

head nurses, and supervisors as defined in the Act, constitute a unit appropriate for purposes of collective bargaining within the meaning of Section 9 (b) of the Act.⁵

[Text of Direction of Election omitted from publication.]

⁵We hereby grant the Petitioner's motion, referred to the Board by the hearing officer, to amend its petition in order that the unit appear as stipulated to by the parties at the hearing.

A. P. CONTROLS CORPORATION *and* TOOL AND DIE MAKERS LODGE NO. 78, INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL, Petitioner. Case No. 13-RC-3577. April 29, 1954

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 Joseph Cohen, 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. The appropriate unit.

The Petitioner seeks to sever a unit of toolroom and model-shop employees from an existing production and maintenance unit at the Employer's plant in Milwaukee, Wisconsin, on the ground that the employees in the requested unit are craftsmen. Alternatively, the Petitioner urges that severance of these employees should be granted because they form a functionally distinct and separate departmental group. The Intervenor, Amalgamated Local 806, International Union, United Automobile Workers of America, AFL, and the Employer oppose the severance of the requested unit for the reasons that (1) only a production and maintenance group is appropriate in view of the extended history of bargaining on a broader basis between the Intervenor and the Employer, (2) the unit involved lacks the characteristics of a true craft, and (3) a high degree of integration exists in the plant which militates against any departmental severance.

The Employer is engaged in the manufacture of heating and refrigeration control equipment at its Milwaukee plant. In 1942, the Intervenor was certified as the bargaining representative of

the Employer's production and maintenance employees, including the toolroom and model-shop employees here sought by the Petitioner. Since 1942, the Intervenor and the Employer have executed successive contracts covering these approximately 740 employees, the latest of which was executed on November 27, 1950, for a 3-year period and is not asserted as a bar to this proceeding.

A. Toolroom: In its main plant the Employer maintains a toolroom separated from the production area by a wire netting. The toolroom is considered an independent department. There are 12 tool, die, and gauge makers "A", 1 tool, die, and gauge maker "B", 2 tool grinders, 1 refrigeration maintenance machinist, and 1 maintenance man helper.

The specific duties of the toolroom employees are as follows: One toolmaker "A" makes tools and dies; 5 toolmakers "A" make holding fixtures for assemblies, as well as clamps; 2 others do machinist work on the simpler fixtures; 1 performs most of the precision grinding on tools; 2 others are engaged in repairing machines on the production floor which require tooling work; and 1 does tool and cutter grinding. The toolmaker "B" performs mostly machine work. In the course of their duties, these employees, like those in the model shop, work on models which may be sold as finished products. The refrigeration maintenance machinist makes minor repairs of production machines, changes belts, and makes adjustments. The maintenance man helper runs a cut-off saw primarily but also spends some time in cleaning up metal chips from around the machines in the toolroom. Like the model-shop employees, the toolroom personnel operate such machines as drill presses, lathes, milling machines, and grinders.

The Employer does not now maintain an apprenticeship program for its toolroom employees. However, such a program was in operation until the termination of World War II, and at least 2 of the toolroom employees are graduates of it. The Employer acknowledged that 4 to 5 years of experience was necessary to become qualified as a toolmaker "A", 2 to 3 years to qualify as a toolmaker "B", and 1 to 2 years to qualify as a toolmaker "C". Moreover, it takes from 3 to 4 years for tool grinders in the toolroom to become proficient. However, the refrigeration maintenance machinist requires only 1 year of experience to become proficient and is considered at the top of the unskilled grade, while the maintenance man helper can attain proficiency at his job in 30 days. The Employer indicated that it has hired tool makers and grinders from the outside and that they already possessed the essential skills for their classifications at the time of their hire.

The record discloses that the toolroom employees are listed on a separate departmental payroll and are separately supervised. With few exceptions, these employees receive comparatively higher rates of pay than the production employees,

and, unlike the production workers, who receive a base rate of pay and incentive bonuses, the toolroom employees receive a flat hourly rate which is not enhanced by incentive increases. The record further discloses that there has been no interchange between the toolroom and the production employees for the past several years and that toolroom employees, when they are required to perform repair work on the production floor, remain under the supervision of the toolroom foreman. On the whole, the toolroom employees spend the vast majority of their time in the toolroom.

