

In the Matter of YORK CORPORATION, EMPLOYER *and* PATTERN
MAKERS' LEAGUE OF N. A., AFL, PETITIONER

Case No. 4-R-2247.—Decided July 31, 1947

Mr. William F. Howe, of Washington, D. C., and *Mr. Marion F. Dick*, of York, Pa., for the Employer.

Messrs. George Q. Lynch and *Ely J. Oakley*, of Washington, D. C., for the Petitioner.

Mr. Judson E. Ruch, of York, Pa., for the Intervenor.

Mr. Henry W. de Kozmian, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at York, Pennsylvania, on January 24, 1947, before John H. Garver, 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

York Corporation is a Delaware corporation engaged in the manufacture of refrigeration and air conditioning machinery at its Grantley plant in York, Pennsylvania, which is solely involved in this proceeding. During the year ending September 30, 1946, the Employer purchased raw materials valued at approximately \$10,551,000, more than 90 percent of which was shipped to the Employer from points outside the Commonwealth of Pennsylvania. During the same period the Employer sold finished products valued at approximately \$32,000,000, approximately 80 percent of which was shipped to points outside the Commonwealth of Pennsylvania.

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.

Ice Machinery Independent Employees Association, herein called the Intervenor, is an unaffiliated labor organization, claiming to represent employees of the Employer.

III. THE QUESTION CONCERNING REPRESENTATION

The Employer refuses to recognize the Petitioner as the exclusive bargaining representative of employees of the Employer until the Petitioner has been certified by the Board in an appropriate unit.

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 consisting of all pattern makers and apprentices at the Employer's Grantley plant. The Employer and the Intervenor contend that the unit sought by the Petitioner is inappropriate and that the petition should be dismissed.

The Employer's pattern makers work in the pattern department under separate supervision. They are centralized and enjoy a degree of physical segregation from the Employer's remaining employees. They perform the conventional duties of pattern makers, generally. As such, they constitute a traditional and recognized craft group.

Evidence was adduced at the hearing indicating that the Petitioner represents pattern makers in separate units at the plants of many other employers in York, Pennsylvania, as well as in the industry involved.

The Employer and the Intervenor, in support of their contention that the unit sought is inappropriate, rely particularly on a previous decision by the Board in 1945 where it was held that, because of the prior history of collective bargaining on a plant-wide basis, the pattern makers would not be offered an opportunity to express their desires as to representation in a separate unit.¹ Our decision in that case was primarily based upon the recency of the pattern makers'

¹ *Matter of York Corporation*, 61 N. L. R. B. 462.

membership in the Petitioner and their prior participation in the history of collective bargaining on a plant-wide basis. The Employer's pattern makers have, however, retained their *membership* in the Petitioner since the 1945 proceeding, and thus it can no longer be said that their desire to be represented in a separate unit is but a temporary matter. Inasmuch as the Intervenor was certified as a result of the 1945 proceeding, it necessarily continued to represent the pattern makers in the plant-wide unit for which it was certified. This fact, a consequence of our 1945 decision, should not now be invoked to deny the right of craft severance to the Employer's pattern makers if other factors justifying craft severance are present.

Considering that the Employer's pattern makers constitute a traditional and well-defined craft, that such craft units are customary in the industry involved, and that the Employer's pattern makers have never had an opportunity to express their desires as to representation in a separate unit, we believe they should now be afforded that opportunity.² Hence, we shall not make a final determination as to the appropriate unit at this time. Such determination will depend, in part, upon the desires of the pattern makers as reflected by the results of the election we shall direct among them. If they choose the Petitioner they will be taken to have indicated a desire to be represented in a separate unit. If, on the other hand, they choose the Intervenor, they will be taken to have indicated a desire to continue to be represented in the plant-wide unit in which the Intervenor was certified in 1945.

There remains for consideration the composition of the voting group. The parties agree generally that if a separate unit for pattern makers would be appropriate, it would consist of all pattern makers and apprentices, including the pattern checker, but excluding pattern storage men, the flask maker, the clerk, and all supervisory employees. There is disagreement, however, as to pattern repair men and pattern maker trainees whom the Petitioner would include, but whom the Employer and the Intervenor would exclude.

Pattern repair men: These employees, three in number, are charged with repairing patterns which may be injured or damaged. While their duties require less skill than those of journeymen pattern makers, their work is closely integrated and related with that of the pattern makers. Accordingly, we shall include pattern repair men in the voting group.

Pattern maker trainees: These employees, two in number, are employed as trainees under the G. I. Bill of Rights. At the end of a

² *Matter of National Aulhne Division, Allied Chemical and Dye Corporation*, 71 N. L. R. B. 1217

year, if qualified, they will become pattern makers' apprentices. Accordingly, we shall include the pattern maker trainees in the voting group.³

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among all pattern makers and apprentices at the Employer's Grantley plant in York, Pennsylvania, including the pattern checker, pattern repair men, and pattern maker trainees, but excluding pattern storage men, the flask maker, the clerk, and all supervisory employees, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION ⁴

As part of the investigation to ascertain representatives for the purposes of collective bargaining with York Corporation, York, Pennsylvania, 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 Fourth 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 voting group 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 election, to determine whether they desire to be represented by Pattern Makers' League of N. A., AFL, or by Ice Machinery Independent Employees Association, for the purposes of collective bargaining, or by neither.

³ *Matter of Gullett Gin Co*, 72 N L R B 1101

⁴ 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