

the welders herein involved are exercising true craft skills which would warrant their severance from the existing production and maintenance unit, and we therefore deny their unit request with respect to these employees.

Moreover, there is nothing in the record, we find, to indicate that any of the foregoing inappropriate units requested by the Petitioner is rendered appropriate by combination with any other of such units. Accordingly, we shall dismiss the petition.

[The Board dismissed the petition.]

AMERICAN CYANAMID COMPANY, ORGANIC CHEMICALS DIVISION¹ and DISTRICT #61, INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL, PETITIONER. *Cases Nos. 4-RC-2272 through 4-RC-2292. September 29, 1954*

Decision, Order, 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 Eugene M. Levine, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.²

Upon the entire record in this case, the Board finds:³

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. Questions affecting commerce exist concerning 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 Petitioner seeks to sever from an existing production and maintenance unit at the Employer's Bound Brook, New Jersey, plant,

¹ The name of the Employer appears as amended at the hearing.

² At the hearing the Petitioner amended the petitions in Cases Nos. 4-RC-2272 and 4-RC-2282 to include the employees which were the subject of the petitions in Cases Nos. 4-RC-2289 and 4-RC-2292, and moved that it be permitted to withdraw the latter two petitions. The motion is hereby granted.

The hearing officer referred to the Board a motion by the Intervenor to dismiss the petitions on the ground that the Petitioner's ultimate purpose is to establish itself as the representative of the maintenance department employees. The Intervenor relies on *Mills Industries, Incorporated*, 108 NLRB 282. However, in that case, the Board held that the Petitioner was attempting to utilize the Board's craft severance doctrine to *reestablish* itself as the representative of a production and maintenance unit which it formerly represented, rather than to establish itself as a craft representative. Here, no such situation is present. The Petitioner at no time in the past represented these employees on any basis. We therefore regard the facts relied on by the Intervenor as irrelevant to our determination, and deny the motion.

³ The Petitioner's request for oral argument is denied because the record and the briefs adequately present the issues and the positions of the parties. In denying the Petitioner's request for oral argument, the Board did not rely on the Intervenor's reply brief, which the Petitioner moved to strike as improper under the Board's Rules and Regulations.

18 separate craft units, and the employees in the powerhouse department, including in each craft unit, helpers and apprentices. At the hearing, the Petitioner made alternative requests to represent the employees involved in a single maintenance unit, with or without the powerhouse employees, or to represent in a residual unit any employees or helpers who may not be severed as craftsmen. The Employer and Local 111, International Chemical Workers Union, AFL, Intervenor herein, contend that the requested units are inappropriate, and that only the plantwide production and maintenance unit currently represented by the Intervenor is appropriate. The current contract between the Intervenor and the Employer is not urged as a bar to this proceeding.

The Employer is engaged in the manufacture and sale of chemicals and chemical products. About 2,500 different products are manufactured at its Bound Brook plant. Of the approximately 3,900 employees at the plant, about 1,500 are hourly paid production employees and approximately 600 are maintenance employees. The complete Bound Brook installation covers an area of about 555 acres. The main production facilities are located on a 175-acre tract on which there are about 48 major buildings. The production facilities are divided into eight areas, according to production functions. Supervision of the employees in question is vested in a superintendent of maintenance and construction, and three of his immediate subordinates. These subordinates are the superintendent of construction, under whom approximately 130 maintenance men work; the superintendent of area maintenance, who supervises approximately 270 maintenance men assigned to the 8 production areas and a ninth maintenance group; and the superintendent of central maintenance, wherein most of the remaining maintenance employees work. The employees assigned to central maintenance work 55 percent of the time in central maintenance, and 45 percent of the time throughout the 9 areas. There are also various categories of maintenance employees working in the plastics department, and in the research and development department, under maintenance supervisors who report to the respective department heads.