In connection with its contentions that the requested unit is not a true craft, and that its operations are so integrated as to preclude severance on a departmental basis, the Employer points out that production work is performed by production workers in the toolroom, that carpenters on the production floor make jigs and fixtures similar to those fabricated in the toolroom, and that some production employees perform the same duties as the toolroom workers. In each case in which production work was performed in the toolroom by a production employee, it appears that the reason therefor was that the requisite machinery was not available in the production area. Moreover, in each case the production employee was at all times under the supervision of the production foreman while in the toolroom, and this employee returned to the production floor after the completion of his work. With regard to the fabrication of jigs and fixtures by the carpenters, the record reveals that they make wooden clamps and holds for production machines, but these are of a simpler nature than those made by the toolroom employees. Finally, with respect to the similarity of work performed by the production and toolroom employees, the Employer stated that production grinders, lathe operators, drill press operators, and milling machine operators perform the same operations as their counterparts in the toolroom. However, the enumerated classifications of production workers expend their services on production products, do work of a repetitive nature, and operate but one machine in the performance of their duties. On the other hand, the toolroom employees operate several machines in the course of fabricating and repairing tools and dies, duties which are not repetitive in character. Moreover, there is no evidence that the production workers have acquired the requisite experience to qualify as toolmakers, or that their skills are the same generally as the toolmakers.

The Employer also retains refrigeration maintenance men and maintenance man helpers in the maintenance department whom the Petitioner seemingly would include in the unit. While it does not appear that the duties or skills of these employees differ from those of their counterparts in the toolroom, both groups of employees are under the supervision of the maintenance and toolroom foremen, respectively. Moreover, the Employer has a tool grinder employed in a department

other than the toolroom or model shop whose experience and skill apparently coincide with those of the tool grinders in the toolroom. In its brief, the Petitioner apparently indicated that it desired to include this individual in the requested unit.

B. Model Shop: The model shop is located on the second floor of a building adjacent to the main plant which houses the toolroom, and is completely enclosed from other operations by a brick wall. Like the toolroom, the model shop is treated as a separate department and employes 6 tool, die, and gauge makers "A" and 3 "B".

The model shop fabricates original models of the Employer's product on the basis of drawings or sketches made up by the engineering department. When the new models are found to be satisfactory, they are thereafter made by the production department. In addition to making original models, the model-shop employees also revise current models or modify parts for them.

The 6 toolmakers "A" in the model shop make the models of the various production parts, perform their own stamping by using brakes, and also do their own drill press work. The 3 toolmakers "B" operate the model-shop machines, consisting of drill presses, lathes, and milling machines. Like the toolroom personnel, the model-shop employees receive a comparatively higher rate of pay than the production workers, receive no incentive bonuses, and perform no repetitive work. Moreover, the same length of time is required for the model-shop employees to achieve proficiency in their job classifications as is required for the toolroom employees. Furthermore, the model-shop employees are separately supervised, appear on a separate departmental payroll, do not interchange with employees in the production area, and perform all their work in the model shop. While the Employer contends that certain production sheet metal workers perform sheet metal forming duties which are also performed by the model-shop employees, it concedes that this work constitutes but a minor part of the latter's duties.

In American Potash & Chemical Corporation,¹ the Board announced that henceforth craft severance would be permitted only where the requested unit constituted a true craft consisting of a distinct and homogeneous group of skilled journeymen craftsmen, working as such, and their apprentices and/or helpers, and the petitioning union traditionally and historically represented the craft whose severance was sought. However, the Board also announced that severance on a departmental basis might be granted where it appeared that the departmental group was functionally distinct and separate, and the petitioning union traditionally devoted itself to serving the special interests of the employees involved.

