

Bonney Forge & Tool Works, Petitioner and Local No. 1453, International Association of Machinists, AFL and Local No. 71, International Union of Metal Polishers, Buffers, Platers, and Helpers, AFL and Local No. 1592; International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, AFL. *Case No. 4-RM-186. November 17, 1955*

DECISION AND ORDER

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Thomas J. Walsh, 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 following labor organizations claim to represent certain employees of the Employer: Local No. 1453, International Association of Machinists, AFL; Local No. 71, International Union of Metal Polishers, Buffers, Platers, and Helpers, AFL; and Local No. 1592, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, AFL. They are referred to herein collectively as the Unions, or as the Machinists, Polishers, and Boilermakers, respectively.

3. The Employer contends that the following units at its operations in Allentown, Pennsylvania, are appropriate and seeks separate elections, with the Machinists to participate in the first, the Polishers in the second, and the Boilermakers in the third unit:

(1) All production employees (machine operators, assemblers and floor workers, stampers, toolmakers, grinders, tool crib and tool grinders) in the socket department and machine shop in the hand tool division.

(2) All production employees (grinders and polishers, stampers, platers and helpers, tumblers and helpers, rack makers, sand or grit blasters, production painters, stores clerks, inspectors) in the metal finishing department of the hand tool division and all shipping employees in the hand tool division, including a part-time janitor.

(3) All production employees (steel cutters and handlers, forgers, helpers, trimmers, grinders, materials handlers, die polishers, machine operators, floor workers, stampers, sand or grit blasters, production painters, inspectors, shipping and receiving employees) in the custom forging division; all maintenance employees (maintenance welders, electricians, general maintenance, steel handlers and unloaders, maintenance carpenters, and janitors); and all production employees in the

annealing and heat treating departments in both the hand tool and custom forging divisions (heat treaters, production welders, and sand blaster).

The Unions contend that the present bargaining units, as established in their respective contracts, are appropriate. The Machinists' unit now consists of all the employees included in the Employer's proposed unit (1), and, in addition, the office janitor. The present Polishers' unit includes the inspectors and shipping employees in the custom forging division whom the Employer would transfer to the Boilermakers' unit. The Boilermakers' contract unit also differs from the Employer's proposed unit (3) with respect to the full-time janitors and one sand or grit blaster whom the Employer seeks to transfer from the Polishers' to the Boilermakers' unit.

The Employer is engaged in manufacturing machinists' hand tools, such as sockets and wrenches, and in fabricating and machining commercial forgings at its Allentown, Pennsylvania, operations. It is administratively organized into two divisions, hand tool and custom forging divisions, each of which is further subdivided into a number of departments. The hand tool division is housed in plants 1 and 2, and all shipping from that division is conducted from a third building, known as Whitehall. The custom forging division conducts its operations primarily in plant 4. All annealing work required for both divisions is performed in plant 3.

For the past 13 or 14 years, the Employer has bargained with the Unions on a members-only basis, but membership in one of the Unions has apparently been obligatory for all production and maintenance employees except die workers. Because of a number of jurisdictional disputes between the Unions arising out of equipment and personnel changes already made or contemplated, the Employer seeks to clarify the existing contract units by transferring the inspectors and shipping employees in plant 4, which houses the custom forging division, from the Polishers' to the Boilermakers' unit, and by transferring a grit blaster and all the full-time janitors to the Boilermakers' unit.

The two divisions are independently operated under the general supervision of a plant superintendent. Each has its separate sales and advertising offices, and a separate shipping department. The two divisions have separate machine shops with such equipment as turret lathes, engine lathes, drill presses, grinders, and punch presses, which are operated for production purposes. The hand tool division does, on occasion, purchase forgings from the custom forging division, but the latter division produces primarily for outside purchasers. There is no substantial interchange of employees between the two divisions. Maintenance, however, is performed on a plantwide basis.

Although the Employer contends that the existing contract units are not appropriate, it is obvious that the Employer has sought to pre-

serve most of the present patchwork arrangement of the three units. Its proposed modifications are not based on plant, divisional, or craft lines. Although its proposed Machinists' unit would include many of the employees in the hand tool division, it would still reserve all the metal finishing employees, the inspectors, and the shipping employees assigned to that division for the Polishers' unit. All employees in the custom forging division would be included in the Boilermakers' unit, but that unit would also include the heat treating employees and production welders assigned to the hand tool division. Although employees in the two machine shops work on similar equipment using substantially the same skills, they would be divided between the Machinists' and the Boilermakers' units. Similarly, the inspectors and the shipping employees would be divided between the Polishers' and Boilermakers' units, despite the fact that each classification performs similar work regardless of the division it is assigned to.

We are satisfied that the Employer's proposed modifications are not based on any of the criteria which the Board uses to determine the appropriateness of a unit. We find, therefore, that the units contended for by the Employer are all inappropriate and that, accordingly, no question affecting commerce exists concerning the representation of the employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act. We shall, therefore, dismiss the petition.

[The Board dismissed the petition.]

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

Melrose Hosiery Mills, Inc. and United Textile Workers of America, AFL, Petitioner. *Case No. 11-RC-783. November 17, 1955*

DECISION AND ORDER

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Martin L. Ball, Jr., 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 Petitioner is a labor organization claiming to represent certain employees of the Employer.

3. No question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9