Machinists

The Petitioner requests a unit of all machinists, toolroom mechanics, toolroom attendants, tooldressers, their helpers and apprentices, and the metalizer. There are approximately 10 machinists and 2 apprentices. The machinists perform a wide range of machining operations in the maintenance and repair of tools and equipment. The Employer maintains a formal apprenticeship program for machinists, and requires 4 years' experience for progression to machinist. The toolroom mechanics make tools, dies, and fixtures for use by the machinists and other maintenance employees. The machining opera-

tions which their duties require, involve somewhat closer tolerances than those performed by the machinists. The Employer requires 4 years of prior experience for its toolroom mechanics. The metalizer repairs tools and equipment by a process which involves spraying the parts with molten metal, and reshaping them by machining to the proper dimensions. The Employer and the Intervenor do not dispute the craft status of the machinists, toolroom mechanics, and the metalizer, but urge that the unit requested is inappropriate, because it constitutes a multicraft grouping. We find no merit in this contention. These employees work under the same supervisor, the machine shop foreman, and perform closely related functions involving the skills of the machinist craft. As their duties regularly require the exercise of their craft skills, and they are sought by a labor organization which historically and traditionally represents them, we find that the machinists and their apprentices, the toolroom mechanics, and the metalizer may constitute a separate appropriate unit if they so desire.⁴

The tooldresser grinds and sharpens tools. Although this work requires some proficiency, it is considerably less skilled than that of the toolroom mechanics. Moreover, tooldressers are not in the line of progression of any craft. The toolroom attendant maintains the inventory of tools and dispenses tools, and needs only a few months' experience to perform this work. We therefore exclude the tooldresser and toolroom attendants from the craft unit of machinists found appropriate herein.

Instrument Mechanics

The Employer's instrument mechanics are responsible for the installation and maintenance of a great variety of measuring instruments, ranging from simple thermometers to delicate electronic devices. The variety and complexity of the instruments involved in the Employer's operations appear to require the nonrepetitive exercise of precision skills by these employees. There is a 4-year apprenticeship program for instrument mechanics. In these circumstances, we find that the Employer's instrument mechanics are craft employees.⁵ As they are sought by a union which historically and traditionally represents this type of employee, they may constitute a separate appropriate unit, if they so desire.

Scale Mechanics

The Employer employs five first-class scale mechanics, who work out of the central maintenance group. They are responsible for all maintenance and repair of scales throughout the plant, and perform no other work. The Employer maintains a 4-year apprenticeship

⁴ We also include the machinist located in the plastics department, for although his duties are not described in detail in the record, his duties and craft skills are apparently the same as those of the machinists discussed.

⁵ *The General Tire and Rubber Company*, 106 NLRB 246.

program for its scale mechanics. As the duties and functions of the scale mechanics involve the performance and use of the skills for which they are trained, we conclude that the scale mechanics are craft employees. As they are sought by a union which has historically and traditionally represented this type of employee, they may constitute a separate appropriate unit if they so desire.

Millwrights

The Petitioner requests a separate unit of all millwrights, boiler-makers, and their apprentices and helpers. There are approximately 25 millwrights, and about 11 millwright apprentices in a 4-year apprenticeship program. It is clear from the record that the millwrights possess and exercise the skills of journeymen craftsmen in performing the usual functions of their craft. As they are sought by a union which historically and traditionally represents them, we find that the millwrights and their apprentices may constitute a separate appropriate unit, if they so desire.

The 1 boilermaker employed spends about 40 percent of his time performing millwright work. There are no boilermaker apprentices. The boilermaker does not possess the skills of a journeyman millwright, nor does he perform all of the duties performed by the millwrights. He is not in the line of progression to the millwright craft. The boilermaker may not, therefore, be included in the craft unit of millwrights.

