

In the Matter of UNITED AIRCRAFT CORPORATION, PRATT & WHITNEY AIRCRAFT DIVISION (BUCKLAND PLANT) and INTERNATIONAL ASSOCIATION OF MACHINISTS, A. F. L.

Case No. 1-R-2070.—Decided November 28, 1944

Shipman & Goodwin, by *Mr. Walfrid G. Lundborg*, of Hartford, Conn., for the Company.

Mr. Harold F. Reardon, of Boston, Mass., for the Union.

Mr. Thomas A. Ricci, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Association of Machinists, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of United Aircraft Corporation, Pratt & Whitney Aircraft Division (Buckland Plant), Buckland, Connecticut,¹ herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Leo J. Halloran, Trial Examiner. Said hearing was held at Hartford, Connecticut, on October 6, 1944. The Company and the Union 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. At the hearing, the Company moved to dismiss the petition. The Trial Examiner referred the motion to the Board for determination. For reasons set forth in Section IV, *infra*, the motion is 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

United Aircraft Corporation, Pratt & Whitney Aircraft Division, is engaged in the manufacture of airplane engines at several plants

¹ At the hearing the Company's name was amended to read as set forth above.

in the States of Connecticut and Massachusetts, one of which is located at Buckland, Connecticut. This proceeding solely concerns the employees at the Buckland plant. The United Aircraft Corporation's monthly purchases of raw materials are valued in excess of \$1,000,000, more than 90 percent of which is purchased from points outside the State of Connecticut. More than 98 percent of the products manufactured by the Company within the State of Connecticut is 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 ORGANIZATION INVOLVED

International Association of Machinists, 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 Union as the exclusive bargaining representative of certain of its 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.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 United Aircraft Corporation operates four divisions, each of which manufactures airplanes and airplane parts. One of these is the Pratt & Whitney Aircraft Division, which manufactures airplane engines. The Pratt & Whitney Aircraft Division includes seven plants located at different points in Connecticut and Massachusetts, the oldest and principal plant being located at East Hartford, Connecticut. The Buckland plant, which manufactures rockers, rocker arms, adjusting screws, tappet guides, and tubes, is one of the separate plants of the Pratt & Whitney Aircraft Division.

The Union contends that all production and maintenance employees at the Buckland plant, including factory and production clerks, material handlers, timekeepers, departmental clerks, dispatchers, guards, plant-protection firemen, and working group leaders,³ but excluding

² The Field Examiner reported that the Union submitted 321 membership application cards, and that there are 650 employees in the alleged appropriate unit.

³ Working group leaders, as distinguished from group leaders with supervisory authority, have no power to recommend changes in the status of employees.

office employees, medical-department employees, group leaders with supervisory authority, assistant foremen, foremen, executives, and all other supervisory personnel, constitute a unit appropriate for collective bargaining purposes. The Company maintains that the operations of the Buckland plant are so closely integrated with the operations of the entire Pratt & Whitney Aircraft Division that a separate unit of the Buckland employees is inappropriate, and that the petition should therefore be dismissed. The Company states that, should its motion to dismiss be denied, it would agree with the Union's position concerning the composition of the unit, except that it urges the exclusion of timekeepers, departmental clerks, dispatchers, guards, and plant-protection firemen.

The Buckland plant was established in July 1942, pursuant to orders from the United States Navy Department directing that several production departments of the Pratt & Whitney Aircraft Division be removed from the East Hartford plant and placed in separate and distant localities in order, by means of such dispersal, to limit any damage that might be caused by possible enemy bombings. The engine cylinder department was moved to Southington, Connecticut, the crank case department to Willimantic, Connecticut, the connecting rod department to Longmeadow, Massachusetts, and the department producing rockers, rocker arms, adjusting screws, tappet guides, and tubes was moved to Buckland. The Company states that the operations now conducted at Buckland are temporary and will be discontinued when the conditions that prompted their inception cease to exist. The maintenance employees at the Buckland plant work under supervisors who report directly to departmental superintendents at East Hartford. The production schedules and labor relations policies for all plants in the division are determined by a central management located at East Hartford, and all the engine parts produced at Buckland are delivered to East Hartford.

The Buckland plant is at least 7 miles distant from the East Hartford plant and a much greater distance from some of the other plants in the Pratt & Whitney Aircraft Division. One superintendent is in complete charge of all production operations at Buckland, that plant functioning as a complete production entity for particular engine parts. The Union has limited its organizing activities to the employees of the Buckland plant. The Company's personnel director stated that there is a concentration of its employees residing near the Buckland plant and that this fact was considered in selecting its site. He also likened the Buckland plant to the Company's Southington plant, with respect to its establishment and operation. We have already found that the hourly rated employees of the Southington plant constitute an appropriate unit for collective bargaining purposes apart from the

remainder of the employees in the division.⁴ In the light of the foregoing facts, and particularly in view of the degree of functional independence of the Buckland plant from the remainder of the Pratt & Whitney Aircraft Division, the apparent absence of a community of interest among all employees of the entire division, and the limited scope of the Union's organizing activities, we are of the opinion that the production and maintenance employees of the Buckland plant, subject to the exclusions set forth below, constitute an appropriate unit for collective bargaining purposes.

We turn now to a consideration of the disputed categories of employees:

Timekeepers: Timekeepers maintain daily records for all hourly paid employees. They examine and check time cards. Although hourly paid, their line of promotion is to the office and they are expected to increase their knowledge of cost accounting. Their duties are therefore more closely related to clerical than to production work. We shall exclude the timekeepers.⁵

Departmental clerks: These clerks assist the foremen of the various departments in keeping pay-roll, discipline, and general records. Their information is confidential. Since their duties are primarily clerical and are concerned, in part, with confidential records relating to the discipline of employees, we shall exclude them.

Dispatchers: The eight dispatchers are responsible for the timely arrival of materials at the various assembly lines and they keep the foremen advised of the changing flow of parts from different production units. They are on the factory pay roll and are hourly paid. They work together with production employees and are clearly a part of the production group. We shall include the dispatchers in the appropriate unit.⁶

Guards: Although hourly paid as are production employees, the guards' duties are in no way related to production work. They have the power to arrest and they enforce disciplinary rules governing the welfare of personnel and the security of property. They are specially trained and practice marksmanship on company time. They are deputized as State policemen, are armed, and wear uniforms. We shall exclude the guards.

Plant-protection firemen: These firemen eliminate fire hazards, maintain constant vigilance against fires, and actually fight them when they occur. They work together with production employees and the record does not reveal any conflict of interest between them and production workers. We shall include the firemen.

⁴ *Matter of United Aircraft Corporation, Pratt & Whitney Aircraft Division, Southington Plant*, 58 N. L. R. B. 967.

⁵ The Company designates some of its timekeepers as departmental time clerks.

⁶ See *Matter of Aluminum Company of America*, 44 N. L. R. B. 490.

We find that all production and maintenance employees of the Company at its Buckland, Connecticut, plant, including factory and production clerks, material handlers, dispatchers, plant-protection firemen, and working group leaders, but excluding office employees, medical-department employees, timekeepers, departmental clerks, guards, group leaders with supervisory authority, assistant foremen, foremen, executives, 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 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 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 United Aircraft Corporation, Pratt & Whitney Aircraft Division (Buckland Plant), Buckland, Connecticut, 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 First 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 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 International Association of Machinists, A. F. L., for the purposes of collective bargaining.