

In the Matter of BALDWIN LOCOMOTIVE WORKS, STANDARD STEEL WORKS
· DIVISION, EMPLOYER, and DISTRICT No. 3, PATTERN MAKERS LEAGUE
OF NORTH AMERICA, PETITIONER

Case No. 6-R-1693.—Decided July 30, 1948

DECISION

AND

ORDER

Upon a petition duly filed, a hearing in this case was held at Lewis-
town, Pennsylvania, on February 26, 1948, before W. G. Stuart Sher-
man, hearing officer. The hearing officer's rulings made at the hear-
ing are free from prejudicial error and are hereby affirmed.¹

Motions to dismiss, made by the Employer and the Intervenor and
referred by the hearing officer to the Board, are granted for the reasons
hereinafter stated.

The request for oral argument made by the Petitioner is denied, as
the record in our opinion adequately presents the issues. All parties
were afforded an opportunity to file briefs and actually did so.

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

1. The Employer is engaged in commerce within the meaning of the
National Labor Relations Act.

2. The Petitioner is a labor organization affiliated with the Ameri-
can Federation of Labor, claiming to represent employees of the Em-
ployer. The Intervenor is a labor organization affiliated with the
Congress of Industrial Organizations, claiming to represent employees
of the Employer.

3. The alleged appropriate unit:

The Petitioner seeks a craft unit of all pattern makers and appren-
tices employed at the Employer's Burnham, Pennsylvania, plant. The
Intervenor and the Employer contend that such a unit is inappropriate
because it is inconsistent with the Employer's history of collective bar-

¹ Permitting intervention by United Steelworkers of America, C. I. O., herein called the
Intervenor, only for the limited purpose of proving a contract bar, was error on the part
of the hearing officer. *Matter of American Chain and Cable Co.*, Case No 4-R-2752. The
record indicates, however, that the Intervenor was, in fact, permitted to participate in all
phases of the hearing, and we therefore find that no prejudice resulted.

gaining and with the pattern of collective bargaining in the basic steel industry as a whole. The record reveals that the Employer's Burnham plant produces predominantly forged or rolled products and is therefore part of the basic steel industry. It was one of 82 plants classified as "basic steel" by the War Labor Board in 1944. The Intervenor has represented the employees of the Burnham plant in a plant-wide unit since its designation in a consent election held on April 16, 1941, and has held a series of contracts covering such employees since that time. Until recently, the pattern makers have been actively represented by the Intervenor and have participated in collective bargaining on a plant-wide basis.

The record discloses that, at the Burnham plant, a main pattern shop is located on the second floor of 1 of the 25 buildings included within the plant facilities. This pattern shop is maintained principally for the purpose of keeping patterns in repair, for use in the steel foundry. Few new patterns are made there; almost all of the new patterns used at the Burnham plant are made at another one of the Employer's plants. There are 31 employees on the pattern shop pay roll, 18 of whom are classified as pattern checkers, pattern makers, and pattern-makers' apprentices, and 3 as pattern repairmen. These are the classifications that the Petitioner herein seeks to represent. The pattern makers and their apprentices are supervised by a pattern-shop foreman who is directly responsible to the foundry superintendent. An apprentice program for pattern makers is in existence at the plant.

The Petitioner's contention that the pattern makers and their apprentices at the Burnham plant constitute an appropriate unit, is based on craft considerations and on the alleged inadequacy of their representation as part of the present plant-wide unit. Although the employees whom the Petitioner seeks to represent may be a craft, we are of the opinion that, partly for the reasons set forth in our recent *National Tube Company* decision,² they ought not to be severed from the existing plant-wide unit in this instance. We shall therefore order that the petition be dismissed.

As the bargaining unit sought to be established by the Petitioner is inappropriate for collective bargaining purposes, we find that no question exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) of the Act, as amended.

² *Matter of National Tube Company*, 76 N. L. R. B. 1199.

ORDER

Upon the basis of the above findings of fact and 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 the Baldwin Locomotive Works, Standard Steel Works Division, filed by District No. 3, Pattern Makers League of North America, be, and it hereby is, dismissed.