

In the Matter of AMERICAN HOIST & DERRICK COMPANY, EMPLOYER
and LOCAL B-110, INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, A. F. L., PETITIONER

Case No. 18-RC-366.—Decided January 19, 1950

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before Clarence A. Meter, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

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-member panel [Chairman Herzog and Members Houston and Reynolds].

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 labor organizations involved claim to represent certain 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 Petitioner seeks to represent a unit of electricians, helpers, and apprentices employed in the electrical department at the Employer's St. Paul, Minnesota, plant. The Employer contends that the unit is inappropriate because of the integration of the Employer's operations, and because of the bargaining history in which these employees for several years were part of a broader unit.² The IAM

¹ Lodge No. 459, International Association of Machinists, herein called IAM, was granted intervention.

² Since 1937, these employees have been represented by the IAM in a unit which originally included all the Employer's production and maintenance employees, except the molders who were separately represented. Subsequently, the Employer's patternmakers and powerhouse employees were carved out of this unit, and have been separately represented. The Employer's timekeepers and truck drivers are also separately represented. The Employer's brief asserts that the IAM unit is composed of employees who are directly engaged in the assembly of the Employer's products. We find, however, that the unit also contains machinists who do not perform assembly operations.

also contends that the proposed unit is inappropriate, but advances no reasons in support of its position.

The Employer manufactures heavy hoisting machinery and equipment at its plants in St. Paul, Minnesota, and South Kearney, New Jersey. Only the St. Paul plant is involved in this proceeding. Approximately 900 production employees are employed at this plant in approximately 56 departments and 29 shops or sections. The plant consists of 15 buildings situated on an 18-acre tract. The Employer's products include locomotive cranes and revolver cranes which are used by the Navy, by steel mills, railroads, public utilities, and by manufacturers of heavy materials. While the basic component parts of these machines are of standard types and sizes, most of the finished products vary as to size and detail to conform to customers' specifications. The construction of these machines usually takes 3 or 4 months, and sometimes longer. For these reasons, the Employer at the hearing described its plant as an "engineering shop," as distinguished from a "production shop" which manufactures large quantities of identical products through repetitive operations.³

Assembly of heavy equipment takes place in the structural and revolver shops which are in adjoining buildings, and in the crane shop which is separated from these shops by other plant buildings and by an overhead highway which traverses the plant grounds. Various structures are simultaneously built in these shops and are brought to the revolver shop for final assembly. Several groups of employees, including electricians, steam fitters, machinists, grinders, welders, and painters are engaged in these operations. The work of these groups is synchronized as to the place and order in which they perform their special operations. At times they work together, but frequently their activities occur at different intervals, the work of one group following in sequence upon the completion of the work of another group. There is no evidence that these groups perform their duties directly under a single over-all supervisor in charge of assembly operations.

There are 14 employees in the electrical department, supervised by a foreman who is a master electrician. Included among these employees are 4 journeymen electricians,⁴ 3 class "B" electricians,⁵ 5

³ In terms of dollar sales, production of specially fitted heavy machinery constitutes 60 percent of the Employer's production.

⁴ The Employer requires that its journeymen electricians be licensed or have completed an apprenticeship. The apprenticeship program in force in the electrical department is conducted in cooperation with the Minnesota Apprenticeship Council. Although this course varies to some extent from the Council's standard course, the basic subjects are the same. An apprentice who completes the Employer's course receives the same certificate issued by the Council to all other electrical apprentices.

⁵ These are advanced helpers.

helpers, 1 apprentice, and 1 stockman. These employees perform various types of electrical work, including the wiring of all electrical apparatus installed on the Employer's products, maintenance, and repair of electrical equipment throughout the plant,⁶ and some electrical construction work.⁷ The percentage of time devoted to each of these types of work is disputed, but it is clear that a substantial part of the work of these employees consists of other than production duties.⁸ Most of the wiring of electrical apparatus is performed on the heavy equipment assembled in the structural, crane, and revolver shops, in conjunction with the other employees engaged in assembly operations. In preparation for this work, the electrical employees spend a considerable amount of time in the electric shop,⁹ where they bend and cut conduits and wires and build control panels which they later install on the Employer's products. The electrical employees are frequently assigned to different duties during each day, depending upon the needs of the several plant departments for electrical services. Although the Employer does not ordinarily remove electricians from assembly operations before they are completed, there have been occasions when they have been taken off these duties for other assignments. Occasionally an electrician is sent to the field for several days to correct deficiencies in the electrical system of the Employer's products. The helpers and the apprentice usually work with a journeyman electrician. Occasionally they work by themselves, but at such times they are specifically instructed in their duties by the foreman.

It appears that the duties of these employees are those of electrical craftsmen and that they work with the same tools and many of the materials ordinarily used by the craft. Moreover, some of their duties demand the skill and experience of journeymen electricians. It also appears that, although the Employer's operations are to some extent specialized, the functions of the electricians are generally similar to those performed by journeymen in the electrical trade.

