

In the Matter of LAYNE & BOWLER, INC., EMPLOYER and UNITED STEELWORKERS OF AMERICA, CIO, PETITIONER and LOCAL No. 66, INTERNATIONAL MOLDERS AND FOUNDRY WORKERS UNION OF NORTH AMERICA, PETITIONER

Cases Nos. 32-RC-230 and 32-RC-234.—Decided August 14, 1950

DECISION AND DIRECTION OF ELECTIONS

Upon separate petitions duly filed under Section 9 (c) of the National Labor Relations Act, a consolidated hearing was held before Vance M. Fry, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.<sup>1</sup>

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with these cases to a three-member panel [Chairman Herzog and Members Houston and Styles].

Upon the entire record in these cases the Board finds:

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

2. The labor organizations involved claim to represent employees of the Employer.

3. A question affecting commerce exists concerning the representation of the employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. United Steelworkers of America, CIO, the Petitioner in Case No. 32-RC-230, herein called the Steelworkers, contends that production and maintenance employees at the Employer's Memphis, Tennessee, plant, excluding office and clerical, technical, and professional employees, watchmen, guards, and all supervisors, constitute a single appropriate bargaining unit. The Machinists contend that employees in the machine shop, maintenance department, and the pit shop constitute an appropriate bargaining unit. Pattern Makers League of North America, Memphis Association, A. F. L., an intervenor, herein called the Pattern Makers, contends that all pattern makers and their

<sup>1</sup> After the close of the hearing, International Association of Machinists, Lodge No. 61, herein called the Machinists, an intervenor, moved to correct the transcript of the record made at the hearing in these proceedings, serving on all parties a copy of the motion. In the absence of any objection to the motion, the motion is granted. The transcript made at the hearing is deemed corrected in respect to the matters set forth in the motion.

apprentices, excluding the pattern makers' clerk and supervisors, constitute an appropriate bargaining unit. Local No. 66, International Molders & Foundry Workers Union of North America, AFL, the Petitioner in Case No. 32-RC-234, herein called the Molders, contend that employees on the Employer's foundry payroll at the plant, including all employees engaged in core making, molding, casting, and cleaning operations, constitute an appropriate bargaining unit.

The Employer is engaged in the manufacture of deep well turbine pumps, well screens, and well casings at its Memphis, Tennessee, plant. The plant operations are divided into several departments and sectors, all interrelated and coordinated for the production of the Employer's final products. These operations fall functionally within three principal groups: (1) The foundry; (2) the machine shop and pit shop; and (3) the receiving and stores and shipping departments. It seems clear that the plant-wide unit proposed by the Steelworkers is an appropriate bargaining unit for the Employer's production and maintenance employees. Since 1916, however, the Molders has bargained for the foundry employees; since 1938, the Machinists, for employees in the machine shop, maintenance department, and pit shop; and for a number of years the Pattern Makers, for pattern makers and their apprentices. It would therefore appear that these smaller groups, urged as units by the several craft organizations, may also be appropriate for bargaining purposes.

*The Molders' group:* The employees sought by the Molders are foundry employees, numbering approximately 88 and listed on the foundry payroll. They include employees engaged in core making, molding, casting, and cleaning operations. Molders and their apprentices, core makers and their apprentices, molders' and core makers' helpers, shake-outs, sand cutters, cupola crew, metal pourers, brass and aluminum melters, cleaners, shapers, grinders, sand mixers, foundry crane men, and foundry laborers are the principal classifications listed on this payroll. As noted above, the Molders has represented these employees since 1916. In 1942, however, as a result of an arbitration finding growing out of a War Labor Board proceeding, the Molders extended its traditional bargaining unit limited to the foundry employees to include certain other employees at the Employer's plant not expressly covered by the then existing Machinists' unit. Specifically, these employees added to the Molders' bargaining unit in 1942 were employees in the stores and receiving and shipping departments, who receive incoming materials, deliver materials to be processed from one department to another, store partly fabricated materials, and crate and otherwise prepare for shipment the outgoing plant products.

They include truck drivers, crane operators, clean-up men, and laborers, numbering approximately 38 employees. In the instant proceeding, the Molders contends that its traditional unit, limited to foundry employees, is appropriate for bargaining purposes and would exclude the receiving, stores, and shipping departments employees added to the foundry unit in 1942.

*The Machinists' group:* Employees in the machine shop include the highly skilled tool makers and skilled machinists with their apprentices, set-up men, and inspectors; the semiskilled machine operators, testers, assemblers, and filers; and certain unskilled workers such as clean-up men and sweepers. As vacancies occur, qualified employees in unskilled classifications advance to semiskilled classifications; testers, assemblers, and filers become machine operators; machine operators advance to machinists' apprentices; apprentices advance to machinists; and machinists advance to tool makers. Set-up men and inspectors are qualified machinists. A crane operator stationed in the machine shop is also on the machine shop payroll. The maintenance department, under machine shop supervision and closely coordinated with the machine shop, includes millwrights, millwright trainees, welders, automotive mechanics, and laborers. The maintenance department repairs equipment all over the plant and includes a garage with automotive mechanics and a washer. Millwrights and machinists work closely together. In the maintenance department and the machine shop are most of the usual machine shop tools. Employees in the pit shop, under separate immediate supervision, include welders, welder (machine) operators, machine helpers, and laborers. Employees are transferred from the pit shop to the machine shop. Material processed in one shop is transferred to the other for processing and then returned for further processing. There are approximately 102 employees in the unit sought by the Machinists.

