

one seeking severance of the Employer's truckdrivers from the existing contract unit. Viewing the petition in this light, we find that as the trailer drivers are primarily engaged in driving, as distinguished from production work, their interests are sufficiently divergent from those of the production and maintenance employees to warrant their severance. However, severance of the straight truck and wood truck drivers is precluded in our opinion by the fact that they devote the major part of their time to production work and the record does not otherwise establish that their interests are substantially different from those of the production workers.

Accordingly, we would place Local 592 on the ballot in a voting group limited to the trailer truck drivers, denying that Local's petition for the other categories of drivers.

ACME STEEL COMPANY, TOOL & MACHINERY DIVISION *and* DISTRICT NO. 8, INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL, PETITIONER. *Case No. 13-RC-4018. November 17, 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 Robert G. Mayberry, 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.¹
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. In 1941, and again in 1949, the Petitioner was certified as collective-bargaining representative for the employees then located at the Employer's Chicago, Illinois, plant. On August 16, 1954, the Chicago operation was moved to the Employer's Riverdale, Illinois, plant. The Petitioner contends that the employees in this operation,

¹The Petitioner moved to deny the intervention of United Steelworkers of America, CIO, the Intervenor herein, on the ground that the Intervenor has made no showing of interest in the employees involved herein. In view of the Intervenor's contention that its contract with the Employer covers these employees we find that the Intervenor does have an interest in these employees. Accordingly, we deny the motion.

now known as the Employer's tool and machinery division, constitute an appropriate separate bargaining unit, because of the bargaining history on that basis since 1941. The Intervenor contends that the tool and machinery division is now part of the Employer's integrated operation at Riverdale, and therefore should be part of the overall production and maintenance unit at Riverdale, which the Intervenor represents. The Employer takes no position on the appropriate unit.

The tool and machinery division is housed in a separate building which has been newly constructed for its use. Except for a few maintenance and sales employees who are still in Chicago, this division still has the same employees it had in Chicago. It also has the same machinery, and makes the same products which are not made in any other division at Riverdale. However, the superintendent of the division is now responsible to the general superintendent of all Riverdale operations; the division's former personnel office at Chicago is now part of the Riverdale personnel office; and some of the division's shipping and receiving operations are now performed by the warehouse and shipping division of the Riverdale operations. Moreover, the tool and machinery division has been established as a seventh division in the Riverdale operations, and appears to occupy no different position generally from the other six divisions at Riverdale.

In view of the foregoing, we are of the opinion that the tool and machinery division may appropriately form a separate unit, or may appropriately be a part of the existing overall production and maintenance unit. However, we shall make no final unit determination at this time, but shall be guided in part by the desires of the employees as expressed in the election hereinafter directed. If a majority vote for the Petitioner, they will be taken to have indicated their desire to constitute a separate appropriate unit, which the Board, under such circumstances, finds to be appropriate for purposes of collective bargaining, and the Regional Director is instructed to issue a certification of representatives to Petitioner for such unit. If a majority vote for the Intervenor, they will be taken to have indicated their desire to be a part of the existing overall unit represented by the Intervenor, and the Regional Director is instructed to issue a certification of results of election to that effect.

Accordingly, we shall direct that an election be held among the following employees: All production and maintenance employees in the Employer's tool and machinery division at Riverdale, Illinois, excluding clerical employees, office employees, designing and drafting engineers, restaurant employees, guards, watchmen, superintendents, foremen, assistant foremen, and supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]