

IN THE MATTER OF UNITED AIRCRAFT CORPORATION, PRATT & WHITNEY
AIRCRAFT DIVISION (EAST HARTFORD AND PACKARD PLANTS)¹ and
INTERNATIONAL ASSOCIATION OF MACHINISTS, A. F. L.

Case No. 1-R-2194.—Decided January 23, 1945

Mr. Alfred H. Lundborg, of Hartford, Conn., for the Company.
Messrs. Harold F. Reardon and David Clydesdale, of Boston, Mass.,
for the A. F. L.

Messrs. Benjamin Rubenstein and Stephen J. Remsen, of New York
City, for the C. I. O.

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 A. F. L., alleging that a question affecting commerce had arisen concerning the representation of employees of United Aircraft Corporation, Pratt & Whitney Aircraft Division (East Hartford and Packard Plants), East Hartford, Connecticut, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John W. Coddaira, Trial Examiner. Said hearing was held at Hartford, Connecticut, on December 28, 1944. The Company, the A. F. L., and International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, UAW-CIO, herein called the C. I. O., 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, and the C. I. O. moved to dismiss the petition. The Trial Examiner referred the motion to the Board for determination. For reasons hereinafter appearing, the motion is denied.² The Trial Examiner's

¹ At the hearing the A. F. L. requested that the pleadings be amended to set forth the Company's name as above.

² Among its arguments for dismissal, the C. I. O. urged that the name of the Company in the petition as filed did not mention the Packard plant, although the unit described therein specifically included Packard plant employees. We find no merit in this contention.

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. Subsequent to the hearing, the C. I. O. moved to correct the record with respect to certain minor details. The motion is granted and the record is corrected accordingly.³

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 in the State of Connecticut and Massachusetts. This proceeding solely concerns the Company's employees at its East Hartford, Packard, and "O" plants, all located in the State of Connecticut. United Aircraft Corporation, through its various divisions, makes monthly purchases of raw materials valued in excess of \$1,000,000. More than 90 percent of these monthly purchases is shipped to the Company within the State of Connecticut from points outside that State. 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 ORGANIZATIONS INVOLVED

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

International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, UAW-CIO, 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 A. F. L. as the exclusive bargaining representative of certain of its employees until the A. F. L. has been certified by the Board in an appropriate unit.

³ In a letter addressed to the Board, the A F L replied to the motion but did not specifically object. In any event, the corrections are neither substantial nor material to the issues involved.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the A. F. L. represents a substantial number of employees in the unit hereinafter found appropriate.⁴

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

United Aircraft Corporation operates four divisions, each of which manufactures airplanes and airplane parts. Its Pratt & Whitney Aircraft Division, which manufactures airplane engines, embraces seven plants located at different points in Connecticut and Massachusetts. The oldest and principal plant in the division is located at East Hartford, Connecticut, and is known as the East Hartford plant.⁵ The Packard plant, engaged in manufacturing pistons, and plant "O", operating as a master crib of all supplies and fixtures for the East Hartford plant, are separate plants of the Pratt & Whitney Aircraft Division, and are located in the city of Hartford, Connecticut.

The A. F. L. contends that all production and maintenance employees of the East Hartford, Packard, and "O" plants, subject to certain specified exclusions, constitute a unit appropriate for collective bargaining purposes. The Company maintains that the operations of these plants are so closely integrated with the operations of the entire Pratt & Whitney Aircraft Division that the unit sought by the A. F. L. is inappropriate and that the petition should therefore be dismissed. It also urges that, in view of prior determinations of appropriate bargaining units within the Pratt & Whitney Aircraft Division,⁶ the Board may not now join the employees of the East Hartford, Packard, and "O" plants in a single unit. The C. I. O. agrees with the Company that the unit sought is inappropriate, but does not state what, in its opinion, should be the scope of an appropriate unit in this proceeding.

⁴ The Field Examiner reported that the A. F. L. submitted 5,985 application and authorization cards and that there are 14,750 employees in the unit sought by the A. F. L. The Trial Examiner stated that at the hearing the C. I. O. submitted a large number of official applications for membership.

On the grounds that the cards submitted had not been checked against the Company's pay roll, the Company objected to the admission into evidence of the Field Examiner's report and the C. I. O. moved to dismiss the petition. The Company refused to send its pay roll to the Board's Regional Office at Boston for a card check. The C. I. O. also requested a subpoena to examine the Field Examiner concerning the data appearing on the cards. The Trial Examiner overruled the Company's objection and denied the C. I. O.'s request. We have already affirmed the Trial Examiner's rulings and we hereby deny the motion of the C. I. O. The report of a Board agent embodying the results of his investigation of the proof of substantial representation submitted is not subject to direct or collateral attack at the hearing, since the requirement of such proof is but an administrative expedient adopted to enable the Board to determine for itself whether or not further proceedings are warranted. See *Matter of Buffalo Arms Corporation*, 57 N. L. R. B. 1560.