*The Pattern Makers' group:* Pattern makers and their apprentices make patterns for use at the Employer's plant. They are six in number, and work in the separately located pattern shop under the pattern shop foreman. They constitute a traditional craft group. The Pattern Makers has represented pattern makers and their apprentices at the Employer's plant as a separate bargaining group for some time.

As noted above, the plant unit sought by the Steelworkers is appropriate for bargaining purposes. On the other hand, the separate units sought by the Molders, the Machinists, and the Pattern Makers, respectively, are essentially traditional groupings like those which, even absent bargaining history, we have found may constitute separate

units appropriate for collective bargaining purposes.<sup>2</sup> At the Employer's plant, there has been substantial bargaining in the proposed separate units. The Steelworkers, despite its desire for a single unit, and the several craft unions do not disagree with respect to the classifications of employees urged for inclusion in the several separate bargaining groups. Under these circumstances, we shall at this time, make no findings with respect to the unit or units appropriate for employees at the plant, deferring such conclusions until separate elections shall have been held among these several employee groups. We will limit the group sought by the Molders to include only all employees on the foundry payroll; the group sought by the Machinists to include all employees on the payroll of the machine shop and maintenance department and pit shop; and the group sought by the Pattern Makers to pattern makers and their apprentices, excluding the pattern maker clerk and supervisors.

The following employees constitute the respective voting groups:

1. All employees on the Employer's foundry payroll, including molders and their apprentices, core makers and their apprentices, molders' and core makers' helpers, shake-outs, sand cutters, cupola crew, metal pourers, brass and aluminum melters, cleaners, shapers, grinders, sand mixers, foundry crane men, clean-up men, foundry laborers, leader men, and hourly rated working foremen, but excluding supervisors.

2. All machine shop, maintenance department, and pit shop employees, including tool makers and machinists and their apprentices, millwrights, millwright trainees, set-up men, inspectors, saw operators, garage employees, filers, machine operators, assemblers, testers, welders, welder operators, and crane operators, but excluding supervisors.

3. All pattern makers and their apprentices, excluding the pattern maker clerk and supervisors.

4. All production and maintenance employees at the Employer's plant, including employees in the stores and receiving and shipping departments, but excluding office and clerical employees and all employees included in voting groups 1, 2, and 3, and all supervisors.

The Molders, the Machinists, and the Pattern Makers each desires to participate only in the election among employees in its proposed unit. The Steelworkers desires to participate in all elections. If a majority of employees in voting group 1, 2, or 3 cast ballots for the

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<sup>2</sup> Foundry employees: *National Farm Machinery Cooperative, Inc.*, 88 NLRB 125. Machine shop employees: *Merck & Co., Inc.*, 88 NLRB 975; *Cit-Con Oil Corporation*, 88 NLRB 623; *E. I. Dupont de Nemours & Co.*, 88 NLRB 941. Pattern makers and apprentices: *Dow Chemical Company*, 77 NLRB 328.

labor organization seeking to represent such employees in a separate bargaining unit, they will be taken to have indicated their desire to constitute a separate unit for bargaining purposes.

### DIRECTION OF ELECTIONS <sup>3</sup>

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, separate elections by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations, among the employees in respective groups described below, who were employed during the payroll period immediately preceding the date of this Direction of Elections, including employees who did not work during said payroll period because they were ill or on vacation or temporarily laid off, 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 elections, and also excluding employees on strike who are not entitled to reinstatement:

(a) Among employees in voting group 1 described in paragraph 4 above, to determine whether they desire to be represented by Local No. 66, International Molders and Foundry Workers Union of North America, or by United Steelworkers of America, CIO, for the purposes of collective bargaining, or by neither;

(b) Among employees in voting group 2 described in paragraph 4 above, to determine whether they desire to be represented by International Association of Machinists, Lodge No. 61, or by United Steelworkers of America, CIO, for the purposes of collective bargaining, or by neither;

(c) Among employees in voting group 3 described in paragraph 4 above, to determine whether they desire to be represented by Pattern Makers League of North America, Memphis Association, A. F. L., or by United Steelworkers of America, CIO, for the purposes of collective bargaining, or by neither;

(d) Among employees in voting group 4 described in paragraph 4 above, to determine whether or not they desire to be represented by United Steelworkers of America, CIO.

<sup>3</sup> Any participant in the elections directed herein may, upon prompt request to, and approval thereof by, the Regional Director, have its name removed from the ballot.