

In the Matter of WESTINGHOUSE ELECTRIC CORPORATION, EMPLOYER
and PATTERN MAKERS LEAGUE OF NORTH AMERICA, PHILADELPHIA
ASSOCIATION, A. F. OF L., PETITIONER

Case No. 4-R-1968.—Decided January 21, 1948

Mr. John W. G. Tenney, of New York City, and *Mr. J. George Morgan*, of Lester, Pa., for the Employer.

Mr. George Q. Lynch, of Washington, D. C., and *Mr. Morris May*, of Philadelphia, Pa., for the Petitioner.

Mr. M. H. Golstein, of Philadelphia, Pa., for the Intervenor.

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at Philadelphia, Pennsylvania, on March 4, 1947, before Sidney Grossman, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. The Petitioner and the Intervenor requested oral argument. This request is denied inasmuch as the record, in our opinion, adequately presents the issues and positions of the parties. At the hearing, the Intervenor moved to dismiss the petition on the ground that the unit requested is inappropriate. For the reasons set forth in Section IV, herein, this motion is hereby denied.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

Westinghouse Electric Corporation, a Pennsylvania corporation, is engaged in the manufacture of electrical products at its several plants located in different parts of the United States. The only plant involved in this proceeding is located at Lester, Pennsylvania. During 1946, the Employer purchased raw materials for use at its Lester plant valued in excess of \$1,000,000, of which approximately 50 percent was shipped to the plant from points outside the Commonwealth of Penn-

sylvania. During the same period, the Employer sold finished products manufactured at its Lester plant valued in excess of \$1,000,000, of which approximately 50 percent was shipped from the plant to points outside the Commonwealth.

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

II. THE ORGANIZATIONS INVOLVED

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

Local 107, United Electrical, Radio and Machine Workers of America, herein called the Intervenor, is a labor organization affiliated with the Congress of Industrial Organizations, 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 exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The Petitioner seeks a unit of journeymen pattern makers and their apprentices, including special rate set-up men, but excluding supervisors. The Intervenor contends that only a comprehensive production and maintenance unit is appropriate because of the long bargaining history on this basis.¹ The Employer takes no position with respect to the propriety of a craft unit. Further, the parties disagree as to the inclusion of shop sweepers, saw filers, storeroom attendants, handymen, and pattern handlers. The Intervenor would include these employees in any unit of pattern makers established whereas the Petitioner and the Employer would exclude them.

The pattern makers herein constitute a highly skilled, well recognized craft group,² employed in an industry in which craft units of

¹ In *Matter of Westinghouse Electric & Manufacturing Company*, 22 N. L. R. B. 147, the Board found appropriate a unit of production and maintenance employees, which included pattern makers. The Intervenor has bargained for this inclusive unit since 1940.

² See *Matter of General Electric Company (Lynn River Works and Everett Plant)*, 58 N. L. R. B. 57; *Matter of John Deere Dubuque Tractor Company*, 72 N. L. R. B. 656; *Matter of Combustion Engineering Company, Inc.*, 74 N. L. R. B. 556; *Matter of Westinghouse Electric Corporation*, 75 N. L. R. B. 638; *Matter of Kelsey-Hayes Wheel Company*, 74 N. L. R. B. 603.

pattern makers are frequently encountered.³ Under these circumstances, we believe that the pattern makers involved in this proceeding also may, if they so desire, constitute a separate unit, notwithstanding the Board's previous more inclusive unit determination.⁴

The Intervenor, as previously indicated, would include in the unit shop sweepers, saw filers, storeroom attendants, handymen, and pattern handlers; the Petitioner and the Employer would exclude them. Inasmuch as these employees are primarily unskilled and do not, in our opinion, form part of the true craft of pattern makers, we shall exclude them.

The Board will not make any unit determination until it has first ascertained the desires of the employees involved. We shall direct that an election be held among all journeymen pattern makers and their apprentices employed by the Employer at its Lester, Pennsylvania, plant, including special rate set-up men, but excluding shop sweepers, saw filers, storeroom attendants, handymen, pattern handlers, and supervisors as defined in the amended Act. If, in this election, the employees select the Petitioner, they will be taken to have indicated their desire to constitute a separate bargaining unit. We shall not place the Intervenor's name on the ballot, inasmuch as it has not complied with Section 9 (f) and (h) of the Act, as amended.⁵

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Westinghouse Electric Corporation, Lester, Pennsylvania, 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 Fourth Region, and subject to Section 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, among the employees in the voting group described 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

³ The Board has directed elections in separate groups of pattern makers in two other plants of the Employer *Matter of Westinghouse Electric Corporation*, 75 N L R B 638. *Matter of Westinghouse Electric Corporation, East Springfield Works*, 69 N L R B 215

⁴ Section 9 (b) (2) of the amended Act provides that the Board shall not "decide that any craft unit is inappropriate . . . on the ground that a different unit has been established by a prior Board determination, unless a majority of the employees in the proposed craft unit vote against separate representation." See *Matter of Westinghouse Electric Corporation*, 75 N L R B 638

⁵ *Matter of Sigmund Cohn & Co*, 75 N. L. R. B. 177.

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 Pattern Makers League of North America, Philadelphia Association, A. F. of L., for the purposes of collective bargaining.

MEMBER HOUSTON took no part in the consideration of the above Decision and Direction of Election.