⁶ There are 1,100 electric motors in the plant which power the Employer's machinery. Some of these motors are repaired each day. Only a journeyman electrician is permitted to turn off the electric power before these motors are removed and taken to the electric shop for repairs. The electrical employees also repair and replace switches, power lines, and transformers, and install and service the electric clocks in the plant.

⁷ Construction jobs include ordinary wiring for lighting, running lines from electrically powered machines to sources of electricity, wiring for electric steam heaters, and installation of buzzer systems for interoffice communications. The Employer sought to prove that electrical construction work is performed by outside contractors. However, the record shows only one instance, in August 1949, when a contractor spent approximately 3 weeks at the plant installing power lines.

⁸ The Employer produced time records which purport to show that approximately two-thirds of their time is spent on assembly operations. Several of the electricians, however, testified that their time is equally apportioned among assembly, maintenance, and construction duties.

⁹ The electric shop is separately located on a balcony in the building which houses the chane shop. It was estimated by some of the electricians that they spend from 33½ to 40 percent of their time working in this shop.

The electrical department employees are supervised only by their own foreman, whether they are working on assembly operations, in the electric shop, or in other parts of the plant. They have separate departmental seniority. Although interdepartmental transfers are permitted in the plant, the record shows only one transfer involving the electrical department.¹⁰ There is no other evidence of interchange between these employees and any others.

The Employer relies upon our decisions in several cases¹¹ involving assembly line operations, in support of its contention that its operations are so highly integrated as to preclude severance of the electrical employees. It is apparent, however, that the Employer does not manufacture its products on the basis of a continuous assembly line operation. As noted above, the Employer's products vary according to customers' specifications, are assembled in stages in several separately located buildings, and are not mass-produced, but require several months for completion of their assembly. Moreover, the electrical employees are not regularly stationed in production departments performing routine and repetitive operations under production supervisors. On the contrary, the record clearly shows that they frequently work at various locations performing maintenance and construction as well as production duties. All these duties are performed under their own departmental foreman despite some commingling with other craft employees. Accordingly, we reject the Employer's contention.

We find that the employees in the proposed unit constitute a homogeneous, identifiable craft group that may appropriately be represented in a separate unit notwithstanding the bargaining history in which they were part of a broader unit.¹² However, as the continued inclusion of these employees in the existing IAM unit may also be appropriate, we shall not make any final determination at this time of the appropriate unit, but shall first ascertain the desires of these employees in the election hereinafter directed.

There remains for consideration the inclusion or exclusion of the *stockman* in the electrical department. None of the parties hereto takes any position regarding this employee. The stockman works in the electric shop office and is in charge of the electrical stockroom. He orders supplies, obtains tools and materials for the electrical em-

¹⁰ This occurred in 1941 when one of the electricians transferred from the carpenter shop to the electrical department as a helper.

¹¹ Cf. *Dodge San Leandro Plant*, 80 NLRB 1031; *General Motors Corporation, Fisher Body Division—Van Nuys Plant*, 79 NLRB 341; *Ford Motor Company (Maywood Plant)*, 78 NLRB 887.

¹² *Todd Shipyards Corporation, Repair Division*, 80 NLRB 382; *Waterman Steamship Corporation*, 78 NLRB 20; *The Turbine Engineering Company*, 73 NLRB 163; Cf. *Indiana Limestone Company, Inc.*, 83 NLRB 1124.

ployees, and keeps records and inventories. He does not perform any electrical duties. As the duties and skills of this employee differ substantially from those of the electrical employees, we shall exclude him.

We shall direct that an election by secret ballot be held among all electricians, helpers, and apprentices, in the electrical department at the Employer's St. Paul, Minnesota, plant, excluding the stockman, the foreman, and all other supervisors as defined in the Act. If, in this election, these employees select the Petitioner, they will be taken to have indicated a desire to constitute a separate bargaining unit.

DIRECTION OF ELECTION ¹³

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, 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 Director for the Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Relations Board Rules and Regulations, among the employees in the voting group described in paragraph numbered 4, above, who were employed during the payroll period immediately preceding the date of this Direction of Election, including employees who did not work during said payroll 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 purposes of collective bargaining, by Local B-110, International Brotherhood of Electrical Workers, A. F. L.

¹³ The Intervenor's compliance with Section 9 (b) of the Act having lapsed since the hearing in this matter, the Regional Director is herewith instructed to delete the Intervenor's name from the ballot in the election directed herein if the Intervenor has not, within 2 weeks from this date, renewed its compliance. No election shall be scheduled within the 2-week period allowed until and unless compliance has been determined.

[By Order dated January 26, 1950, the Board has granted the Intervenor permission to withdraw its name from the ballot.]