

In the Matter of NORTHWEST METAL PRODUCTS, INC. and UNITED STEELWORKERS OF AMERICA, LOCAL NO. 3112, CIO and INTERNATIONAL ASSOCIATION OF MACHINISTS, LODGE 79, AFL

Case No. 19-RE-20.—Decided December 29, 1944

Mr. John E. Hedrick, for the Board.

Mr. E. C. Pederson, of Renton, Wash., and *Mr. Dean Ballard,* of Seattle, Wash., for the Company.

Messrs. Hugh Mathews and *Virgil Burtz,* of Seattle, Wash., for the USA.

Messrs. L. Presley Gill, James Duncan, G. L. Bentley, and *I. A. Sandvigen,* of Seattle, Wash., for the IAM.

Mr. Robert Silagi, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by Northwest Metal Products, Inc., Seattle, Washington, herein called the Company, alleging that a question affecting commerce had arisen concerning the representation of employees of the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Ivar Peterson, Trial Examiner. Said hearing was held at Seattle, Washington, on December 8, 1944. The Company, United Steelworkers of America, Local No. 3112, CIO, herein called the USA, and International Association of Machinists, Lodge 79, AFL, herein called the IAM, 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 IAM moved that decision be reserved on the instant proceeding until the Board had disposed of charges filed by the IAM in Case No. 19-C-1347. The Trial Examiner reserved decision on the motion for the Board. In view of our dismissal hereinafter of the Company's petition, we find it unnecessary to rule on the motion. 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

Northwest Metal Products, Inc., is a Washington corporation having a plant, which alone is involved in this proceeding, at Kent, Washington. In peacetime, the Company manufactures a standard line of light metal work, consisting of garbage cans, mail boxes, and building materials. It is presently operating on defense contracts and its main product consists of hose clamps used in aircraft. In 1944 the Company purchased raw materials valued at more than \$500,000. Nearly all raw materials were secured from outside the State of Washington. During the same period the Company's finished products exceeded \$500,000 in value, of which about half was shipped to points outside the State of Washington.

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

II. THE ORGANIZATIONS INVOLVED

United Steelworkers of America, Local No. 3112, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

International Association of Machinists, Lodge 79, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE ALLEGED QUESTION CONCERNING REPRESENTATION; THE ALLEGED APPROPRIATE UNIT

During the years 1937 to 1942, the Company and Local 383, Assortment Workers Union, AFL, herein called the Assortment Workers, were parties to a union-shop contract which covered the Company's production employees. During that same period, the Company also had contracts with other affiliates of the American Federation of Labor covering specific crafts. One of these contracts was with the IAM. In August 1942, Kent Industrial Local Union No. 1288, CIO, herein called Local 1288, the predecessor union to the present Local No. 3122 of the United Steelworkers of America, petitioned the Board for an election in a unit which was substantially the same as the one covered by the contract between the Assortment Workers and the Company. Pursuant to the Board's Decision and Direction of Election,¹

¹ *Matter of Northwest Metal Products, Inc.*, 46 N. L. R. B. 111.

an election was conducted in December 1942 which resulted in the certification of Local 1288 as exclusive bargaining representative of the employees in said unit. Thereafter, in January 1943, the Company and Local 1288 executed a union-shop contract covering the production employees. This contract was still in effect at the time of the hearing.

About 2 months prior to the hearing, the IAM sought to negotiate with the Company with respect to the wages and grievances of seven pressmen. The Company declined to negotiate on the ground that the pressmen were included within the unit currently represented by the USA. In view of the conflicting claims to the representation of the pressmen, the Company thereupon filed the petition which is the basis of the instant proceeding.

