

coerced its employees in the exercise of the rights guaranteed them by Section 7 of the Act and thereby it engaged in unfair labor practices within the meaning of Section 8(a)(1) of the Act

4 By discharging Angel Gonzalez on October 22, 1958, because of her continued union membership in and activities on behalf of the Union and by thereafter failing or refusing to reinstate her to her former position of employment for the same reason the Company discriminated against her in regard to her hire and tenure of employment to discourage membership in the Union, thereby violating Section 8(a)(3) and (1) of the Act

5 The aforesaid unfair labor practices are unfair labor practices affecting commerce within the meaning of Section 2(6) and (7) of the Act

[Recommendations omitted from publication]

---

**Puerto Rico Glass Corporation and Union de Molderos de la Puerto Rico Glass Corporation, Ind., Petitioner.** *Case No. 24-RC-1160 January 12, 1960*

### 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 Anthony J Di Salvo, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Leedom and Members Rodgers and Jenkins]

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<sup>1</sup> involved claim to represent certain employees of the Employer

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 moldmakers and probationary moldmakers from an existing production and maintenance unit which has been represented by Intervenor since at least 1951. The Employer contends that the unit is inappropriate as the moldmakers do not constitute a craft group entitled to separate representation and the Petitioner is not a craft union entitled to seek such separate representation, under the *American Potash* doctrine<sup>2</sup>. In addition, the Employer argues that, in view of the collective-bargaining

<sup>1</sup> Intervenor, Union de Empleados de la Industria del Cristal, Local 1970, IBL-AFL-CIO, was permitted to intervene on the basis of its having represented molders under a recently expired contract

<sup>2</sup> *American Potash and Chemical Corporation*, 107 NLRB 1418

history and its integrated operations, only a production and maintenance unit which includes the employees in question is appropriate. The Intervenor takes no position with respect to the appropriateness of the requested unit.

The Employer is engaged in the manufacture of glass bottles and containers. Among its operations, the Employer maintains a mold shop which is located on the north side of the plant. There are 18 moldmakers and 6 probationary moldmakers regularly assigned to the mold shop. These employees work almost exclusively on the repair of mold sets which are used in the production of bottles and glass containers and make new parts or component parts to replace broken or worn out parts of mold sets.<sup>3</sup> They work principally with metal and metal working equipment. Although there is no apprentice program for moldmakers, many apparently have had mechanical vocational training prior to being employed and all employees in the mold shop have been trained in the moldmakers trade after assignment to the mold shop. These employees are the highest paid, have separate supervision, and are not interchanged with other employees. The Employer concedes in its brief that "the type of work done in the mold shop is a sort of skilled or semiskilled nature . . ." In view of the foregoing, we find that moldmakers and probationary moldmakers constitute a well-defined and functionally cohesive craft group of a type which the Board has found may be appropriate for the purposes of collective bargaining, notwithstanding a history of collective bargaining on a plantwide basis.<sup>4</sup> We, however, exclude from this voting group, mold cleaners. These employees work outside the mold shop cleaning molds, are not skilled, and are not in direct line of progression in the molders' craft.<sup>5</sup>

For the reasons set forth in *Friden Calculating*,<sup>6</sup> we further find that the Petitioner, which was organized for the sole purpose of representing moldmakers at the Employer's plant, is entitled to seek severance of the molders here involved.

Accordingly, we deny the Employer's motion to dismiss and shall direct that an election be conducted in the following voting group of employees at the Employer's Catano, Puerto Rico, plant:

All moldmakers and probationary moldmakers in the moldmakers' shop of the Employer's plant at Catano, Puerto Rico, excluding all production and maintenance employees, mold cleaners, executive, ad-

<sup>3</sup> About 97 percent of the mold sets have originally been purchased from a mold manufacturer.

<sup>4</sup> Cf. *Food Machinery and Chemical Corporation*, 101 NLRB 116; *Southern States Equipment Corporation*, 113 NLRB 537, 538. For the reasons set forth in *American Potash and Chemical Corporation*, *supra*, we find contrary to the Employer's contention that the right of separate representation should not be denied the members of a craft group merely because the Employer's operations are highly integrated

<sup>5</sup> *American Potash and Chemical Corporation*, *supra*.

<sup>6</sup> *Friden Calculating Machine Co., Inc., et al.*, 110 NLRB 1618.

ministrative, and professional personnel, office clerical employees, watchmen, guards, and supervisors as defined in the Act.

If a majority of the employees in the voting group 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 unit described above, which the Board, under such circumstances, finds to be appropriate for the purposes of collective bargaining. In the event, however, a majority of the employees vote for the Intervenor, they will be taken to have indicated their desire to remain a part of the existing unit now represented by the Intervenor and the Regional Director will issue a certification of results of election to such effect.<sup>7</sup>

[Text of Direction of Election omitted from publication.]

---

<sup>7</sup> Since at least 1951, the Intervenor has been the exclusive bargaining representative of the Employer's production and maintenance employees, including the moldmakers who are the subject of this proceeding. Pursuant to an agreement for Consent Election in Case No. 24-RC-64, filed on August 11, 1959, the Intervenor was certified on August 20, 1959, as representative of the production and maintenance unit of Employer's employees excluding "all mold makers who work in the mold shop of the company pending the Board's decision in 24-RC-1160." The tally of the ballots showed that even if the moldmakers had voted, their votes would not have affected the results of that election.

---

**A. & M. Karagheusian, Inc. and Textile Workers Union of America, AFL-CIO.** *Case No. 10-CA-3748. January 13, 1960*

DECISION AND ORDER

On August 14, 1959, Trial Examiner Arnold Ordman issued his Intermediate Report in the above-entitled proceeding, finding that the Respondent had engaged in and was engaging in certain unfair labor practices and recommending that it cease and desist therefrom and take certain affirmative action, as set forth in the copy of the Intermediate Report attached hereto. The Trial Examiner also found that the Respondent had not engaged in certain other unfair labor practices as alleged. Thereafter, the Respondent filed exceptions to the Intermediate Report and supporting brief.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this proceeding to a three-member panel [Members Rodgers, Jenkins, and Fanning].

The Board has reviewed the rulings of the Trial Examiner made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Intermediate Report, the exceptions and brief, and the entire record in this