

In the Matter of WORTHINGTON PUMP AND MACHINERY CORPORATION  
and TIME AND MOTION STUDY ASSOCIATION

*Case No. 1-R-2709.—Decided March 28, 1946*

*Messrs. A. S. Ormsby and L. C. Ricketts*, both of Harrison, N. J.,  
for the Company.

*Messrs. Edward B. Cooley and Harold Kaufman*, both of Spring-  
field, Mass., for the Union.

*Mr. Jerome J. Dick*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition <sup>1</sup> duly filed by Time and Motion Study Association, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Worthington Pump and Machinery Corporation, Holyoke, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Leo J. Halloran, Trial Examiner. The hearing was held at Springfield, Massachusetts, on February 8, 1946. 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 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

Worthington Pump and Machinery Corporation is a Delaware corporation with its main office at Harrison, New Jersey. The Com-

<sup>1</sup> The petition was amended at the hearing.

pany has district sales offices and representatives throughout the United States and foreign countries, and operates plants in many States. This proceeding is concerned solely with the Company's plant in Holyoke, Massachusetts. At this plant, the Company manufactures compressors and air conditioning and refrigeration equipment. During the 6-month period immediately preceding February 8, 1946, the value of raw materials used by the Company exceeded \$1,000,000 in value, more than 90 percent of which came from points outside the Commonwealth of Massachusetts. During the same period, the Company manufactured finished products exceeding \$1,000,000 in value, more than 80 percent of which was shipped to points outside the Commonwealth of Massachusetts.

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

#### II. THE ORGANIZATION INVOLVED

Time and Motion Study Association is an unaffiliated 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 Board agent, introduced into evidence at the hearing indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>2</sup>

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 to represent all time-study and standards employees of the Company's Holyoke, Massachusetts, plant,<sup>3</sup> excluding all supervisory employees. However, the Company contends that the requested unit is inappropriate on the ground that time and study standards employees are "managerial."

<sup>2</sup> The Field Examiner reported that the Union submitted a petition, bearing the signatures of 12 of the Company's employees. There are approximately 13 employees in the appropriate unit.

<sup>3</sup> United Electrical, Radio and Machine Workers of America, Local 259, C. I. O., represents all hourly rated employees of the Company at the Holyoke Plant. The time-study and standards men are salaried employees

Time-study and standards employees, through analysis of methods, set a time standard for the performance of an operation.<sup>4</sup> These time standards, which are arrived at through independent judgment, are usually accepted by the Company, but are subject to review by the time-study supervisor. The time standard has no effect on the production workers' base rate of pay. However, if the employee produces work at a rate exceeding the time standard, he receives an incentive bonus. It is conceded that the time study and standards men have none of the powers of supervisory employees. Moreover, they do not set the base wage rate and are not concerned with labor relations. It is apparent that these employees have no substantial part in the formulation, determination, or effectuation of any management policy. Accordingly, we do not consider them to be "managerial" employees.<sup>5</sup>

We find that all time-study and standards employees of the Company's Holyoke, Massachusetts, plant, excluding 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 employees in the appropriate unit who were employed during the pay-roll 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 Worthington Pump and Machinery Corporation, Holyoke, Massachusetts, an election by secret ballot shall be conducted as early as possible, but

<sup>4</sup>The time-study men go out on the floor and time the operations with a stop watch, while the standards men set the time standard at their desks through the use of blue prints and data from similar operations which have already been timed by the time study men.

<sup>5</sup>See *Matter of Ford Motor Company (Chicago Branch)*, 66 N. L. R. B. 1317

not later than forty (40) days from the date of this Direction, under the direction and supervision of the Regional Director for the 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 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 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, to determine whether or not they desire to be represented by Time and Motion Study Association, for the purposes of collective bargaining.