

4. The parties agree, and we find that the following employees constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9 (b) of the Act:

All production and maintenance employees of the Employer at the Employer's East St. Louis, Illinois, plant, excluding office clericals, electricians and electricians' helpers, machinists and their apprentices, professional employees, licensed engineers, firemen, utility men in the power department, watchmen, guards, and supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

CHAIRMAN LEEDOM took no part in the consideration of the above Decision and Direction of Election.

York Corporation and International Molders and Foundry Workers Union of North America, AFL-CIO, Petitioner. Case No. 4-RC-3017. July 12, 1956

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 Ramey Donovan, 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. The Petitioner seeks to sever a unit of foundry employees from a unit of production and maintenance employees which has been represented by the Intervenor for a number of years. The Employer and the Intervenor contend that the unit is inappropriate and that only a unit of production and maintenance employees is appropriate.

The Employer is engaged at York and Grantley, Pennsylvania, in the manufacture, sale, and distribution of refrigeration and air-conditioning equipment and supplies. It carries on its operations in two plants known as the West York and Grantley plants—both being

¹ The Machinery Independent Employees Association was permitted to intervene on the basis of its contractual interests.

within the boundaries of York County and about a mile of each other. The Employer's foundry operations are carried on in a separate building which is part of the Grantley plant. The foundry is one of 28 departments into which the Employer's operations are divided.

Manufacturing operations are integrated in the sense that a majority of the castings made in the foundry are subsequently further processed in its own plants. However, the record shows that about 40 percent of all the foundry's castings are made for outside concerns. Although under West York production control, foundry operations are separately supervised. At the time of the hearing the foundry had a complement of 234 employees distributed among a variety of job classifications, from the skilled molders and coremakers to the common laborers, and it is evident from the Employer's description of the foundry processes and work tasks that these employees are exclusively engaged in the making of customary grey iron foundry castings.

Upon the basis of the evidence in the record, particularly in view of the separate supervision, location, and identification of this department as the only place where work of the usual foundry type is performed, it is clear that the foundry is a functionally distinct and separate department whose employees are identified with a traditional trade and occupation distinct from that of other employees.² For that reason, the foundry employees as a group have a special interest in collective bargaining.³ The Employer and Intervenor contend, however, that a unit of foundry employees is inappropriate because of the extent of interchange of employees between the foundry and other departments and for the reason that employees who are part of the plants' general maintenance department perform a substantial amount of maintenance work in the foundry. In this connection, evidence submitted by the Employer shows that over a period of 7 years there has been a total of 648 employees transferred into and 740 employees transferred out of the foundry. These figures represent no more than the transfer, on the average, into and out of the foundry, of fewer than 4 employees each week among an average complement of 207 employees employed in the foundry. We do not regard this as a significant amount of interchange as such, but even were it to be so considered, it is clear from the record that these transfers are not usually made except in layoff situations and, when made, are usually of a permanent nature. In such circumstances, we do not consider them to be the type of interchange which, because of the frequency and temporary character thereof, destroys the functional identity of the unit.⁴ Nor do we find that the maintenance work performed in the

² Compare *J. I. Case Company*, 112 NLRB 796; *Solar Aircraft Company*, 107 NLRB 150.

³ *The Schaible Company*, 108 NLRB 2.

⁴ *International Harvester Company*, 91 NLRB 487, 495. See also *North American Aviation, Inc.*, 115 NLRB 1090. Compare *General Electric Company*, 112 NLRB 839, 839-840.

foundry by the general plant maintenance employees amounts to interchange. It is clear that, even though the general plant maintenance employees may perform a substantial amount of maintenance work in the foundry, they are not on regular assignment in the foundry and remain under their own separate supervision.⁵

In the circumstances of this case, we conclude that the employees sought by the Petitioner constitute a functionally distinct and separate group of foundry employees of the type to which the Board customarily accords separate representation. As the Petitioner is an international union which traditionally has represented separate units of foundry employees,⁶ the requirements laid down in the *American Potash* case⁷ for the severance of such units have been met.⁸

Accordingly, we find that all foundry department employees⁹ regularly employed at the Employer's Grantley, Pennsylvania, plant, excluding all other production and maintenance employees, office clerical employees, professional employees, guards, and supervisors as defined in the Act may constitute, if they so desire, a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

We shall, however, make no final determination at this time but shall first ascertain the desire of these employees as expressed in the election directed. If a majority vote for the Petitioner, they will be taken to have indicated their desire to constitute a separate appropriate unit, and the Regional Director, conducting the election directed herein, is instructed to issue a certification of representatives to the Petitioner for the voting group described above, which the Board, under the circumstances, finds to be an appropriate unit for the purposes of collective bargaining. In the event a majority do not vote for the Petitioner, these employees shall remain a part of the existing unit and the Regional Director will issue a certification of results of election to such effect.

[Text of Direction of Election omitted from publication.]

CHAIRMAN LEEDOM and MEMBER RODGERS took no part in the consideration of the above Decision and Direction of Election.

⁵ See *International Harvester Company*, 85 NLRB 1310, 1313; *Copper-Clad Malleable Range Company*, 77 NLRB 250, 252; *North American Aviation, Inc.*, *supra*; *Hawley & Hoops, Inc.*, 115 NLRB 1276.

⁶ *The Schaible Company*, *supra*.

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

⁸ In view of our determination herein we find it unnecessary to pass on the merits of the Petitioner's alternative unit requests, or upon the Employer's and Intervenor's contentions in opposition thereto.

⁹ The Employer concedes that a unit of foundry employees would include all those listed on its exhibit as employed in the foundry.