

WESTINGHOUSE ELECTRIC CORPORATION (LITTLE ROCK PLANT)<sup>1</sup> and LODGE 1775, INTERNATIONAL ASSOCIATION OF MACHINISTS, PETITIONER. *Case No. 32-RC-316. 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 Anthony J. Sabella, 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 Reynolds 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 labor organization(s) 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 appropriate unit:

The Petitioner seeks a unit of machine shop employees in the Employer's Little Rock, Arkansas, plant. The Petitioner would include in the unit maintenance machinists and repairmen, an electrician, the building maintenance man, and the stockroom clerk. In the alternative, the Petitioner would accept a departmental unit which, in addition to the above employees, would include a number of unskilled workers also under the supervision of the machine shop foreman. The Intervenor, International Brotherhood of Electrical Workers, AFL, and the Employer contend that neither of the units sought is appropriate.

The Employer is engaged at its Little Rock plant in the manufacture of lamps of various types, including incandescent lamps, and other kinds of electrical products. The machine shop is located near the front of the plant in a space separated by a wire fence from the production areas. There are in the plant about 800 employees, about 25 of who are assigned to the machine shop. Since 1949, the Intervenor has represented a plant-wide production and maintenance unit, including all the employees here involved; its contract with the Employer expired on April 30, 1951.

All the employees in the alternative units requested by the Petitioner are assigned to the machine shop and are under the supervision of the

<sup>1</sup> The Employer's name appears as amended at the hearing

machine shop foreman. The maintenance machinists and repairmen, 12 in number, are the highest paid employees in the plant. Their primary task is to maintain and repair the production machines. They own their own tools, which are the traditional tools of the machinists' craft, and they are required to work to close tolerances. Although the Employer does not have an apprenticeship program of its own, it only hires machinists in this classification who have previously had apprentice training or the equivalent thereof.

Also under the supervision of the machine shop foreman are an electrician, a building maintenance man, a stockroom clerk, a janitor, a matron, cullet collectors,<sup>2</sup> and sweepers. The electrician makes minor electrical repairs around the plant; the building maintenance man is responsible for other repair work and miscellaneous odd jobs; and the stockroom clerk, a factory clerical employee, takes care of the tool crib. All the other employees in the machine shop are unskilled general maintenance workers.

Although it is evident from the record before us that the maintenance machinists and repairmen are a skilled craft group of the type the Board has held entitled to separate representation despite a history of bargaining on a broader basis,<sup>3</sup> the petitioner does not limit its proposed unit to the skilled machinists but would also include the electrician, the building maintenance man, and the stockroom clerk. As this unit is not limited to a single craft and includes noncraft employees, it would not, in our opinion, be appropriate. The Petitioner's alternative request for a departmental unit would include, for the most part, unskilled general maintenance employees in classifications unrelated to the work of the machinists.<sup>4</sup> This unit, although described as a machine shop unit, is in fact a general maintenance unit of the type to which the Board has not customarily granted severance in the face of a broader bargaining history.<sup>5</sup> Accordingly, we find the departmental unit likewise inappropriate for the purposes of collective bargaining.

However, as the maintenance machinists and repairmen do constitute a skilled craft group, we find that these employees may appropriately constitute a separate unit for the purposes of collective bargaining. We shall make no final unit determination at this time, but shall be guided in part by the desires of the maintenance machin-

<sup>2</sup> These employees are general laborers who pick up scrap materials around the plant

<sup>3</sup> *Oregon Portland Cement Company*, 92 NLRB 695, *Great Lakes Spring Division of Standard Steel Spring Company*, 91 NLRB 97

<sup>4</sup> For instance in which the Board has severed a departmental unit of machine shop employees, which included a substantial nucleus of craftsmen and other employees in related work classifications, see the cases cited in footnote 3, *supra*. Cf. *The Diamond Match Company, Match Division*, 90 NLRB No 207, *Griffin Wheel Company*, 90 NLRB No 100; *International Harvester Company (Indianapolis Works)*, 82 NLRB 740, and *Knudsen Bros. Shipbuilding & Drydock Co.*, 80 NLRB 320

<sup>5</sup> *Kimberly-Clark Corporation*, 78 NLRB 478.

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.]

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ALUMINUM FOILS, INC. *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, LODGE No. 72,<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.