

WESTERN ELECTRIC COMPANY, INCORPORATED *and* INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL *and* DIE & TOOL MAKERS LODGE NO. 113, INTERNATIONAL ASSOCIATION OF MACHINISTS, Petitioners. Cases Nos. 13-RC-3535 and 13-RC-3539. April 22, 1954

### 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 Virginia McElroy, 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 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. 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. Two major unit questions are raised in this case. The first relates to the appropriateness of a unit limited to the Employer's Hawthorne Works in Chicago. International Brotherhood of Electrical Workers, AFL, herein called the IBEW, Communication Equipment Workers, Inc., herein called the CEW, and the Employer request the continuance of a production and maintenance unit limited to the various plants and installations in the Chicago area, which together comprise the Hawthorne Works. Communications Workers of America, CIO, herein called CWA, contends that such a unit is inappropriate in scope and that these production and maintenance employees may only be represented in a single companywide production and maintenance unit embracing all of the Employer's many plants and installations throughout the country.<sup>1</sup>

The second major unit dispute arises from the request of Die & Tool Makers Lodge No. 213, International Association of Machinists, herein called the IAM, for severance from the existing production and maintenance unit at the Hawthorne Works of a specified number of categories of employees whom the IAM asserts to constitute a craft unit enjoying a distinct and separate community of interest from that of all other employees. The Employer and all the other unions involved in this proceeding oppose the severance of any employees from

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<sup>1</sup>The CWA has filed, in Case No. 2-RC-6319, a petition for an election in a single unit composed of all the Employer's production and maintenance employees throughout its widespread operations. The Regional Director administratively dismissed the petition and the CWA carried an appeal from such dismissal to the Board. For reasons hereinafter appearing in this decision, we have sustained the Regional Director's dismissal of that petition.

the remaining production and maintenance workers here involved.

A final unit question is raised by CWA as an alternative position in the event its attack upon the appropriateness of a unit limited to the Hawthorne Works is rejected by the Board. CWA asks that if an election is held at the Hawthorne Works, the draftsmen be included in the unit or, as a further alternative, that a separate election be held among the draftsmen whom CWA wishes to represent in any event. All other parties oppose the inclusion of draftsmen in a Hawthorne Works production and maintenance unit.

The Employer is engaged in the manufacture, distribution, and installation of electrical communication equipment, operating a number of plants located in various States. For administrative purposes, its manufacturing operations are divided into an eastern area and a western area. The latter consists of the Hawthorne Works involved in this proceeding and a smaller plant at St. Paul, Minnesota. The Hawthorne Works includes a large, main plant located at Cicero and Cermak Roads in Chicago, 4 relatively smaller plants in the Chicago metropolitan area known as the Clearing, Kolmar Avenue, 47th Street, and Fullerton Avenue plants, and 4 auxiliary warehouses. The Hawthorne Works is a very large and complex operation principally engaged in manufacturing central office dial telephone equipment, lead-covered cable, and non-ferrous metals, and employing about 22,846 persons, of whom about 15,289 are involved herein. It is headed by a works manager who, in turn, is assisted by a number of division heads, including 3 assistant works managers and an engineer of manufactures, who are responsible for various separate phases of its operations. Under the division heads are various plant superintendents, assistant superintendents, department chiefs, section chiefs, and group chiefs who constitute the lowest supervisory level. All hourly rated employees, irrespective of classification, enjoy substantially the same benefits and have similar working conditions, except that certain production employees work under an incentive wage plan.

From 1937 until 1943 all hourly rated employees at the Hawthorne Works have been represented by Western Electric Independent Labor Association. During the latter year, the name of the bargaining representative was changed to that of the CEW. Since that year the CEW has continuously represented these employees, the most recent contract covering them having expired on October 26, 1953, a few days before the hearing in this proceeding.

The foregoing brief facts show clearly that the Hawthorne Works is operated by the Employer as a sufficiently autonomous and separate functional entity to constitute a separate bargaining unit apart from any of the employees of the Employer located at other plants or installations. This fact, coupled with the considerable geographical separation of the

Hawthorne Works from all other plants and with the long history of bargaining on the single-works basis, unquestionably makes the continued existence of the unit appropriate now.