The Employer contends that because of the existence outside the millwright group of the boilermaker and other employees known as "area mechanics," who also perform some millwright work, the unit of millwrights may not be appropriate because it encompasses only a segment of those employees exercising millwright skills. The area mechanics perform pipefitting work approximately 55 percent of the time, millwright work about 35 percent of the time, and various types of rough maintenance work during the remaining time. The area mechanics possess and utilize a number of the skills of both the pipefitter and millwright craft, but it is undisputed that they do not possess sufficient skills to qualify as journeymen craftsmen in either classification. There is no apprenticeship program for area mechanics, and they are not in line of progression to the millwright craft, or to any other craft. In view of these factors, we will not include the area mechanics in the millwright group. As the boilermaker and the area mechanics do not possess journeymen millwright skills, and spend a minor portion of their time performing millwright work, their existence outside the millwright unit does not preclude severance of the millwright craft unit.

Pipecoverers, Truck and Auto Mechanics, Oilers, Riggers, and Transitmen

The Petitioner seeks separate craft units of pipecoverers, truck and auto mechanics, oilers, riggers, and transitmen.

The 10 pipecoverers apply various types of insulation to pipes and boilers. There is no indication that the work requires skills of a craft nature, and there is no apprenticeship program for pipecoverers. Employees have been advanced to pipecoverer as needed after 3 or 4 years of working as general helpers with various categories of maintenance employees. The truck and auto mechanics work in a garage located in the central maintenance shop, and are engaged generally in the maintenance and repair of the Employer's automotive equipment, diesel combustion engines, cranes, and similar equipment. The approximately 12 oilers lubricate production equipment according to a prearranged schedule, using about 20 different lubricants. Their duties require no special skills, and the experience necessary to perform their work can be gained in about 1 month. The riggers perform the usual functions of their classification in both maintenance and construction work. The Employer indicates that an employee can become an acceptable rigger in about 1 year, without previous experience, and there is no apprenticeship program for riggers. The Employer has 1 transitman, 1 junior transitman, and 1 rod- and chainman. These three employees work together in making field measurements and surveying sites for prospective construction projects. There is no apprenticeship program for these employees, and no systematic progression from one class to another. It requires about 18 months of experience to become a transitman, about 1 year to qualify as a junior transitman, and 3 months to become a rod- and chainman. On the basis of the foregoing and the record as a whole, we conclude that the pipecoverers,⁶ oilers, riggers,⁷ transitman,⁸ and truck and auto mechanics⁹ are not craft employees of the type deemed severable by the Board under its established policy.

Blacksmiths

The Petitioner also requests a craft unit of all blacksmiths and their helpers and apprentices. The Employer has only one blacksmith, and there is no blacksmith apprenticeship program. The black-

⁶ *The General Tire and Rubber Company*, 106 NLRB 246.

⁷ *American Potash & Chemical Corp.*, 107 NLRB 1418.

⁸ *Appalachian Electric Power Co.*, 91 NLRB 1376, 1378.

⁹ *Gulf Oil Corporation*, 108 NLRB 162; *Pennsylvania Greyhound Lines, Inc.*, 107 NLRB 1621. Although there is an apprenticeship program for truck and auto mechanics the Board has not regarded that fact as sufficient to support a craft finding for these classifications. *Gulf Oil Corporation*, *supra*.

smith has no regularly assigned helper, but is assigned various helpers from a pool of general helpers. These helpers are not in the line of progression to blacksmith, and work throughout the plant with other categories of maintenance employees. In these circumstances, none of the helpers may be included in the unit with the blacksmith. Assuming the blacksmith to be a craftsman, the unit requested is inappropriate, as it includes only one employee.¹⁰

Helpers

The Petitioner seeks to include in each requested craft unit all helpers working with the alleged craftsmen, or to represent the helpers in a residual unit if they may not be included in the various craft units. The Employer has 38 employees whom it classifies as general helpers. None of the general helpers are assigned to work regularly with any particular category of maintenance employees, and they are not in the line of progression to any of the maintenance classifications. They are assigned to work with various groups of employees, depending upon where their services are required. The helpers are therefore unlike those normally included in craft units. Accordingly, the helpers may not be included in any of the groups of craftsmen found severable herein.¹¹

