

In the Matter of LANDIS TOOL COMPANY *and* INTERNATIONAL UNION,  
UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA (UAW-CIO)

In the Matter of LANDIS TOOL COMPANY *and* PATTERN MAKERS' LEAGUE  
OF NORTH AMERICA, A. F. L.

*Cases Nos. 6-R-1285 and 6-R-1309, respectively.—Decided February  
20, 1946*

*Mr. L. R. Rice*, of Martinsburg, W. Va., for the Company.

*Mr. Paul Silver*, of Detroit, Mich., for the U. A. W.-CIO.

*Mr. George Q. Lynch*, of Washington, D. C., for the Pattern Makers.

*Mr. Jerome J. Dick*, of counsel to the Board.

## DECISION

AND

## DIRECTION OF ELECTIONS

### STATEMENT OF THE CASE

Upon petitions duly filed by Pattern Makers' League of North America, A. F. L., herein called the Pattern Makers, and International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO), herein called the U. A. W.-C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of Landis Tool Company, Waynesboro, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Joseph Lepie, Trial Examiner. The hearing was held at Waynesboro, Pennsylvania, on December 21, 1945. The Company, the Pattern Makers, and the U. A. W.-C. I. O. appeared and participated. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

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Upon the entire record in the case, the Board makes the following:

## FINDINGS OF FACT

### I. THE BUSINESS OF THE COMPANY

Landis Tool Company, a Pennsylvania corporation, is engaged in the manufacture, sale, and distribution of machine tools at its Waynesboro plant. During the year 1945, the Company purchased raw materials valued in excess of \$1,000,000, of which approximately 80 percent was shipped to its Waynesboro plant from points outside the Commonwealth of Pennsylvania. During the same period the Company manufactured finished products valued in excess of \$1,000,000, of which approximately 80 percent was shipped from its Waynesboro plant to points outside the Commonwealth of Pennsylvania.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

### II. THE ORGANIZATIONS INVOLVED

Pattern Makers' League of North America is a labor organization, affiliated with the American Federation of Labor, admitting to membership employees of the Company.

International Union, United Automobile, Aircraft and Agricultural Implement Workers of America is a labor organization, affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

### III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Pattern Makers or the U. A. W.-C. I. O. as the exclusive bargaining representative of any of its employees until the Unions have been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Pattern Makers and the U. A. W.-C. I. O. each represents a substantial number of employees in the unit which each contends to be appropriate.<sup>1</sup>

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

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<sup>1</sup> The Board agent reported that the Pattern Makers submitted 14 cards, bearing the names of 14 employees listed on the Company's pay roll, and that there are approximately 15 employees in the claimed appropriate unit. He further reported that the U A W - C I O. submitted 299 cards, bearing the names of 299 employees listed on the Company's pay roll. There are approximately 600 employees in the unit alleged to be appropriate by the U A W - C. I. O.

## IV. THE APPROPRIATE UNIT; THE DETERMINATION OF REPRESENTATIVES

The U. A. W.-C. I. O. claims as appropriate a unit composed of all production and maintenance employees, including shop clerical employees, inspectors, timekeepers, and janitors, but excluding office clericals, technical employees, and supervisory employees. The Pattern Makers desires a unit composed of all pattern makers and pattern maker apprentices, excluding supervisory employees. The Company takes a neutral position with respect to the appropriate unit or units. The U. A. W.-C. I. O. would include the pattern makers within its requested unit, but stated at the hearing that it raised no objection to an election among the pattern makers and desired to appear on the ballot.

The Company employs approximately 15 pattern makers. The pattern shop, which is housed in a separate unit in one of the Company's buildings, is physically segregated from all other plant departments. The pattern makers are under separate supervision and their work is confined solely to pattern making. There is no interchange between the pattern makers and other company employees. The record discloses no previous history of collective bargaining at the plant. Under the circumstances, including the fact that pattern makers have a substantial interest in a well recognized craft, we are of the opinion, and find, that the pattern makers as a group could properly function as a separate bargaining unit, or as part of a plant-wide unit.<sup>2</sup> Accordingly, our determination of the appropriate unit or units will depend in part upon the desires of the employees themselves, to be expressed in the elections hereinafter directed.

We shall direct that the question concerning representation which has arisen be resolved by separate elections by secret ballot among employees in the following groups, excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, 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 :

- (1) All pattern makers and pattern maker apprentices;
- (2) All remaining production and maintenance employees, including shop clerical employees, inspectors, timekeepers, and janitors, but excluding office clericals and technical employees.

## DIRECTION OF ELECTIONS

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act,

<sup>2</sup> See *Jeffrey Manufacturing Company*, 58 N. L. R. B. 1129

and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Landis Tool Company, elections 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 Sixth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the voting groups described 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 discharged for cause and have not been rehired or reinstated prior to the date of the elections (1) to determine whether the employees described in voting group 1 of Section IV desire to be represented by Pattern Makers' League of North America, A. F. L., or by International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, U. A. W.-C. I. O., for the purposes of collective bargaining, or by neither; (2) to determine whether or not the employees described in voting group 2 of Section IV desire to be represented by International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, U. A. W.-C. I. O., for the purposes of collective bargaining.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Elections.