

ists and repairmen as expressed in the election hereinafter directed. If a majority of such employees vote for the Petitioner, they will be taken to have indicated their desire to constitute a separate unit.

In accordance with the foregoing, we shall direct that an election be held among the following employees:

All maintenance machinists and repairmen in the machine shop of the Employer at its Little Rock, Arkansas, plant, Woodrow and Roosevelt Road, Little Rock, Arkansas, excluding office clerical, technical, and professional employees, guards, and supervisors as defined in the Act.

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

ALUMINUM FOILS, INC. and INTERNATIONAL ASSOCIATION OF MACHINISTS, LODGE No. 72,¹ PETITIONER. *Case No. 32-RC-300. May 23, 1951*

Decision and Direction of Elections

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Anthony J. Sabella, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.²

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 labor organizations involved claim to represent certain employees of the Employer.³

¹ The petition herein was originally filed by the International Association of Machinists alone. In its brief, the IAM moved to amend the petition to show the Petitioner as International Association of Machinists, Lodge No. 72, on the grounds that the employees concerned will be represented by, and are now members of, this Lodge. As Lodge No. 72 presently appears to be the real party in interest, the motion is granted. *Spandisco Oil and Royalty Company*, 88 NLRB 1406; *The Colson Corporation*, 70 NLRB 1235.

² At the hearing, the Employer and the Intervenor, International Council of Aluminum Workers, AFL, moved to dismiss the instant petition on the ground that the unit sought is inappropriate. Ruling on this motion was reserved for the Board. For the reasons stated in Section 4, *infra*, the motion is hereby denied.

³ The hearing officer permitted the Intervenor to intervene on the basis of the existing contractual relationship between that organization, its Local 24780, and the Employer. The Petitioner objected on the ground that the Intervenor's interest was based on an "illegal" contract; and, in its brief, the Petitioner asserts that the Intervenor should therefore be denied a place on the ballot. We find no merit in these contentions. The Intervenor's contract, concerning which no unfair labor practice charges have been filed, entitles it to participate in this proceeding for all purposes and, subject to the condition set forth in footnote 16, its name may appear on the ballot. Cf. *Shepherd Manufacturing Company, Inc.*, 90 NLRB 2196; *Aluminum Company of America, et al.*, 85 NLRB 915.

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 a unit of skilled maintenance employees and their helpers at the Employer's Jackson, Tennessee, plant.⁴ The unit requested is composed, in substance, of five machinists, one machinists' helper, one roll grinder, one roll grinder trainee, three electricians, and a pipe fitter. The Employer and the Intervenor contend that only a plant-wide unit is appropriate, and that, in any event, the unit sought is inappropriate because of its multicraft character.

The Employer is engaged, at the plant involved herein, in the manufacture of aluminum foil. Its raw materials consist mainly of aluminum coil received from the Alcoa, Tennessee, plant of the Aluminum Company of America. The present operation was begun in about August 1950, and there has been *no* controlling history of collective bargaining.⁵

The Employer's plant is a "cold rolling" operation⁶ and functions generally as follows: Aluminum coil of .026 inch gauge, is passed through a number of rolling mills,⁷ until the single sheets cannot be further reduced in gauge. These sheets are then doubled in a doubling machine and returned to the rolling mills for further reduction to the gauge of aluminum foil. The foil, which at this stage is in the form of double sheets, is then placed in separating machines which separate the two sheets. The single sheets are thereafter wound on iron cores and the wide rolls of foil may be shipped in this form; or the sheets may be sent through slitting machines, which cut the foil into widths of 1 to 12 inches, and the foil, on aluminum cores, may be shipped in the narrower form.⁸ The foil is used by the Employer's customers as condenser foil or foil for candies, chewing gum, and the like.

The rolling mills in this plant are not in a straight line or "tandem," but are in two parallel rows of four machines, approximately 12 feet

⁴ Alternatively, the Petitioner requests any unit or units that the Board finds appropriate.

⁵ The Petitioner made its demand for recognition on October 11, 1950, and filed its petition on November 24, 1950. On January 3, 1951, the Employer entered into a contract with the Intervenor and its Local 24780 covering all the plant employees, including the maintenance employees, without "prejudice" to the Petitioner's claim. This contract is not asserted as a bar and is without controlling significance as to the issues involved. *Brown Equipment & Manufacturing Co., Inc.*, 93 NLRB 1278. Cf. *Reynolds Metals Company*, 93 NLRB 721; *General Electric Company*, 81 NLRB 476; *West Tacoma Newsprint Co.*, 81 NLRB 961.

⁶ While the Employer asserts that it contemplates adding a "hot line" section, no definite plans have been made for such addition.

⁷ A "rolling mill" is a machine with rolls through which the aluminum is fed and which reduces the gauge of the metal.

⁸ At some point in the manufacturing operations the aluminum is softened in the heat-treating or annealing department, but this is not further explained in the record.

apart. There is no evidence as to how the aluminum sheets are moved between the mills. The plant operates on an 8-hour, 1-shift basis.

Administratively, the Employer's plant, with its approximately 81 employees, is divided into the receiving, heat-treating, rolling, separating, slitting, packing, and maintenance departments. The maintenance department consists of the machinists, machinists' helper, roll grinder, roll grinder trainee, electricians, and pipe fitter requested by the Petitioner. These employees work under the separate supervision of the plant engineer, who does not supervise any production workers. Their functions are generally as follows:

The machinists and the machinists' helper.—The Employer's five machinists, including the machinists' working foreman, are primarily maintenance men who assemble, disassemble and adjust machines under the immediate direction of the working foreman.⁹ Their duties include repairing machine parts, adjusting the production machines, and roll changing. They divide their time between the production floor and the machine shop which is located in the northeast section of the plant and is separated from the production departments by a 7-foot partition.¹⁰ They are not assisted in their work by the production employees. The machinists presently employed are journeymen machinists who work to close tolerances and are recognized by the Employer as skilled craftsmen. There is no apprenticeship program for the machinists at the Employer's plant.

