

In the Matter of GREAT LAKES SPRING DIVISION OF STANDARD STEEL SPRING COMPANY, EMPLOYER and WILLIAM ROBERTSON, PETITIONER and LOCAL 457, INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT, AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, CIO, UNION

Case No. 13-RD-72.—Decided August 31, 1950

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Herman J. De Koven, hearing officer. 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 Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Houston and Murdock].

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

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

2. The Petitioner is an employee of the Employer and asserts that the Union is no longer the bargaining representative, as defined in Section 9 (a) of the amended Act, of the Employer's employees designated in the petition.¹

The Union is a labor organization recognized by the Employer as the exclusive bargaining representative of the employees, among others, designated in the petition.

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 requests decertification of a unit consisting, generally, of all machine and die shop employees in the Employer's Chi-

¹ At the hearing, the Union moved to dismiss the petition on the ground that the Petitioner is representing a labor organization and is not the real party in interest. The Petitioner testified, without contradiction, that he is not a member of any labor organization other than the Union; that he has received no financial assistance from any labor organization; and that he is acting only in his individual capacity as an employee of the Employer. Accordingly, as the evidence in the record fails to support the Union's contention, the motion to dismiss on this ground is hereby denied. Cf. *Allied Chemical and Dye Corporation*, 78 NLRB 408.

cago, Illinois, plant, including tool and die makers, machinists, machinists' apprentices, precision grinder, pliers maker, and tool crib attendants. The Employer and the Union oppose the severance of this unit from the broad production and maintenance unit currently represented by the Union.

The unit requested by the Petitioner comprises the Employer's 20-to-25 tool and die makers, 15 machinists, 3 machinists' apprentices, precision grinder, pliers maker, and 3 tool crib attendants. Except for 1 tool crib attendant, all these employees are assigned to the machine and die shop, which is located in a separate, partitioned area, and operates under separate immediate supervision. There is virtually no interchange of employees between the machine and die shop and the other plant departments.²

The principal function of the machine and die shop employees is to construct and repair dies, machinery, fixtures, and gauges needed to produce the parts that are used by the Employer in its manufacture of automobile spring cushions. Specifically, the *tool and die makers* fabricate new dies, repair and maintain old ones, and perform work on experimental models leading to the development of new dies. Occasionally, they make repairs on production machinery and fixtures. They are the most highly skilled and among the highest paid of the Employer's hourly rated workers.³ Although the Employer has established no formal apprenticeship program, the record shows that a substantial portion of the tool and die makers are qualified journeymen and that the others are experienced machinists who have received additional training in the shop.

The *machinists* assigned to the machine and die shop make fixtures and repair plant equipment and parts. Four of these employees spend most of their time performing machinery repair work in the various production departments and use the machine shop when the repairs cannot be made in the department. The remaining machinists and their apprentices spend the bulk of their time in the machine and die shop. The machinists are paid about 10 percent more per hour than the hourly base rate of the highest paid production employee.

As to the balance of employees in the requested unit, the *precision grinder*, whose rate of pay is similar to that of the machinists, maintains the tools and parts used in the machine shop and makes repairs on plant equipment, working to close tolerances. The *pliers maker*

² Employees in other departments may be selected for work in the machine and die shop, provided they possess the requisite training or ability, and occasionally machine and die shop employees are retransferred to the production departments.

³ Some production employees, who work on an incentive plan basis, occasionally receive gross earnings exceeding those of the machine and die shop employees.

makes various types of pliers for the assembly and finishing departments, and while he is not as skilled as the tool and die makers or the machinists, proficiency in his work requires approximately 6 months' training. With respect to the *three tool crib attendants*, two work in the tool crib adjoining the machine and die shop, supplying the machine and die shop employees with the necessary fixtures and parts used in their work, and also maintaining the safety equipment used in the plant. The other tool crib attendant works in the tool crib adjacent to the assembly department, approximately 200 feet distant, furnishing tools to these department employees and making minor tool repairs.⁴ The tool crib attendants and pliers maker receive the same rate of pay, which is approximately 15 percent lower than the base rate of the highest paid production employees.

It is apparent from the foregoing, and the entire record, that the machine and die shop employees requested by the Petitioner form an identifiable, homogeneous group of a type which the Board has frequently determined may be severed from an existing more comprehensive unit.⁵ While all the employees concerned do not possess definite craft skills, the group contains a sufficient craft nucleus to enable such employees to constitute a separate unit.⁶

We find, accordingly, that all machine and die shop employees at the Employer's Chicago, Illinois, plant, including tool and die makers, machinists, machinists' apprentices, precision grinder, pliers maker, and tool crib attendants,⁷ but excluding supervisors as defined in the Act may constitute an appropriate unit for the purposes of collective bargaining.

We shall direct an election by secret ballot to be held among the employees in this group. If the employees in this voting group do not select the Union, the Union will be decertified as to them; if on the other hand, they select the Union, they will be taken to have indicated their desire to be included in the production and maintenance unit presently represented by the Union.

[Text of Direction of Election omitted from publication in this volume.]

⁴ All the tool crib attendants are grouped together by the Employer for purposes of seniority, and enjoy substantially the same conditions of employment.

⁵ Cf. *Fort Pitt Manufacturing Company*, 85 NLRB 1513; *C. Hager and Sons Hinge Manufacturing Company*, 80 NLRB 163; *General Electric Company, Plastics Division*, 81 NLRB 476.

⁶ See *Shultz Die Casting Company*, 85 NLRB 1019; *International Harvester Company (Indianapolis Works)*, 82 NLRB 740.

⁷ While, as already noted, one tool crib attendant is not directly assigned to the machine and die shop, we shall, in view of his close community of interest with the tool crib attendants in the shop and the express desire of the Petitioner, to which no specific objection was raised by the Employer or the Intervenor, include him in the voting group.