

In the Matter of PRECO, INCORPORATED *and* UNITED BROTHERHOOD OF
WELDERS, CUTTERS AND HELPERS OF AMERICA, LOCAL 37, INDE-
PENDENT

Case No. 21-R-2803.—Decided August 27, 1945

Mr. Arthur Freston, of Los Angeles, Calif., for the Company.
Messrs. Earl J. Behling, and *George D. Felzien*, for the Union.
Mr. Isadore Engle, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended petition duly filed by United Brotherhood of Welders, Cutters and Helpers of America, Local 37, Independent, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Preco, Incorporated, Los Angeles, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before David Aaron, Trial Examiner. Said hearing was held at Los Angeles, California, on May 15, 1945. The Company and the Union appeared and participated. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded an opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Preco, Incorporated, a California corporation, is engaged at its plant in Los Angeles, California, in the manufacture and sale of parts used

in the manufacture of aircraft and railway equipment. Raw materials purchased by the Company during the past year amounted to approximately \$590,000, of which about 25 percent was shipped from points outside the State of California. During the same period, the Company manufactured finished products valued at approximately \$1,500,000, of which about \$375,000 in value represented shipments to points outside the State.

The Company admits, and we find, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Brotherhood of Welders, Cutters and Helpers of America, Local 37, Independent, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of its employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Field Examiner, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.¹

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The Union seeks a unit of welders and welders' helpers, excluding spot welders and spot welders' helpers. The Company contends, however, that only a production and maintenance unit is appropriate.

The Company employs in excess of 100 employees, including 4 arc welders, 2 gas welders, and 13 spot welders. Although the Company's operations are set up functionally in departments, employees in one department are not physically segregated from the employees in other departments. The hours, working conditions, and other conditions of employment are substantially similar for all the Company's production and maintenance employees.

There has been no collective bargaining history at the plant. As indicated above, the Union seeks to represent only the arc welders and

¹ The Field Examiner reported that the Union submitted authorization cards for seven persons in the alleged appropriate unit; that all seven cards bore names of persons listed on the Company's pay roll for the period ending March 25, 1945; that six of the cards were dated February 1945, and one was dated March 1945; and that there were seven employees in the alleged appropriate unit.

gas welders and their helpers. These employees, some of whom are combination arc and gas welders, are under the common supervision of a different leadman from that of the spot welders. The work of gas and arc welders requires a high degree of skill and proficiency and involves special hazards; the work of spot welders, on the other hand, consists of manual labor, coupled with a specialized knowledge of adjusting the spot welding machine to accommodate the metals to be welded. The period of training for the work of gas or arc welding is considerably longer than that required for spot welding, and experience as a spot welder does not qualify an employee to substitute for a gas welder or arc welder on any phase of the latter's work. Moreover, the rates of pay of gas and arc welders are substantially higher than those of spot welders. In addition, it appears that the Union does not admit spot welders to membership. Accordingly, since the arc and gas welders form a well defined homogeneous group whose work requires a high degree of skill and considerable specialized training, since they have separate supervision from that of the spot welders, and in view of the absence of a history of collective bargaining on a broader basis, we are of the opinion that arc and gas welders may properly function together for collective bargaining purposes.²

We find that all welders and welders' helpers, but excluding spot welders and spot welders' helpers, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in the appropriate unit who were employed during the payroll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Preco, Incorpo-

² See *Matter of Solar Aircraft Company*, 51 N L R B 964.

rated, Los Angeles, California, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Twenty-first Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, 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, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding any who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by United Brotherhood of Welders, Cutters and Helpers of America, Local 37, Independent, for the purposes of collective bargaining.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.