While the Employer has treated the toolroom and model shop as separate departments for administrative purposes,

¹107 NLRB 1418.

the record reveals that both groups of employees are engaged in closely related functions. As indicated above, the same classifications of tool, die, and gauge makers exist in the toolroom as in the model shop. The skills of both groups of employees are substantially the same. They are paid on a different basis than the production employees and are separately supervised. In view of the foregoing, we find that the toolroom and model-shop employees, including the less skilled helpers and maintenance men, comprise a functionally distinct and homogeneous departmental group who may, if they so desire, constitute a separate appropriate unit. As the Petitioner is a labor organization which has traditionally served the special interests of such employees, we shall permit the toolroom and model-shop employees to determine whether they desire to be represented separately by the Petitioner.

We shall therefore direct an election at this time among the employees in the Employer's Milwaukee, Wisconsin, plant, within the following voting group:

All toolroom and model-shop employees, excluding office clerical employees, professional employees, all other employees, guards, and all supervisors as defined in the Act.

If a majority vote for the Petitioner they will be taken to have indicated their desire to constitute a separate appropriate unit, and the Regional Director conducting the election directed herein is instructed to issue a certification of representatives to the Petitioner for the unit herein found appropriate, which the Board, under such circumstances, finds to be appropriate for the purposes of collective bargaining. In the event a majority vote for the Intervenor, the Board finds the existing unit to be appropriate and the Regional Director will issue a certification of results of election to such effect.

[Text of Direction of Election omitted from publication.]

Member Murdock dissenting:

For the reasons stated in my separate opinion in the Potash case, I cannot concur in the majority's decision which would permit the severance of a unit of toolroom and model-shop employees on the ground that they constitute a traditional departmental group. Rather, I would adhere to the policy governing craft and departmental severance as set forth in Westinghouse Electric Corporation,² a policy which, in my opinion, properly accords representation on a craft basis precedence over representation departmentally. I would therefore grant severance in this case solely on a craft basis by restricting the voting group to all members of the same craft in the toolroom, model shop, and the remainder of the plant,

²101 NLRB 441.

along with their regularly assigned helpers and apprentices, but exclusive of all lesser skills.

In the instant case, the Employer maintains a model shop which consists of employees who are exclusively craftsmen. In addition, the Employer has a separate toolroom which contains a substantial nucleus of craftsmen of the same type as those in the model shop, as well as certain unskilled classifications. A tool grinder, who possesses and utilizes the same craft skills as the craftsmen in the toolroom and model shop, is employed elsewhere in the plant. My colleagues would accord separate representation to the toolroom and model-shop employees, some of whom are neither craftsmen nor in the direct line of progression in the craft, while at the same time they would deny craft representation to the outside tool grinder whose duties, skills, and interests are certainly more closely allied with those of the craftsmen in the toolroom and model shop than with those of the unskilled toolroom employees or of any other group of employees in the plant. In so doing, I believe the majority has again chosen to ignore the basic reason underlying the craft severance principle which they themselves explicated in Potash as follows: "that the specific community of interests among members of a skilled craft outweighs the community of interests among employees in general, and that the very reason for the birth and growth of craft unions lies in the needs of the skilled craftsmen for a bargaining representative which by history, tradition, and experience, would be better equipped to devote its efforts to the special problems peculiar to the specific craft involved, and thereby be in the best position to serve and advance their interests." As I stated in Potash, this was the very reason upon which the Westinghouse doctrine was predicated. In my opinion, that doctrine is still a salutary one. I would apply it in this case.

REIN COMPANY *and* HOUSTON PRINTING PRESSMEN & ASSISTANTS' UNION NO. 71, INTERNATIONAL PRINTING PRESSMEN & ASSISTANTS' UNION OF NORTH AMERICA, AFL, Petitioner. Case No. 39-RC-728. April 29, 1954

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 Wilton Waldrop, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

¹At the hearing the Petitioner objected to the intervention of Local 49, Amalgamated Lithographers of America, CIO, hereinafter called the Intervenor, on the ground that there was no adequate showing of interest. In addition, the Employer, in its brief, requested the