

In the Matter of AMERICAN FIXTURE AND MANUFACTURING COMPANY,
EMPLOYER and FURNITURE FINISHERS LOCAL UNION 980, A. F. L.,
PETITIONER

Case No. 14-R-1754.—Decided March 1, 1948

Messrs. E. J. Scheer and A. B. Frey, of St. Louis, Mo., for the Employer.

Mr. G. W. Sisco, of St. Louis, Mo., for the Petitioner.

Messrs. W. C. Riley and Larry Connors, of St. Louis, Mo., for the Intervenor.

Mr. Henry Weinrich, of St. Louis, Mo., for the Carpenters.

DECISION
AND
ORDER

Upon a petition duly filed, hearing in this case was held at St. Louis, Missouri, on August 1, 1947, before Harry G. Carlson, 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 Board¹ makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

American Fixture and Manufacturing Company, a Missouri corporation, is engaged in the manufacture of display store fixtures at its two plants at Locust Street and at Semple Avenue, St. Louis, Missouri. The Employer's annual purchases of raw materials exceed \$1,000,000, of which approximately 75 percent represents shipments from outside the State. Its annual sales of finished products exceed \$1,000,000, of which approximately 75 percent represents shipments to points outside the State.

¹ Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members [Houston, Murdock, and Gray]

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

II. THE ORGANIZATIONS INVOLVED

The Petitioner is a labor organization affiliated with the American Federation of Labor, claiming to represent employees of the Employer.

International Association of Machinists, herein called the Intervenor, is a labor organization, claiming to represent employees of the Employer.

Carpenters District Council of St. Louis, Missouri, herein called the Carpenters, is a labor organization affiliated with the American Federation of Labor, claiming to represent employees of the Employer.

III. THE ALLEGED QUESTION CONCERNING REPRESENTATION; THE ALLEGED APPROPRIATE UNIT

The Petitioner seeks a unit composed of "all painters, fillers and sanders employed at both the Semple Avenue and Locust Street plants."² These employees have been represented for a period of 10 years by the Intervenor, which is one of a group of five unions³ with which the Employer had a joint contract at the time the petition was filed.⁴

The Employer and the Intervenor contend that the unit sought by the Petitioner is inappropriate. The employees in the unit sought are not segregated, work under foremen who supervise other operations, and do various kinds of work in departments throughout the plant under different foremen. There are no employees who do painting or sanding only, and no employees classified as fillers are employed by the Employer. The employees in question receive about the same wage rates as do other production employees. The painters possess no high degree of skill, 4 months being the maximum period to work up to a journeyman painter's wage. The number of employees within the other two classifications described in the unit is the subject of an unresolved dispute between the Petitioner and the Employer, the former claiming there are only 31, the latter that because of the

² The description of the unit was amended three times during the hearing, but was finally restored to read as in the petition.

³ The other unions are Metal Polishers, Platers and Helpers International Union No. 13, A F L, Upholsterers International Union, Local No 25, A F L.; The Carpenters; International Brotherhood of Electrical Workers, Local No 1, A F L. All five unions have dealt jointly with the Employer for the past 6 years, the first four for the past 10 years. There has been no Board determination as to the appropriate units at these plants.

⁴ The petition was filed timely, and the contract is therefore not a bar.

constant interchange of painters and other employees, the description would include over 200.⁵ Under these circumstances, we find that the unit requested by the Petitioner is undefinable, incohesive, and therefore inappropriate.

Inasmuch as we have held that the bargaining unit sought by the Petitioner is inappropriate for collective bargaining purposes, we find that no 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 National Labor Relations Act. We shall, therefore, dismiss the petition.

ORDER

Upon the basis of the foregoing findings of fact, and upon the entire record in these proceedings, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of American Fixture and Manufacturing Company, St. Louis, Missouri, filed herein by Furniture Finishers Local Union 980, A. F. L., be, and it hereby is, dismissed.

⁵ After the first amendment, and after numerous other attempts by the Petitioner more specifically to define the unit, the hearing officer addressed the Petitioner as follows: "Well, what we are interested in is who and where these people are." The entire answer of the Petitioner was: "They might be any place in the plant, they work all over the plant like a machinist does and the electricians and anyone, they seem to work in a half a dozen departments, I don't know, I wasn't in the plant, I couldn't answer that question."