

In the Matter of WROUGHT IRON RANGE COMPANY, EMPLOYER and
STOVE MOUNTERS INTERNATIONAL UNION OF NORTH AMERICA, LOCAL
126, AFL, PETITIONER

Case No. 14-R-1724.—Decided December 8, 1947

*Messrs. Cobbs, Logan, Roos & Armstrong by Messrs. George B. Logan and William L. Hunker, Jr., of St. Louis, Mo., for the Employer.
Mr. H. G. B. King, of Chattanooga, Tenn., for the Petitioner.*

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at St. Louis, Missouri, on June 10, 1947, before Harry G. Carlson, hearing officer.¹ The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

Wrought Iron Range Company, a Missouri corporation, is engaged in the manufacture, sale, and distribution of stoves. Its principal place of business and only plant is located in St. Louis, Missouri. The Employer purchases raw materials valued annually in excess of \$500,000, of which approximately 50 percent originates from sources outside the State of Missouri. It manufactures finished products valued annually in excess of \$500,000, of which approximately 50 percent is shipped to points located outside the State of Missouri.

The Employer admits, and we find, that it is engaged in commerce within the meaning of the National Labor Relations Act.

¹ At the hearing the Employer objected to the continuation of this proceeding on the ground that the Petitioner had filed an unfair labor practice charge with the Board. Inasmuch as the Petitioner has waived the unfair labor practice charge as a basis for objecting to the results of an election, we find no merit in the Employer's objection.

II. THE ORGANIZATION INVOLVED

The Petitioner is a labor organization affiliated with the American Federation of Labor, claiming to represent employees of the Employer.

III. THE QUESTION CONCERNING REPRESENTATION

The Employer refuses to recognize the Petitioner as the exclusive bargaining representative of employees of the Employer until the Petitioner has been certified by the Board in an appropriate unit.

We find that a question affecting commerce has arisen concerning the representation of employees of the Employer, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

Petitioner seeks a unit comprising all employees of the Employer in the sheet metal, enamel, assembly, and top (castings) departments, including hourly paid inspectors in these departments, but excluding employees of the maintenance, shipping and receiving, and research departments, power house and garage employees, watchmen, office and clerical employees, assistant foremen, foremen and supervisors. The Employer contends that such a unit is inappropriate, maintaining that the only appropriate unit is one plant-wide unit.

The Employer's plant is located in a 2-story building approximately 300 feet square. It manufactures a single type iron cooking range. Production begins in the sheet metal department where raw materials are sheared, pressed into shape, and welded. The parts are then delivered by electric trucks to the enameling department where they are processed further and turned over for assembly to the assembly department. When production is completed, the finished stoves are carted and shipped out or put into temporary inventory. Stove tops and lids are manufactured in the top (castings) department.

The employees in the four departments sought to be established as a single unit by the Petitioner are those directly engaged in the production process. They form a distinct and identifiable group, having similar interests and working under similar conditions of employment. In contrast, the maintenance department consists primarily of highly skilled mechanics and is responsible for the upkeep and repair of the machinery, pipes and electrical fixtures throughout the plant.² The employees in this department are a multi-craft group, who work under separate supervision in separate work quarters. As

² Classifications in the maintenance department include mechanic, electrician, pipefitter, tinner, carpenter, painter, helper and tool grinder and oiler.

indicated below, employees in other departments, functioning similarly in homogeneous groups, have interests substantially different from those of the production employees.

The Board has previously found appropriate unit confined to production employees.³ In view of the identity of interests and closely related duties of the production employees, as distinguished from the multi-craft group comprising the maintenance department, we are of the opinion that the production employees may appropriately form a separate unit.

Shipping and receiving: There are 23 employees in this department. Their work includes unloading and distributing the raw materials, moving the parts from one department to another, and loading the finished product. Their duties carry them throughout the plant and they work in close cooperation with the production employees. We are of the opinion that their duties and interests are those of production employees; we shall include them.

Research department: These employees are highly skilled technicians, engaged in experimental work. We are of the opinion that their duties differ sufficiently from those of the production employees to warrant their exclusion. We shall exclude them.⁴

Storeroom clerks: There are two clerks in the storeroom whose duties include keeping records of materials and issuing various items as needed to both production and maintenance employees. Inasmuch as they are not primarily concerned with the production process and perform services for all employees in the plant, we shall exclude them.

Powerhouse employees: These employees perform the usual duties connected with the operation of a power plant. They are supervised by a chief engineer and work in a separate building apart from the main plant. Inasmuch as they perform maintenance rather than production work, we shall exclude them.

Garage mechanic and truck driver: These employees are under the supervision of the foreman of the maintenance department and have their work headquarters in the garage shop which is separated from the main plant. They are not engaged in production work. Accordingly, we shall exclude them.

Watchmen: The record does not indicate specifically the duties of these employees. Presumably, however, they carry out the general plant-protection duties normally required of night watchmen in pro-

³ See *Matter of Norris, Incorporated*, 60 N L R B 297; *Matter of Beebe Corporation*, 59 N L R B 538; *Matter of Tobacco By-products & Chemical Corporation*, 64 N L R B 252; *Matter of Weber Showcase & Fixture Co., Inc.*, 67 N L R B 456

⁴ See *Matter of E I du Pont de Nemours & Company*, 69 N L R B 509, and cases cited therein.

protecting the property of the Employer against fire, illegal entry, and other unauthorized acts. We are of the opinion that the duties of the watchmen do not warrant their inclusion in a unit of production employees. We shall, therefore, exclude them.

We find that all production employees of the Employer in the sheet metal, enamel, assembly and top (castings) departments, including leadmen⁵ and hourly paid inspectors in these departments, and including employees in the shipping and receiving department, but excluding employees in the maintenance department and research department, powerhouse employees, garage mechanics and truck drivers, watchmen, office and clerical employees, assistant foremen, foremen and all supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (c) of the Act.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Wrought Iron Range Company, St. Louis, Missouri, 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 Fourteenth Region, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, 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, 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 Stove Mounters International Union of North America, Local 126, AFL, for the purposes of collective bargaining.

MEMBERS MURDOCK and GRAY took no part in the consideration of the above Decision and Direction of Election.

⁵ The record indicates that leadmen do not exercise supervisory authority, and the parties agreed that they should be included.