In accordance with an agreement of the Assortment Workers and Local 1288 which was unopposed by the Company, the Board in Case No. R-4560,² established the following unit as appropriate:

All production and assortment employees of the Company employed at its Kent, Washington, plant, but excluding supervisors with power to hire, or discharge, clerical employees, machinists, warehousemen, truck drivers, and journeymen and apprentice sheet metal workers hired only to complete specific contracts:

The sole question in issue is whether or not seven pressmen employed by the Company are machinists. The Company and the USA, as successor in interest to Local 1288 and its contract, assert that pressmen are production employees and hence covered by the contract of January 1943. The IAM, on the other hand, contends that pressmen are machine adjusters or machine maintenance men and as such come within the classification of journeyman machinists under the terms of its contract with the Company.³

The Company's plant at Kent consists of a main building in which stamping and pressing of light metal is done on automatically operated presses and machines, and a machine shop, housed in a separate building, adjacent to the factory. In this machine shop the Company's tool and die makers and machinists construct dies and repair machinery. The great majority of the dies are simple and range in value from \$10 to \$500; some, however, are complex, costing as much as \$15,000. The pressmen work almost exclusively in the factory and are forbidden general access to the facilities of the machine shop. They keep the stamping machines supplied with materials and thread coils of metal into the presses, which the evidence reveals is not a highly skilled operation. Pressmen also make minor adjust-

² See footnote 1, *supra*.

³ The IAM's contract with the Company covers machine shop employees and specifically enumerates tool and die makers, journeyman machinists, specialists, and helpers

ments to the feeding-apparatus on the machines before they are put on automatic operation and turned over to the operators. It is their further duty to oil the dies and presses, and in the case of simple dies to insert and remove them and make minor adjustments, which is also a relatively unskilled operation. Some pressmen perform the same kind of function on rivet machines. In the course of their duties, pressmen use comparatively simple tools, and, upon occasion, a measuring device known as a micrometer, which is also used by inspectors who are concededly not machinists. Occasionally pressmen assist the machinists in removing heavy parts and machines to the machine shop for repair.

The pressmen are supervised by the production foreman but frequently receive assistance and advice on the operation of dies and presses from the tool and die makers and machinists. A machine shop foreman supervises the tool and die makers and machinists. The wage scale of pressmen is a little higher than that of the operators, all of whom are women, but below that of the machinists and tool and die makers. Prior to 1942, when the Company employed men as operators, the operators performed some of the functions presently undertaken by the pressmen. Although useful, the Company does not deem it essential that pressmen have any prior mechanical training in order to discharge their duties properly, nor does it give the pressmen any training along those lines. The Company does not maintain a policy of upgrading pressmen into machinists' jobs; the record discloses but one promotion of a pressmen and that was to the position of a maintenance oiler which is considered a part of production. In all essential respects the duties of pressmen have not changed in the past several years; if anything, the pressmen have absorbed a portion of the duties formerly performed by operators. Upon these facts, we are convinced that pressmen are semi-skilled employees who do not perform duties normally associated with the traditional craft of machinists.

The history of collective bargaining also lends no support to the contentions of the IAM. Prior to 1942, the pressmen were bargained for by the Assortment Workers. At the time of the hearing of the previous case, the IAM expressed its disinterest in that proceeding.⁴ It is uncontradicted that pressmen were eligible to vote and did participate in the election held at that time. There is no question but that the pressmen were specifically covered by the contract between Local 1288 and the Company; similarly, it is admitted that the USA has presented grievances on their behalf. As of the date of the

⁴The IAM wrote a letter to the Board's Regional Office in which it stated: "In view of your letter of October 26 (1942) stating that the C I O has amended its petition to exclude from the unit claimed appropriate, all machinists, this organization no longer has any interest in the above proceeding."

hearing, the USA was engaged in a proceeding before the War Labor Board to secure an increase in wages for the pressmen and other employees whom it undisputedly represents. It is thus clear that the parties themselves, up to the present time, have construed pressmen to be a part of the production unit and not within the craft unit bargained for by the IAM. In view of the foregoing, we find that pressmen are a part of the production unit, and as such may be bargained for by the USA which currently represents such unit.⁵ Accordingly, we find that no question concerning the representation of the pressmen has arisen, and we shall, therefore, dismiss the petition.

ORDER

Upon the basis of the foregoing findings of fact and upon the entire record in the case, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of Northwest Metal Products, Inc., Seattle, Washington, filed by Northwest Metal Products, Inc., be, and it hereby is dismissed.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Order.

⁵ This finding, however, shall not be construed as a present recertification of Local 1288, or its successor, Local 3122, of the United Steelworkers of America.