⁵ The Company's Hartford airport constitutes a part of the East Hartford plant.

⁶ See footnotes 7 and 8, *infra*.

Both the Company and the C. I. O. state that, should the Board reject their contentions, the A. F. L.'s position concerning the composition of the unit is acceptable to them.

The Packard plant was established in May 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 crankcase department to Willimantic, Connecticut; the connecting rod department to Longmeadow, Massachusetts; the rocker, rocker arms, adjusting screw, tappet guide, and tube departments to Buckland, Connecticut; and the piston department was moved to the Packard plant at Hartford. The Company states that the operations now conducted at the Packard plant are temporary and will be discontinued when the conditions that prompted their inception cease to exist. A number of departments of the Pratt & Whitney Aircraft Division were kept at the Company's principal plant at East Hartford. The production schedules and labor relations policies for all the plants in the division are determined by a central management located at East Hartford, and all engine parts produced at the various plants are delivered to East Hartford for final assembly into airplane engines. The Company maintains a division-wide seniority plant.

The Packard plant is about 5 miles, and plant "O" about 4 miles distant from the East Hartford plant. The remaining plants in the division are further removed from the Company's central plant, in some instances as much as 25 miles and more. A divisional superintendent is in complete charge of all production operations at the Packard plant while the employees at plant "O" work under a plant supervisor, and constitute part of the materials department of the East Hartford plant. Plant "O" is virtually a warehouse, functioning as a storage building for the East Hartford plant, from which orders are received for supplies and fixtures. The East Hartford plant presently employs 14,573 employees, the Packard plant 299 employees, and plant "O" about 50 or 60 employees. Employees of plant "O" and the Packard plant are on the East Hartford plant pay roll. The Company's personnel director testified that there has been a greater interchange of employees between the Packard plant and the East Hartford plant than between the other plants and East Hartford, and that machinery is transferred back and forth between these plants every day. He added that, with respect to some of its functions, the Packard plant is more closely related to the East Hartford plant than some of the other plants. Considering the functional independence of some of the other plants of the Pratt & Whitney Aircraft Division, we have al-

ready found that the hourly rated employees of the Southington plant⁷ and the production and maintenance employees of the Buckland plant⁸ constitute separate appropriate units for collective bargaining purposes apart from the remainder of the employees of the division. International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, Local 535, C. I. O., has been certified as the bargaining representative of the hourly rated employees of the Southington plant,⁹ and the International Association of Machinists, A. F. L., the petitioner herein, has been certified as the bargaining representative of the production and maintenance employees of the Buckland plant.¹⁰

In the light of all the foregoing facts and in view of the functional relationship between the plants sought by the A. F. L. and the degree of their independence from the other plants in the division, the presence of different labor organizations among the employees of the division, and the apparent divergent interests of such employees as evidenced by their selection of different bargaining agents, we are of the opinion that the production and maintenance employees of the Company at its East Hartford, Packard, and "O" plants, subject to the exclusions set forth below, constitute a unit appropriate for collective bargaining purposes.

We find that all production and maintenance¹¹ employees of the Company at its East Hartford, Packard, and "O" plants, including inspectors, line checkers, crib attendants, material handlers, factory clerks, and working group leaders, but excluding timekeepers, engineering and technical employees, laboratory technicians, foremen's clerks, salaried office and clerical employees, medical department employees, first-aid employees, plant protection employees,¹² executives, plant superintendents, division superintendents, general foremen, foremen, assistant foremen, group leaders, 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.¹³

⁷ *Matter of United Aircraft Corporation, Pratt & Whitney Aircraft Division (Southington Plant)*, 58 N. L. R. B. 967.

⁸ *Matter of United Aircraft Corporation, Pratt & Whitney Aircraft Division (Buckland Plant)*, 59 N. L. R. B. 606

⁹ Certification issued December 9, 1944

¹⁰ Certification issued December 29, 1944

¹¹ Among the maintenance employees is a group of outside truck drivers whom the parties also agree to include

¹² Among the plant protection employees is a group of fire protection employees whom the parties also agree to exclude.

¹³ This unit is substantially the same as that found appropriate by the Board at the Company's Southington plant. See footnote 7, *supra*.

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 (East Hartford and Packard Plants), East Hartford, 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 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 they desire to be represented by International Association of Machinists, A. F. L., or by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, UAW-CIO, for the purposes of collective bargaining, or by neither.

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