Although an Employerwide production and maintenance unit such as that sought by the CWA might also ultimately be appropriate (a matter which we need not now determine), it follows from the separate appropriateness of the existing Hawthorne unit that, under established principles, the Board would not merge these employees into the broader unit without first conducting a separate election to determine the desires of the Hawthorne employees themselves. And this situation is repeated elsewhere within the Employer's organization. For it appears from the information presented in Case No. 2-RC-6319<sup>2</sup> that, at the nine manufacturing division plants whose employees the CWA seeks to join with those it now represents, there is a bargaining pattern consisting of a number of separate units represented by labor organizations other than the CWA.<sup>3</sup> These units for the most part are plantwide in scope and, like the Hawthorne Works, appear to be inherently appropriate. It is clear that as to the employees in these established units also, the Board would not merge them into a broader Employerwide unit such as that asserted to be appropriate by the CWA without first conducting separate elections to permit the expression of the employees' own desires. For these reasons and apart from other considerations,<sup>4</sup> it becomes apparent that until the CWA, or some other labor organization, has itself achieved representative status in each of these lesser existing units, it will not be possible to establish a unit coextensive with the Employer's entire production and maintenance operations as alone and exclusively appropriate.<sup>5</sup> In Case No. 2-RC-6519, the Board has affirmed the Regional Director's refusal to proceed to hearing upon the CWA's petition. In the present case, the Board finds insufficient reason in the CWA's contention to deny the elections, hereinafter described, among the Hawthorne employees.<sup>6</sup>

<sup>2</sup> See footnote 1, *supra*.

<sup>3</sup> CWA presently represents about 35,000 employees, of whom approximately 17,000 hourly rated employees in the installation operation of the telephone and installation division and about 6,800 hourly rated warehouse and repair shop employees of the same division, are represented in 2 separate companywide units. CWA also represents approximately 5,000 hourly rated production and maintenance employees at 3 plants comprising the radio division, and about 5,600 similar employees, on a single-plant basis, at 6 plants within the manufacturing division. The remaining 36,000 employees are represented by different labor organizations principally in separate single-plant units at 9 plants.

<sup>4</sup> For example, the Regional Director found that there are existing contracts which would constitute effective bars to an election in some of the existing units.

<sup>5</sup> Standard & Poor's Corporation, 95 NLRB 248, at page 249; New Jersey Brewers Association, 92 NLRB 1404, at page 1407.

<sup>6</sup> CWA asserts that the hearing officer erred in denying its motion to suspend the hearing in this proceeding until after the Board has made a determination in Case No. 2-RC-6319. For the reasons stated above, we find that the hearing officer properly denied the CWA's motion.

The proposed IAM unit: Among the approximately 1,267 employees sought by the IAM there are about 327 tool and die makers, 233 machinists, 11 model makers, 341 precision machine operators, bench and machine operators, and heat treaters, 28 detail makers, 7 test set makers, 34 junior tradesmen, 103 machine tool and gauge inspectors, 1 engraver, 37 welders, and 148 trainees or apprentices. Employees in all these various classifications are to be found in each of the 4 manufacturing plants at the Hawthorne Works.

The tool and die makers are assigned to the main toolrooms and several smaller toolrooms and departments concerned with tool production and development. Others are located in production areas, such as department 1531 (miscellaneous central office apparatus), for purposes of convenience. All, irrespective of location or assignment, make and repair various types of punches, dies, jigs, fixtures, and, in some instances, gauges.

The machinists are quartered in the main machine shop and in the several machine repair and maintenance shops. Some resident machinists are stationed in the production departments although they report to their machine shop headquarters, department 5114, for matters of assignment, etc. They repair and maintain machines throughout the plant. Most of the major overhauling jobs are performed within the several shops.

Model makers are assigned to the mechanical laboratory where they perform punch, die, jig, and fixture work, similar to that of the tool and die makers, but for experimental purposes.

On occasion, some of the employees in the foregoing classifications are required to work on details or parts for special orders placed by agencies of the Federal Government or by companies affiliated with the Employer, such as Bell Telephone Laboratories. Such work in the past has been either of a "pilot" type, wherein limited quantities have been produced prior to commencement of mass-production, or of such a character that it could not be performed within the production departments. Tool and die makers, machinists, and model makers use the customary machine and hand tools of the machinists' trade, and are required to work to very close tolerances, in some instances as low as ten-thousandths. Employees within the top labor grades of these classifications must be able to work from drawings and sketches. As indicated above, most of their work is performed in the several toolrooms, machine shops, or in the mechanical laboratory.