The machinists' helper also works under the immediate direction of the machinists' working foreman. He is engaged mainly in oiling and greasing the production machines, usually performing these duties while the machines are in operation.

The roll grinder and the roll grinder trainee.—The roll grinder grinds the mill rolls to the specific gauges necessary to reduce the aluminum coil to foil. He works to close tolerances on a specially built lathe with an attached grinder; is classified as a machinist; and, along with a journeyman machinist assigned to him for training, appears to spend almost all his time in an area, separated by a wire screen, located behind the mills.

The electricians.—The two electricians are journeymen who work under the direction of a working foreman, repairing and maintaining motors and switches used on the production machines. They spend

⁹ The machinists' working foreman and the electricians' working foreman, referred to hereinafter, have no authority to hire or discharge. They may recommend disciplinary action, promotions, and other changes in personnel status, subject, however, to independent investigation. Although they are paid at a higher hourly rate than the craft personnel with whom they work, they assign and direct work without exercising independent judgment or discretion. We find, in agreement with the parties, that these working foremen are not supervisors as defined in the Act.

¹⁰ The Employer estimates that 75 percent of their time is spent in the production area, while an employee witness testified that one machinist spends all his time in the machine shop and estimates that from 40 to 50 percent of the other machinists' time is spent away from the production floor.

about 95 percent of their time on the production floor and the remainder in an area in the northwest section of the plant at the switch gear station. In the latter section, they make repairs on electrical parts that cannot be repaired on the production floor.

The pipe fitter.—This employee, who is classified by the Employer as a machinist, cuts, threads, and installs pipe for oil circulating lines. He works under the direction of the machinists' working foreman and spends about ten percent of his time working with the machinists.

There are no other employees in the plant performing duties similar to those of the above skilled maintenance employees. Although the maintenance personnel enjoy working conditions and benefits similar to those of the production employees, they are paid, with the exception of the helper, at a substantially higher hourly rate; there is no interchange of employees between the maintenance department and the production departments; and there has been no transfer of employees.

As already mentioned, the Employer and the Intervenor contend initially that only a plant-wide unit is appropriate. They rely, in this connection, on the Board's decisions in the *Permanente* and *Reynolds (Hurricane Creek Plant)* cases.¹¹ In the *Permanente* case, the employer's operations extended from the reduction of alumina through the manufacture of finished products, in a continuous and integrated production process. The Board there denied craft severance because such operations were analogous to those in the basic steel industry and because of the history of collective bargaining in the industry on a predominantly industrial basis. In *Reynolds (Hurricane Creek Plant)*, similar factors were considered in denying craft severance in a plant engaged in the conversion of bauxite to alumina.

The instant case, however, is distinguishable on its facts from both the cited decisions. Here, the Employer is engaged *solely* in the production of aluminum foil from coil, an operation which is essentially that of a fabricator, rather than a basic processor, of aluminum.¹² Moreover, the record fails to reveal an inseparable integration of maintenance personnel and functions with those of the production group. And the history of bargaining on a plant-wide basis has been of only limited and recent duration.¹³ In view of the foregoing, and upon the entire record in the case, we find that the nature

¹¹ *The Permanente Metals Corporation*, 89 NLRB 804; *Reynolds Metals Company (Hurricane Creek Plant)*, 92 NLRB 156

¹² The Board has frequently recognized that the fabrication of commercial products is not within basic industry operations either in the steel or aluminum industry. See, e.g., *Standard Steel Spring Company*, 90 NLRB 1805; *Detroit Steel Corporation*, 90 NLRB No. 62; *Victor Metal Products Corporation*, 90 NLRB No. 144

¹³ See footnote 5, *supra*.

of the Employer's operation does not preclude the establishment of separate craft units.¹⁴

While the Employer and the Intervenor also contend that the multicraft character of the unit sought by the Petitioner renders it inappropriate, the Board has previously held that, in the absence of a controlling history of bargaining, such a unit embracing all skilled maintenance personnel may be accorded separate representation.¹⁵ However, we shall not make any final unit determination until we have first ascertained the desires of the employees concerned.

We shall direct an election in the following voting group: All skilled maintenance employees, and their helpers, at the Employer's Jackson, Tennessee, plant, including the machinists, machinists' helper, roll grinder, roll grinder trainee, pipe fitter, electricians, and machinists' and electricians' working foremen, but excluding all other employees and supervisors as defined in the Act. If a majority select the Petitioner, they will be taken to have indicated their desire to be represented in a separate appropriate unit.

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

MEMBER REYNOLDS took no part in the consideration of the above Decision and Direction of Election.

¹⁴ Cf. *Reynolds Metals Company*, 93 NLRB 721.

¹⁵ *Armstrong Cork Company*, 80 NLRB 1328; *General Electric Company, Circleville Lamp Works*, 89 NLRB 949; *Halliburton Portland Cement Company*, 91 NLRB 717; and *Aerovox Corporation*, 93 NLRB 1101.

REILLY ELECTROTYPE COMPANY, DIVISION OF ELECTROGRAPHIC CORPORATION and NEW YORK AUXILIARY UNION LOCALS NOS. 1 AND 100, INTERNATIONAL STEREOTYPERS' AND ELECTROTYPERS' UNION OF NORTH AMERICA, AFL, PETITIONER. *Case No. 2-RC-3067. May 23, 1951*

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 Eugene M. Purver, 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 Reynolds].