

In the Matter of SYLVANIA DIVISION, AMERICAN VISCOSE CORPORATION,¹
EMPLOYER and UNITED ASSOCIATION OF JOURNEYMEN & APPRENTICES
OF THE PLUMBING & PIPE FITTING INDUSTRY, LOCAL UNION No. 10,
PETITIONER

Case No. 5-RC-224.—Decided June 13, 1949

DECISION

AND

ORDER

Upon a petition duly filed, a hearing was held before Robert E. Mullin, 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. The requests of the Employer and Intervenor for oral argument are denied because the record and the briefs submitted by the parties, in our opinion, adequately present the issues and the positions of the parties. The motions of the Employer and the Intervenor to dismiss the petition are granted for the reasons set forth in paragraph 3, *infra*.²

Upon the entire record in this case, the Board³ finds:

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

2. The Petitioner and Textile Workers Union of America, CIO, herein called the Intervenor, are labor organizations 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 the unit of production and maintenance employees, represented by the Intervenor since 1945,⁴ a

¹ The Employer's name appears as amended at the hearing.

² In *Matter of Celanese Corporation of America* (84 N. L. R. B. 207), the Intervenor moved to consolidate that case with the instant proceeding. The motion was denied therein, in footnote 2.

³ Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, as amended, the Board has delegated its powers in connection with this case to a three-man panel [Chairman Herzog and Members Houston and Murdock].

⁴ The Intervenor was certified for this unit on July 5, 1945, following a Board-directed election. *Matter of Sylvania Industrial Corp.*, 61 N. L. R. B. 1585. (The name of the 84 N. L. R. B., No. 25.

unit consisting of employees designated in the current contract between the Employer and the Intervenor as "pipe fitters first class, pipe fitters second class, tank car unloaders, pipe coverers first class, pipe coverers second class, welders first class, welders second class" and helpers assigned thereto from a common pool.⁵ The Petitioner contends that these jobs constitute a severable craft group. The Employer and the Intervenor, on the other hand, contend that the requested unit is inappropriate and that only the present plant-wide production and maintenance unit is appropriate.

At the Fredericksburg plant, involved herein, the Employer manufactures cellophane, cellophane byproducts, and allied chemical products. The production is a continuous-time chemical process, involving 1 to 8 days. The production of cellophane involves four stages, handled in four sections of the plant. In the *viscose section* of the plant, wood pulp and caustic are mixed and the mixture steeped. After proper steeping, the resulting compound is shredded and aged. From the aging vats, the mixture is piped to a xanthator for the addition of the reagents which produce viscose syrup. The syrup is then piped into the *spinning section* where it is extruded under pressure through nozzles into a hardening bath in which it becomes cellophane. The cellophane is then run to the *coating section* where it is rolled, washed, desulphurized, bleached and softened, and dried. The completed cellophane is then slit and cut by the *finishing section*, packed, and shipped out.

Because the plant operations must be continuous, maintenance work must be well coordinated with production if losses are to be avoided. To minimize emergency repairs, the Employer preschedules most of its maintenance work. One crew spends all of its time rebuilding spinning machines, following a 21-month schedule. Another spends all its time in the "wash up" of spinning machines, following the staggered spinning operations. Other maintenance crews are permanently assigned to various production units. Emergency or "spot" crews are used only on the night and Sunday shifts. These various maintenance crews consist of millwrights, pipe fitters, carpenters, sheet metal workers, and helpers. Members of the crews are called upon to perform various job functions without regard to their individual job classifications. Thus, with particular reference to pipe fitting, the record dem-

Company was changed in 1946) Since 1945 the Employer and the Intervenor have maintained contractual relations.

⁵ The contract between the Intervenor and the Employer, covering all maintenance and production employees, including the employees herein, expires December 31, 1950. It was signed, however, after the filing of the present petition, and is not urged as a bar to this proceeding. The alleged purpose of the contract job classifications is to implement divisional seniority. There is no assertion that the employees requested herein have been inadequately represented or have failed to participate in the benefits of the contracts.

onstrates that in some cases millwrights do pipe-fitting work 70 percent of their working time, whereas pipe fitters do millwright work about 30 percent of the time.⁶ In general, employees with job classifications other than those requested by the Petitioner do about 75 percent of the work described in the Petitioner's constitution and bylaws as pipe-fitting work.

All maintenance employees—machinists, millwrights, electricians, carpenters, sheet metal workers, painters, laborers, pipe fitters, pipe coverers, tank car unloaders, welders, etc.—operate out of a central machine shop, use the common tool crib, and have common working facilities. However, the maintenance crews, described above, are variously supervised depending upon the department in which they are working. Permanently assigned maintenance employees and emergency crews are supervised by production foremen.

