

In the Matter of T. B. WOOD'S SONS COMPANY and UNITED AUTOMOBILE, AIRCRAFT, AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, C. I. O.

Case No. 6-R-1007.—Decided October 27, 1944

Messrs. Charles O. Wood, Jr. and W. A. Fisher, of Chambersburg, Pa., for the Company.

Messrs. Paul A. Wagner and Charles C. Webber, of Hagerstown, Md., for the Union.

Mr. Julius Kirle, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended petition duly filed by United Automobile, Aircraft, and Agricultural Implement Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of T. B. Wood's Sons Company, Chambersburg, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before W. G. Stuart Sherman, Trial Examiner. Said hearing was held at Chambersburg, Pennsylvania, on September 22, 1944. The Company and the Union 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 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

T. B. Wood's Sons Company is a Pennsylvania corporation with its principal office and only plant at Chambersburg, Pennsylvania, where

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it is engaged in the manufacture, sales, and distribution of mechanical power transmission machinery. During the past year, the Company purchased raw materials consisting chiefly of pig iron, scrap iron, and coal, valued in excess of \$250,000, of which from 60 to 70 percent was shipped to the Company from sources outside the Commonwealth of Pennsylvania. During the same period, the Company produced and sold machinery valued in excess of \$600,000, of which 60 percent was sold and shipped to points outside that Commonwealth.

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

II. THE ORGANIZATION INVOLVED

United Automobile, Aircraft, and Agricultural Implement Workers 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

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of the Company's employees 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.¹

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 parties substantially agree that the appropriate unit should comprise all production and maintenance employees of the Company's Chambersburg, Pennsylvania, plant, including boiler tenders and firemen, pattern makers, core makers, molders, machinists and machine operators, cupola operators, welders, blacksmiths, assemblers, chippers, grinders, sand blasters, truck drivers, watchmen, shipping and storeroom attendants or clerks, but excluding office clerical employees, machine shop and foundry clerks, and supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees. The Union, however, would

¹ The Field Examiner reported that the Union submitted 114 cards, all dated July 1944, and that there are 180 employees in the claimed appropriate unit.

include assistant foremen,² learners, and guards; the Company would exclude them.

Assistant foremen. There are 10 assistant foremen, or so-called leaders, who perform both supervisory and manual duties, and are paid on an hourly basis. They are responsible for the direction and scheduling of work, have authority to establish a changed routine, recommended individuals for promotion and demotion, and in the absence of the foremen assume full authority for the operation of the plant or department in which they are employed. They are given annual vacations with pay similar to those given foremen, in contrast to the rank and file workers who are given no paid vacation. They also have authority to make recommendations concerning the hiring or discharging of employees which are given considerable weight by management. Since the assistant foremen possess supervisory authority within our customary definition, we shall exclude them from the unit.

Guard. There is one non-militarized and non-uniformed guard whose duty is to patrol the premises and safeguard the property against destruction during the night hours. His duties are somewhat similar to those of the two watchmen whom the parties have agreed to include in the unit. He has no direct authority or disciplinary power over other employees. We shall include him.

We find that all production and maintenance employees, including boiler tenders and firemen, pattern makers, core makers, molders, machinists, machine operators, cupola operators, welders, blacksmiths, assemblers, chippers, grinders, sand blasters, truck drivers, watchmen, the guard, shipping and storeroom attendants or clerks, but excluding office clerical employees, machine shop and foundry clerks, assistant foremen, 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.

V. THE DETERMINATION OF REPRESENTATIVES

The Company employs approximately 18 learners or trainees who go through a 6-month training period, are paid on an hourly basis, and given an increase in wages every 2 months but who receive no premium bonus such as is given to the regular employees. The learners work in the shop alongside the regular employees and are not segregated in a special training section. They almost invariably become permanent employees of the Company. Since the learners engage in

² The term, assistant foreman, used by the Company is synonymous with the term, leader, used by the Union.

actual production work and are part of the Company's manufacturing process, it is apparent that they possess mutual interests with the other rank and file employees. Accordingly, we find them eligible to participate in the election.

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 T. B. Wood's Sons Company, Chambersburg, Pennsylvania, 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 Sixth 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, and learners, 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 U. A. W., C. I. O.,³ for the purposes of collective bargaining.

³ The Union requested that it be designated on the ballot as set forth above. The request is hereby granted.