

In the Matter of INTERNATIONAL HARVESTER COMPANY, EMPLOYER
and LOCAL No. 14, INTERNATIONAL ASSOCIATION OF MACHINISTS,
PETITIONER

Case No. 32-RC-31.—Decided October 19, 1948

DECISION

AND

DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in this case, the Board finds:

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

2. The organizations involved:

The Petitioner is an unaffiliated labor organization claiming to represent employees of the Employer.

International Union, United Automobile, Aircraft & Agricultural Implement 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.

3. 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.

4. The appropriate unit:

The Petitioner seeks a unit consisting of tool makers, die makers, die sinkers, all-around machinists, toolroom machine operators and specialists, including die sinking duplicating machine operators, milling machine operators, shaper operators, planer operators, lathe hands, boring machine hands, grinder operators, tool and die hardeners and welders, and their helpers and apprentices, but excluding all production employees, production engineering employees, plant-protection employees, professional employees, and supervisors. This is, in essence, a toolroom unit. The Employer and the Intervenor contend

that such a unit is inappropriate, but that if the Board should find it appropriate, it should be limited to tool makers, die makers, all-around machinists, and their helpers and apprentices, as they are the only skilled employees in the toolroom.

There is no history of collective bargaining at the Employer's Memphis, Tennessee, plant, the only one involved in this proceeding, as it has been in operation only since August 11, 1947. There is therefore no severance problem involved.

The Employer is engaged in the manufacture of farm implements, including mechanical cotton pickers, hay balers, and tillage implements. The toolroom, which is screened off from the other departments of the plant, is devoted to making, servicing, and repairing tools, dies, jigs, fixtures, and milling equipment for use in the production processes. Of the 1,350 employees in the plant, 59 are employed in the toolroom; 56 of them are in the unit sought by the Petitioner. It appears that 34 of these—the tool makers, die makers, and all-around machinists—are skilled craftsmen.¹ They comprise the nucleus of the toolroom group.

The Employer and the Intervenor argue that, although the tool makers, die makers, and all-around machinists are skilled craftsmen, the remainder of the employees in the proposed unit are, at the most, semi-skilled. They point to the fact that there are welders, lathe hands, grinder operators, and milling machine operators in the production departments elsewhere in the plant who possess similar skills, perform the same type of work, and receive approximately the same rate of pay as employees in these less skilled categories who work in the toolroom.

We have found appropriate units of tool makers, die makers, machinists, and other employees engaged in the fabrication of tools and dies in a separate toolroom or machine shop, even though not all the toolroom employees have possessed definite craft skills.² On the other hand, we have also sometimes denied units such as that here petitioned for, on the ground that they did not include all employees throughout

¹ The tool and die makers and all-around machinists are skilled workmen who have been hired as such or have completed a 4-year apprenticeship. The Employer has established such apprentice training courses for these employees at its other plants and is in the process of setting up a similar program at its Memphis plant. No apprenticeship is required for the other toolroom employees, however. Although it is desired that these men have had previous experience, milling machine operators, shaper operators, lathe hands, and tool and die hardeners are hired without having had any prior experience. They are trained by the Employer for a period of approximately 6 months, until they become skilled in the operation of the particular machines to which they are assigned.

² *Matter of Robertshaw-Fulton Controls Company (American Thermometer Company)*, 77 N. L. R. B. 316; *Matter of National Container Corporation, Inc.*, 75 N. L. R. B. 770.

the plant who possessed similar skills, performed comparable work, and therefore had some interests in common.³

All the employees in the Petitioner's proposed unit report to the toolroom, where they do the bulk of their work. They are under separate supervision at all times; there is virtually no interchange of personnel between the toolroom and the rest of the plant. The toolroom employees are paid on an hourly basis, rather than on a piecework basis as are most of the production employees, and in general receive higher rates of pay than the latter do. It thus appears that the toolroom employees are an identifiable, homogeneous group, with interests separate from those of the other plant employees. We believe that the unit petitioned for, which includes a large nucleus of highly skilled employees, is appropriate for the purposes of collective bargaining, even though it excludes employees in the plant possessing skills and performing jobs comparable to those of the less skilled employees in the toolroom.⁴

We find that all tool makers, die makers, all-around machinists, toolroom machine operators and specialists, including die sinking duplicating machine operators, milling machine operators, shaper operators, planer operators, lathe hands, boring machine hands, grinder operators, tool and die hardeners, and welders, and their helpers and apprentices employed by the Employer at its Memphis, Tennessee, plant, excluding all production employees and supervisors, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.⁵

DIRECTION OF ELECTION⁶

As part of the investigation to ascertain representatives for the purposes of collective bargaining with International Harvester Company, Memphis, Tennessee, an election by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional

³ *Matter of International Harvester Company, McCormick Works*, 77 N. L. R. B. 520; *Matter of Caterpillar Tractor Co.*, 77 N. L. R. B. 457; *Matter of Combustion Engineering Company, Inc.*, 77 N. L. R. B. 72.

⁴ See *Matter of Diebel Die & Manufacturing Company and Di Machine Corporation*, 78 N. L. R. B. 861. To the extent that the decision herein may be inconsistent with our decisions in the cases cited in footnote 3, *supra*, and cases of like import, those cases are hereby *overruled*. Board Member Gray would find the unit inappropriate because it does not include all the employees in the plant possessing similar skills and performing comparable work. He would, accordingly, dismiss the petition.

⁵ As it appears that there are no die sinkers employed at the Employer's plant, we are not including them in the unit.

⁶ Any participant in the election directed herein may, upon its prompt request to, and approval thereof by, the Regional Director, have its name removed from the ballot.

Director for the Fifteenth Region, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, as amended, among the employees in the unit found appropriate in paragraph numbered 4, 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, and also excluding employees on strike who are not entitled to reinstatement, to determine whether they desire to be represented, for the purposes of collective bargaining, by Local No. 14, International Association of Machinists, or by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, C. I. O., or by neither.

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