BRASS COMPANY and INTERSTATE
COPPER AND BRASS WORKERS UNION, LOCAL #15

Case No. 3-R-843.—Decided October 25, 1944

Mr. F. J. Kane, of Kenmore, N. Y., for the Company.

Mr. James Kozma, of Rome, N. Y., and *Mr. Howard S. Steinhauser*,
of Buffalo, N. Y., for the Union.

Mr. Charles Whitman, of Buffalo, N. Y., for the CIO.

Mr. Sidney Grossman, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by the Interstate Copper and Brass Workers Union, Local #15, affiliated with the Confederated Unions of America, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The American Brass Company, Buffalo, New York, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Peter J. Crotty, Trial Examiner. Said hearing was held at Buffalo, New York, on September 14, 1944. The Company and the Union appeared and participated. All parties¹ 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.

¹ At the commencement of the proceeding, the Trial Examiner denied a motion of the International Union Mine, Mill and Smelter Workers, Local Union 593, CIO, to intervene, since the CIO was unable to submit proof of representation in the alleged appropriate unit. The ruling is hereby affirmed.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The American Brass Company, a Connecticut corporation, is engaged in the fabrication of copper and brass at Buffalo, New York. During a 12-month period prior to July 1944, the Company used raw materials in excess of \$18,000,000, in value, of which in excess of 50 percent was received from sources outside the State of New York. During the same period it manufactured finished products aggregating in excess of \$25,000,000, in value, of which in excess of 50 percent was shipped to points outside the State of New York.

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

II. THE ORGANIZATION INVOLVED

Interstate Copper and Brass Workers Union, Local #15, affiliated with the Confederated Unions of America, 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 Union as the exclusive bargaining representative of the employees in the alleged appropriate unit 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.²

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 that all mill timekeepers, including the assistants to the chief timekeeper, be included in a unit comprised of mill clerical and laboratory employees, for which it has been previously certified as bargaining agent,³ or, in the alternative, that such employees constitute a separate appropriate unit. The Company opposes

² The Field Examiner reported that the Union submitted 8 application-for-membership cards of which 1 was dated November 1943, 6 in June 1944, and 1 in July 1944. There are 11 employees in the alleged appropriate unit.

³ *Matter of American Brass Company*, 55 N. L. R. B 245.

a unit composed of mill timekeepers because of the alleged managerial functions of such employees. It also opposes inclusion of the two assistant timekeepers should the Board find a unit of timekeepers appropriate.

The mill timekeepers, who are responsible to the foremen, examine the production records for the purpose of apportioning the time devoted to various operations; make periodic plant inspections to determine whether employees are engaged in the operations to which they have been assigned; submit reports of the information thus gathered, which are used by the Company to prepare the pay roll for the production and maintenance employees and to allocate labor costs for its various contracts; and perform numerous other routine clerical duties. They do not direct the work of the employees whose time they keep, nor do they share the responsibility imposed upon the chief timekeeper to report discrepancies existing between reports prepared by the timekeepers and the time cards which employees are required to punch daily. The Company's contention that the timekeepers perform managerial functions is, therefore, not supported by the record. While the timekeepers possess or have access to information relating to the earnings of other employees and the nature of the work done by the Company, the record does not disclose that they possess information pertaining directly to labor relations. We find that the timekeepers constitute a separate unit appropriate for the purposes of collective bargaining.⁴

Assistants to chief timekeeper.—The Company opposes the inclusion of the assistants to the chief timekeeper for the reason that it regards them as general office employees. The record reveals that these employees work under the direction of the chief timekeeper, assist him in computing employees' time from the time cards, and prepare advance time sheets for the foremen. In view of the fact that these employees have no supervisory status and that their duties are closely associated with those performed by the mill timekeepers, we shall include the assistants to the chief timekeeper in the unit herein found appropriate.

We find that all mill timekeepers of the Company, including the assistants to the chief timekeeper, but excluding the chief timekeeper, 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.

⁴ *Matter of General Motors Corporation, Eastern Aircraft, Trenton Division*, 51 N. L. R. B. 1366; *Matter of Sperry Gyroscope Company, Inc.*, 55 N. L. R. B. 997; *Matter of Chrysler Corporation*, 55 N. L. R. B. 1215.

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 The American Brass Company, Buffalo, New York, 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 Third 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 the date of the election, to determine whether or not they desire to be represented by Interstate Copper and Brass Workers Union, Local #15, affiliated with the Confederated Unions of America, for the purposes of collective bargaining.

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