Painters, Carpenters, Sheet Metal Workers, Electricians, Welders, Pipefitters, Lead-Burners, and Masons

The Petitioner requests separate craft units for painters, carpenters, sheet metal workers, electricians, welders, pipefitters, lead-burners, and masons, and also a separate unit of the powerhouse department employees. In the *American Potash & Chemical Corporation* case,¹² the Board stated that severance of a craft group would not be permitted unless the union seeking to represent the craft group has historically and traditionally represented that craft. The Board has held that the Petitioner is not the historical and traditional representative of painters, carpenters, sheet metal workers, electricians, welders, and pipefitters.¹³ Our experience in dealing with requests for craft severance also convinces us that the Petitioner does not historically and traditionally represent lead-burners, masons, or powerhouse employees. Accordingly, we shall dismiss the petitions for

¹⁰ *Fritzsche Bros. Inc.*, 107 NLRB 889.

¹¹ *Virginia-Carolina Chemical*, 101 NLRB 1336, 1338.

¹² *Supra*, footnote 7.

¹³ *Forstmann Woolen Co.*, 108 NLRB 1439; *Campbell Soup Company*, 109 NLRB 475. For the reasons stated in his dissenting opinion in *Campbell Soup Company*, 109 NLRB 475, Member Rodgers does not agree with the disposition of the petitions seeking units of welders and lead-burners. However, he deems himself bound by the decision of the majority in that case.

painters, carpenters, sheet metal workers, electricians, welders, pipe-fitters, lead-burners, and masons.

Additional Findings

We find, in addition, that the overall maintenance unit requested alternatively is inappropriate in view of an effective history of collective bargaining for these employees of over 10 years as part of the existing production and maintenance unit.¹⁴ Similarly, there is no basis under Board policy for severing an arbitrary and heterogeneous segment of noncraft maintenance employees and helpers from the unit in which they are currently represented, and establishing them as a residual unit.¹⁵

In accord with the foregoing determinations, we will direct that separate elections be held in the following groups of employees of the Employer at its Bound Brook, New Jersey, operation, excluding from each group all other employees and supervisors as defined by the Act:

(1) All machinists and their apprentices, toolroom mechanics, and the metalizer.

(2) All instrument mechanics and their apprentices.

(3) All scale-mechanics and their apprentices.

(4) All millwrights and their apprentices.

If a majority of the employees in voting groups (1), (2), (3), or (4), vote for the Petitioner, they will be taken to have indicated their desire to constitute separate appropriate bargaining units, which the Board finds, under the circumstances, to be appropriate for purposes of collective bargaining, and the Regional Director conducting the elections is instructed to issue a certification of representatives to the Petitioner for such unit or units. If a majority of the employees in voting groups (1), (2), (3), or (4) vote for the Intervenor, such voting group or groups may be represented as part of the existing production and maintenance unit and the Regional Director will issue a certification of results of election to such effect.

[The Board dismissed the petitions in Cases Nos. 4-RC-2280, 4-RC-2283, 4-RC-2286, 4-RC-2287, 4-RC-2290, 4-RC-2291, 4-RC-2273, 4-RC-2274, 4-RC-2275, 4-RC-2276, 4-RC-2277, 4-RC-2278, 4-RC-2279, 4-RC-2281, 4-RC-2285, 4-RC-2289, and 4-RC-2292.]

[Text of Direction of Election omitted from publication.]

MEMBER MURDOCK took no part in the consideration of the above Decision, Order, and Direction of Elections.

¹⁴ *National Aniline Division, Allied Chemical and Dye Corporation*, 102 NLRB 129, 132.

¹⁵ *Pennsylvania Greyhound Lines, Inc.*, 107 NLRB 1621.