

In the Matter of ADMIRAL CORPORATION, EMPLOYER *and* INTERNATIONAL ASSOCIATION OF MACHINISTS DIE AND TOOL MAKERS LODGE No. 113, PETITIONER

Case No. 13-R-3916.—Decided March 25, 1947

Mr. Otto A. Jaburek, of Chicago, Ill., for the Employer.

Mr. J. J. Denny, of Chicago, Ill., for the Petitioner.

Mr. Joseph M. Jacobs, by *Mr. Jacob N. Gross*, of Chicago, Ill., for the Intervenor.

Mr. Warren H. Leland, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at Chicago, Illinois, on December 19, 1946, before Leon A. Rosell, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

Admiral Corporation, a Delaware corporation with its principal offices and plants in Chicago, Illinois, is engaged in the manufacture and sale of radios, radio phonographs, and other electrical equipment. We are concerned in this proceeding only with the Employer's Knox Avenue plant. During the year 1945, the Employer purchased raw materials valued in excess of \$1,000,000, of which more than 50 percent was received at its plants from points outside the State of Illinois. During the same period, the Employer sold manufactured products valued in excess of \$1,000,000, of which more than 80 percent was shipped from its plants to points outside the State of Illinois.

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

72 N. L. R. B., No. 239.

II. THE ORGANIZATIONS INVOLVED

The Petitioner is a labor organization claiming to represent employees of the Employer.

International Brotherhood of Electrical Workers, Local B-1031, herein called the Intervenor, is a labor organization affiliated with the Congress of Industrial Organizations, claiming to represent employees of the Employer.

III. THE QUESTION CONCERNING REPRESENTATION

On August 28, 1946, the Petitioner requested recognition as exclusive bargaining agent for certain of the Employer's employees, and on August 29, 1946, filed the petition in this proceeding. On October 1, 1946, the Employer and the Intervenor executed a collective bargaining agreement embracing all of the Employer's production and maintenance employees. The Employer and the Intervenor raise this contract as a bar to an election at this time. We do not agree. Since the Petitioner's representation claim was made, and its petition filed, prior to the execution of the October 1946 contract, that agreement cannot preclude a present determination of representatives.

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

IV. THE APPROPRIATE UNIT; THE DETERMINATION OF REPRESENTATIVES

The Petitioner seeks a unit comprised of employees in the Employer's tool and die and jig and fixture departments at the Knox Avenue plant, excluding office and clerical employees, and supervisory employees. Other than may be inferred from the contract contentions, hereinabove discussed, the Employer and the Intervenor did not specifically dispute the appropriateness of the unit sought.

The record reveals that the Employer employs approximately 10 workers in its tool and die department and approximately 7 workers in its jig and fixture department. Each of these departments is physically segregated from the production departments. The employees in these two departments are highly skilled and require long periods of apprenticeship in order to qualify for their positions. They do no production work and there is no interchange of personnel between them and other departments in the plant. We have frequently found that similar skilled employees constitute a sufficiently cohesive group to function as a separate appropriate unit.¹ Therefore, absent a history of collective bargaining to the contrary, we are of the opin-

¹ See *Matter of American Can Company*, 61 N. L. R. B. 1061; and *Matter of Ekco Products Company* (1-R-3302), 72 N. L. R. B. 1058

ion that the employees sought by the Petitioner may feasibly constitute a separate appropriate unit. On the other hand, it is apparent that the employees in this group may also form part of the broader plant-wide unit presently represented by the Intervenor. Under these circumstances, we believe that the determination of the proper unit should depend, in part, upon the desires of the employees themselves. We shall, therefore, make no final determination of the appropriate unit at this time, but shall direct that an election be held among the aforesaid employees to determine their desires respecting this matter. If a majority of the participating employees select the Petitioner as their bargaining representative, they will be taken to have indicated their desire to constitute a separate appropriate unit. If, however, they select the Intervenor, they will be taken to have indicated their desire to become part of the plant-wide unit currently represented by the Intervenor.

We shall direct that an election be conducted by secret ballot among the employees in the following voting group 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: all employees in the tool and die department, and jig and fixture department at the Employer's Knox Avenue plant, excluding office and clerical employees, foremen, assistant foremen, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees.

DIRECTION OF ELECTION ²

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Admiral Corporation, Chicago, Illinois, 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 Thirteenth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Sections 203.55 and 203.56, of National Labor Relations Board Rules and Regulations—Series 4, 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 those employees who have since quit or been

² Any participant in the election herein may, upon its prompt request to, and approval thereof by, the Regional Director, have its name removed from the ballot.

discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether they desire to be represented by International Association of Machinists Die and Tool Makers Lodge No. 113, or by International Brotherhood of Electrical Workers, Local B-1031, AFL, for the purposes of collective bargaining, or by neither.

CHAIRMAN HERZOG took no part in the consideration of the above Decision and Direction of Election.