The precision machine operators operate boring mills, die sinking machines, grinding machines, jig borers, lathes, milling machines, and planers. Together with bench and machine operators and heat treaters in the toolrooms and machine shops, they are engaged almost continuously in the performance of specialized operations requiring a high degree of skill in the use of their particular machines, performing duties such as tool cutting, grinding, and treating. There are also a

number of employees scattered throughout production departments in the Hawthorne Works, not sought by the IAM, who possess comparable skills and perform work similar to that of these employees.

Detail makers and test set makers are assigned to the mechanical laboratory where, among other duties, they exercise some of the simpler mechanical skills. Detail makers operate precision machines, performing simple or routine operations in connection with the construction of mechanical details used in the production of test sets.<sup>7</sup> They also wire panels and test sets. Test set makers, under the direction of engineers, perform duties related to the construction, wiring, and modification of test sets.

Junior tradesmen, most of whom are assigned to department 5254 (millwrights) and the remainder to several tool and mechanical maintenance shops, perform a variety of routine maintenance tasks. These employees are expected to qualify for future plant positions in trades such as millwright, carpentry, pipefitting, etc. None advances to machinist or tool and die maker positions.

The machine tool and gauge inspectors, with one exception, have their headquarters in department 5164, the inspection department. One inspector is assigned to department 5114, the electrical and machine repair and maintenance department. They inspect tools, dies, gauges, and fixtures made by the machinists and the tool and die makers, and mechanical parts obtained from outside sources, to ascertain whether such products conform to required tolerances. The Employer has other inspectors, also assigned to the inspection department and not sought by the IAM, who perform production inspection duties. None of the inspectors sought herein performs any tool and die or machinist work. Although they must be skilled in the technique of examining tools and dies for defects, it does not appear that they exercise the skills of tool and die makers, or machinists.

The engraver is assigned to department 5123, where new and replacement tools are made. Working from drawings, this employee engraves various styles and sizes of characters on metal, wood, fibrous, and rubber surfaces.

Welders, a majority of whom are assigned to the same millwrights department and the remainder to several tool and machine shops, perform all acetylene welding. Some of the employees within this category are qualified to do all types of welding work. Although some of the welders assigned to the toolrooms perform most of their work for machinists, they also perform tasks for the pipefitters and electricians.

The Employer maintains a formal training program for all its tool and die makers, machinists, and toolroom and machine shop

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<sup>7</sup> Test sets are instruments, usually electrical, that are utilized in testing products made by the Employer.

precision machine operators. Each tool and die maker and machinist apprentice is required to complete a 7,320-hour training course, including a somewhat standard course of instruction during the initial 4,000 hours, followed by advanced shop training in the employee's particular specialty, and classroom instruction in mathematics and theory. The model makers appear also to receive a similar type of training. The precision machine operators are required to complete an apprentice course consisting of only 2,520 hours of instruction, and each is taught how to operate a specific machine, such as a lathe or milling machine.<sup>8</sup> During the past 5 years, approximately 151 tool and die maker and machinist apprentices, and 34 machine shop and toolroom precision machine operators were trained. The record demonstrates that the Employer, in addition to obtaining toolmakers and machinists from its formal training school, has directly hired such employees from the outside as journeymen tool and die makers or machinists.

It is clear that the tool and die makers, machinists, and model makers sought by the IAM perform work involving a high degree of true craft skill. Although some of them work alongside, or occasionally in conjunction with, employees in other occupations, they nevertheless work primarily within the ambit of their own craft. We have recently held that employees engaged in true craft work of a distinctive character, who have been traditionally represented by the labor organization seeking their severance, as here, may constitute a separate bargaining unit.<sup>9</sup> As the tool and die makers, machinists, model makers, and their apprentices compose an identifiable, distinctive, and homogeneous craft group embracing all employees of the same type within the plant, we find that they may be severed from the existing plantwide unit, notwithstanding the fact that some of them perform production work.<sup>10</sup>

As it is evident that the precision machine operators, the bench and machine operators, the heat treaters, and their trainees are engaged in the performance of routine, repetitive operations not requiring the exercise of true craft skills,<sup>11</sup> and are not in the direct line of progression in the craft,<sup>12</sup> we shall exclude them from the machinist voting group. We shall also exclude the detail makers, test set makers, junior tradesmen, machine tool and gauge inspectors, and the engraver because it is clear that they do not exercise the skills of the tool and die maker and machinists craft.<sup>13</sup> Because a sub-

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<sup>8</sup> The training school also trains precision machine operators assigned to production departments. Unlike the formal apprentices, their period of training is limited to a few weeks, and they are not required to pass an examination for admission to the course.

