

In the Matter of AMERICAN TOOL WORKS COMPANY and PATTERN
MAKERS LEAGUE OF NORTH AMERICA, A. F. OF L.

Case 9-R-1570

SUPPLEMENTAL DECISION
AND
AMENDMENT TO DECISION AND DIRECTION OF
ELECTION

December 12, 1944

On November 20, 1944, the Board issued its Decision and Direction of Election, in the above-entitled proceeding¹ including in the voting group established therein, the assistant foreman of the pattern shop, Bohnenkamp.² On November 24, 1944, the Company filed objections to the Decision and Direction of Election and petitioned the Board to reconsider its action with regard to the inclusion of the assistant foreman in the voting group.

Upon consideration of the objections thus raised and upon reconsideration of the record, the Board makes the following supplemental findings of fact which supersede the findings in the prior Decision and Direction of Election to the extent that they are inconsistent therewith.

SUPPLEMENTAL FINDINGS OF FACT

The pattern shop is in charge of a foreman who is paid on a salaried basis, does no pattern making and possesses full supervisory authority over the six other pattern-shop employees including the assistant foreman. He spends about 35 percent of his time away from the shop on other duties. Normally, he lays out and assigns jobs before he leaves and there is rarely any further need for supervision as all but one of the men have been with the Company 20 years or more and need little instruction or supervision in carrying out their assignments. Although it has never been exercised, the undisputed testimony discloses that the assistant foreman has authority to hire and discharge. He has also been treated differently from the production and main-

¹ 59 N. L. R. B. 404.

² This employee's name is listed as Bohnenkamp in the Decision and Direction of Election of November 20, 1944.

tenance employees in certain respects. Thus, he was excluded by agreement from participation in the 1942 consent election among the Company's employees, although all other pattern-shop workers voted. Further, he was not a recipient of the 1943 plant-wide wage increase to all production and maintenance workers, including pattern-shop employees, authorized by the National War Labor Board, but secured a wage raise at another time which was based upon his supervisory status. In addition, he attends supervisors' meetings. Upon the entire record, we are of the opinion that he falls within our customary definition of a supervisory employee. Accordingly, we shall exclude him and hereby modify the description of the voting group to read as follows:

All the Company's pattern makers and pattern makers' apprentices, excluding the foreman of the pattern shop, the assistant foreman of the pattern shop,³ 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 changes.

Since it appears that there may not be sufficient time within which to conduct an election pursuant to the provisions of our original Direction of Election, said Direction of Election is hereby amended by striking the words "thirty (30) days" wherever they appear, and substituting therefor the words "forty-five (45) days."

³ Bohnenkamp.