The Employer has no strict apprenticeship program or training requirements but provides a voluntary 6-month course for all maintenance helpers, covering mathematics, mechanical drawing, safety, elementary chemistry, and blueprint reading. After completing this general training program, newly hired maintenance employees are trained on the job to do the specialized type of work the plant requires. For this reason, the Employer does not hire maintenance employees on the basis of their prior training in traditional craft work, finding it necessary in all cases to train its own "specialists."

Under the present contract, maintenance and production employees enjoy the same employee benefits. The contract provides for both plant-wide and divisional seniority. Although there have been few temporary transfers to maintenance divisions, there have been permanent transfers between maintenance and production departments. The contract coverage of both production and maintenance employees conforms to the bargaining practice in the major part of the chemical industry to which the industrial operations of the Employer belong.⁷ A study of the collective bargaining contracts in that industry shows that 86.6 percent provide for over-all production and maintenance groups, with only the standard supervisory, clerical, etc., exclusions.⁸

⁶ In the viscose section the crew of permanently assigned pipe fitters and millwrights do pipe-fitting work 70 percent of the time. In the coating section a similar crew does pipe-fitting work 50 percent of the time, although the pipe fitters do somewhat more pipe fitting than do the millwrights. The emergency crews perform work of a pipe-fitting nature 70 percent of their time.

⁷ A majority of those making craft exceptions originated prior to any bargaining history or Board certification on an industrial basis.

⁸ The Employer introduced in evidence a report by the Bureau of National Affairs, Inc., of Washington, D. C., on "Bargaining Units in the Chemical Industry," based on contracts filed with the BNA and with the Industrial Relations Branch of the Bureau of Labor Statistics, Department of Labor.

Within the subdivision of synthetic textiles and fabrics,⁹ over-all maintenance and production units are even more prevalent.

From the 403 hourly paid maintenance employees in the Employer's plant, the Petitioner seeks to sever 63 alleged craftsmen. Of the requested employees 27 are *first- and second-class pipe fitters*, who work on the maintenance crews described above, rebuilding spinning machines, "washing up" spinning machines, on permanently attached assignments to production units, or on the emergency crews. Five are *pipe coverers* who along with 4 helpers do all the work necessary where insulation is applied to control temperatures, but who spend 70 percent of their time covering items other than pipe, e. g., refrigeration rooms, process kettles, storage tanks, etc., under the supervision of both pipe fitter and millwright foremen. Eleven are *welders* who work with the maintenance crews, repair tubing and structural steel, or make tubing for the pipe fitters, under the sheet metal foremen machinists, and others. The one *tank car unloader* and helper connect and disconnect the tank cars and barges from which chemicals are piped into the plant. The tank car unloader is responsible for the allocation of inbound shipments to the proper production departments and is supervised in making his deliveries by the different production department foremen.

From the facts above we are persuaded that the unit sought by the Petitioner does not constitute a true craft group. We believe, moreover, that the requested unit lacks the necessary characteristics for separate representation on a noncraft basis. The pipe fitters and other classifications sought to be severed by the Petitioner perform specialized tasks peculiar to the industrial operations of the Employer, rather than tasks which are typical of the pipe fitter's craft.¹⁰ In this connection, we note the absence of a true apprenticeship program and the fact that the pipe fitters are frequently supervised by production employees or supervisors of other crafts. Moreover, the unit sought does not include all persons engaged in the same or similar operations, for, as noted above, pipe-fitter jobs in this plant are commonly performed by employees with other classifications.¹¹ In essence the unit requested constitutes a subdivision of a maintenance group, and the nature and situs of the work performed is indistinguishable from that of many other employees who are excluded from the unit.

⁹ See *Standard Industrial Classifications*, Bureau of the Budget, "Chemical and Allied Products," Sec 2823, including rayon and cellophane manufacturing. Within this subdivision, over-all contracts exist in all production plants except 7. *Supra*, note 7. See *Matter of George S. Mephram Corp*, 78 N. L. R. B 1081.

¹⁰ See *Matter of National Tube Company*, 76 N. L. R. B. 1199, 1207 footnote 19

¹¹ See *Matter of St. Louis Public Service Co.*, 71 N. L. R. B 160, 165.

Upon the basis of all of the foregoing facts, and in view of the highly integrated and interdependent operations at the Employer's plant, we find that the unit sought by the Petitioner is inappropriate for purposes of collective bargaining, and we shall therefore order that the petition be dismissed.¹²

ORDER

Upon the entire record in this case, the National Labor Relations Board hereby orders that the petition herein be, and it hereby is, dismissed.

¹² See *Matter of Monsanto Chemical Company*, 78 N. L. R. B. 1249; *Matter of Carborundum Company*, 80 N. L. R. B. 756.