

In the Matter of EVINRUDE MOTORS DIVISION OF OUTBOARD MARINE & MANUFACTURING COMPANY, EMPLOYER *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, TOOL AND DIE MAKERS LODGE No. 78, PETITIONER

Case No. 31-RC-18.—Decided April 6, 1949

DECISION

AND

ORDER

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.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members.*

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

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

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

3. No 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, for the following reasons:

The Petitioner seeks to sever from a plant-wide unit of production and maintenance employees, a unit of tool makers, tool maker learners, tool maker apprentices, tool grinders, tool inspectors, cutter grinders, experimental mechanics, experimental helpers, experimental apprentices, machine repairmen, machine repair apprentices, and machine repair leaders employed at the Employer's Milwaukee, Wisconsin, plant, excluding clerical employees and supervisors as defined in the Act.¹ The Intervenor and the Employer contend that the unit is inappropriate.

*Chairman Herzog and Members Reynolds and Gray.

¹Of the approximately 1,000 employees at the plant, the Petitioner seeks to represent 51.
82 N. L. R. B., No. 92.

At its Milwaukee plant, the Employer is engaged in manufacturing outboard motors. Manufacturing operations are carried on in a one-story building referred to as the machine shop. The employees whom the Petitioner seeks to represent work in various departments located throughout the machine shop.²

In a previous proceeding,³ the Petitioner requested a unit consisting solely of toolroom employees. The Board dismissed the petition, finding that there was some transfer of employees between production departments and the toolroom, that seniority was on a plant-wide basis, and that other employees in the plant performed duties similar to those employees in the toolroom, and used similar machines. While the unit sought by the Petitioner in this proceeding is broader in scope than the unit sought in the 1946 case, those findings are still applicable.

There are approximately 40 production grinders whom the Petitioner would exclude from the unit who work to tolerance as close as the tool and cutter grinders whom the Petitioner would include. There are 26 lead and set-up men whom the Petitioner would exclude from the unit whose skill is comparable to that of the toolroom employees. There are 2 machinists in the carburetor department who are all-round machinists and capable of doing toolroom work. There are machinists in the motor repair department whose skill is also equal to that of the employees included in the unit.

The record indicates that there is still considerable interchange of employees between departments. Eight of the present toolroom employees were originally production workers.⁴ One of the experimental mechanics was transferred to the experimental department from the assembly department, one was transferred from the racing department, and one was a trucker who had had some previous mechanical experience.

Formal apprenticeship is not required for employment in any of the classifications included in the Petitioner's proposed unit. Although an employee may qualify for these classifications by serving an apprenticeship under the supervision of the Wisconsin Industrial Commission, he may also begin by serving as a learner in the Employer's plant. The time required for a learner to become qualified

² For example, the toolroom employees work in the toolroom which is located in the southeast corner of the machine shop. Four tool grinders, seven cutter grinders, tool crib employees, and the machine repair employees work in Department IL, which is located 60 feet from the toolroom. Four experimental mechanics and two learners, together with other employees whom the Petitioner does not seek to represent, work in the experimental department which is located in the northwest corner of the machine shop, 300 feet from the toolroom.

³ *Matter of Evinrude Motors Division of Outboard Marine and Manufacturing Co.*, 66 N. L. R. B. 1142.

⁴ As relief from production piecework, the Employer often assigns older employees, at their request, to hourly rated work in departments such as the toolroom.

for a position depends on the employee's individual aptitude and experience.

As the record discloses that there is a long history of collective bargaining on a broader basis,⁵ and as there is a large group of employees whose skills are equal to or greater than the skills of the employees whom the Petitioner seeks to represent, we do not believe that these employees constitute a true craft group. Nor do they appear to be a sufficiently homogeneous group to warrant their severance from the broader unit in which they have heretofore been represented. We find that the proposed unit is inappropriate for purposes of collective bargaining, and shall order that the petition be dismissed.⁶

ORDER

IT IS HEREBY ORDERED that the Petition filed herein be, and it hereby is, dismissed.

⁵ The Employer and the Intervenor have bargained on a plant-wide basis since 1937.

⁶ In view of our decision set forth above, we need not pass upon the issue of whether the Intervenor's contract constitutes a bar to this proceeding, and other related issues raised at the hearing.