<sup>9</sup> American Potash & Chemical Corporation, 107 NLRB 1418.

<sup>10</sup> Wagner Electric Corporation, 99 NLRB 815 at page 819. See, also, American Potash & Chemical Corporation, supra.

<sup>11</sup> Wagner Electric Corporation, supra; Ford Motor Company, Aircraft Engine Division, 96 NLRB 1075, at page 1082.

<sup>12</sup> American Potash & Chemical Corporation, supra.

<sup>13</sup> See Wagner Electric Corporation, supra, at page 819, and cases cited therein.

stantial number of the welders work throughout the plant with various craft groups other than toolmakers and machinists, we shall, apart from other factors, exclude them from the voting group.<sup>14</sup>

There remains for consideration the question as to whether draftsmen should be included within the plantwide unit, or in the alternative, should be accorded a separate election as requested by the CWA.

**Draftsmen:** The approximately 730 employees within this category are all paid on a salaried basis, unlike the other employees involved herein, and are assigned to the equipment engineering department and the department known as the works engineer of manufacturing department. They prepare drawings and plans, modify prints, and perform line instrument work. Draftsmen have not heretofore been represented by any labor organization.

It is clear that these employees perform work of a technical nature, and lack a substantial community of interest with the production and maintenance employees. We shall therefore adhere to Board practice and exclude the draftsmen from the plantwide voting group.<sup>15</sup> As the CWA has made no separate showing of interest among the draftsmen, we also find, without passing at this time upon the appropriateness of such a unit, that a separate election within this group is not warranted.<sup>16</sup>

Accordingly, we shall direct separate elections in the following voting groups:

(A) All tool and die makers, machinists, model makers, and their apprentices employed at the Employer's Hawthorne Works at Chicago, Illinois, excluding all bench and machine operators, boring mill, die sinking machine, grinding machine, jig borer, lathe, machine, milling machine, and planer operators, heat treaters, detail makers, test set makers, junior tradesmen, machine tool and gauge inspectors, the engraver, welders, precision machine operator trainees, all other employees, guards, and supervisors as defined in the Act.

(B) All hourly rated employees employed at the Employer's Hawthorne Works at Chicago, Illinois, including installation and merchandising employees but excluding employees in group (A), draftsmen, employees designated by the Employer as chauffeur (truck-fire apparatus); fireman, watch and fire service; fireman, watch and fire service (utility); guard; guard (patrol-automobile); sergeant (guard); and all supervisors as defined in the Act.<sup>17</sup>

<sup>14</sup>International Paper Company, 96 NLRB 295 at pages 297-298.

<sup>15</sup>National Cash Register Company, 95 NLRB 27, at pages 30-31, and cases cited therein.

<sup>16</sup>R. J. Reynolds Tobacco Company, 88 NLRB 600; Jax Beer Company of Houston, Texas, 89 NLRB 1233.

<sup>17</sup>The description of this voting group is substantially that of the production and maintenance unit now represented by the CEW, as shown by the record description of the bargaining history and by the unit description appearing in the most recent contract

As one of the factors supporting the appropriateness of separate representation for voting group (A) is that the petitioner seeking to represent this group is a labor organization which traditionally represents such employees (the IAM), we shall provide that if a majority of the employees in this group select the union seeking to represent them separately, they will be taken to have indicated their desire to constitute a separate bargaining unit, and the Regional Director conducting the election is instructed to issue a certification of representatives to such labor organization for such unit which the Board, in such circumstances, finds to be appropriate for purposes of collective bargaining. On the other hand, if a majority of the employees in voting group (A) do not vote for the union which is seeking to represent them in a separate unit, that group will be included in the plantwide unit and their votes shall be pooled with those in voting group (B),<sup>18</sup> and the Regional Director conducting the election is instructed to issue a certification of representatives to the labor organization selected by a majority of the employees in the pooled group which the Board, in such circumstances, finds to be a single unit appropriate for purposes of collective bargaining.

[Text of Direction of Elections omitted from publication.]

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<sup>18</sup> American Potash & Chemical Corporation, 107 NLRB 1418, sets out the full language of the new way of counting.

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GERBER PLASTIC COMPANY *and* UNITED GAS, COKE & CHEMICAL WORKERS OF AMERICA, CIO, Petitioner. Case No. 14-RC-2487. April 22, 1954.

### 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 Joseph H. Solien, 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 this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.
2. The labor organization involved claims 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 parties generally agree that a unit of all production, maintenance, and warehouse employees at the Employer's