payment, less the tax withholding required by applicable law:

W. Baldridge	$21.94
E. Brown	622.79
J. Buchowski	584.82
K. Buhl	335.81
M. Clark	142.05
E. Diaz	445.66
J. Fuqua	257.25
B. Grimmett	275.33
D. Holcomb	463.38
J. Hunley	137.95
H. Johnson	661.04
L. Johnson	22.46
M. Misiak	1,049.85
M. Myricks	46.54
F. Patrick	276.07
M. Phillips	494.82
C. Porter	76.78
L. Rutherford	23.66
K. Varo	998.87
F. Wollenbecker	604.00

RECOMMENDED ORDER

It is recommended that the Board adopt the foregoing findings and conclusions.

American Bosch Arma Corporation (Mississippi Division) *and* Independent Tool and Die Makers of Columbus, Mississippi, Petitioner. Case 26–RC–2563.

March 28, 1967

DECISION AND ORDER

BY CHAIRMAN MCCULLOCH AND MEMBERS BROWN, JENKINS, AND ZAGORIA

On March 17, 1966, the Regional Director for Region 26 issued a Decision and Direction of Election in the above-entitled proceeding, finding that Employer's toolroom department employees constitute an appropriate unit which may be served from the established production and maintenance unit. Thereafter, in accordance with Section 102.67 of the National Labor Relations Board Rules and Regulations, Series 8, as amended, the Employer and the Intervenor, Local 794, International Union of Electrical, Radio and Machine Workers, AFL–CIO, filed timely requests for review of the Regional Director's Decision on the grounds that the decision was clearly erroneous with respect to substantial factual issues and that there were compelling reasons for reconsideration of an important Board policy involved in the case. The Board, by telegraphic order dated April 11, 1966, granted the requests for review and stayed the election.

The Board has considered the entire record in this case with respect to the Regional Director's determination under review and the positions of the parties set forth in their briefs,[1] and makes the following findings:

The Employer manufactures electric motors at its plant in Columbus, Mississippi, where it employs approximately 900 employees. In 1954 the Intervenor was certified as the bargaining representative of a unit of production and maintenance employees at this plant. The last of the successive collective-bargaining contracts covering this unit expired on February 28, 1966.

Petitioner seeks to sever from the production and maintenance unit 23 toolroom employees classified as tool-and-die makers, and tool and cutter grinders. In directing a severance election, the Regional Director found, contrary to the position of the Employer and Intervenor, that the toolroom employees constituted a separately identifiable group of skilled craftsmen and that the Petitioner is a labor organization which qualifies as a "traditional" representative of the craft involved. In so holding, the Regional Director rejected contentions of the Employer and Intervenor that the Petitioner is not a "true craft union"; the employees requested do not constitute a separate craft group; and their severance would be detrimental to the interests of employees in related crafts who have comparable skills and to the integrated nature of the Employer's overall operation.

After reexamining its craft severance policies in the recent *Mallinckrodt*[2] decision, the Board stated that it would no longer limit the scope of inquiry to whether the employees for whom severance is requested are true craftsmen and whether the union seeking to represent them qualifies as a traditional representative. Instead, the Board indicated it would base its determination upon a balancing of the various interests affected, weighing all relevant factors in each case before it.

The toolroom employees were requested to make and repair tools, dies, jigs, and fixtures for use in the production operation under the supervision of the toolroom foreman. They perform similar functions in connection with research and development work in the laboratory at which time they work with and take instructions from engineering personnel. All tool and die work requiring welding or plating must be taken to those areas of the plant where such equipment is located. Toolroom employees also set, adjust, and repair dies and fixtures on the production floor, and regularly work alongside production and maintenance workers "troubleshooting" faulty

[1] The Petitioner and the Employer have requested oral argument. These requests are hereby denied as the record and briefs adequately present the issues and positions of the parties.

[2] *Mallinckrodt Chemical Works, Uranium Division*, 162 NLRB 387.

equipment and machinery in the production area. The Employer has no formal apprenticeship program. The record establishes that the line of progression to tool-and-die maker has been by promotion through machinist and tool and cutter grinder, and 6 of the 23 toolroom employees formerly were production employees.

While the parties agree that toolroom work requires specific skills and that the incumbent employees possess those skills, other employees in related crafts possess and exercise comparable skills in such classifications as tool and purchase inspectors, test equipment mechanics, maintenance mechanics, and machinists working in engineering. All skilled employees work in close proximity with other employees, sharing the same facilities, working the same hours under similar working conditions, and enjoying the same benefits. None of the skilled employees at the plant are represented in separate craft units.

As noted above, collective bargaining in the plantwide unit has demonstrated its workability by producing relatively stable labor relations for some 12 years. Further, the record indicates that this bargaining has been so oriented as to give recognition to such special interests and differing problems as craft employees may have. In those vast areas where toolroom employees share a substantial community of interests with other employees in the existing bargaining unit, they are covered by common provisions. On the other hand, the seniority and bumping rights of skilled employees are governed by special provisions in the contract between the Intervenor and the Employer. Moreover, representatives of toolroom employees have served on the negotiating committee of the Intervenor, and toolroom employees have participated in formulating contract demands.

It appears that the formation of the Petitioner arose as a result of an intraunion dispute. In July 1965 a group of dissidents decided to resign from the Intervenor and seek separate representation. Toolroom employees as well as general maintenance employees and machinists were invited to join in this effort. Only in December 1965, upon the advice of counsel to give the appearance of specialized representation so as to qualify for craft severance, was participation restricted to toolroom employees. Petitioner has neither a constitution nor bylaws, lacks formal organization, and has never represented any employees for collective-bargaining purposes. Although this does not detract from its status as a labor organization within the meaning of Section 2(5) of the National Labor Relations Act, as amended, it lends no support to Petitioner's claim to qualify as a "traditional" craft representative. Thus, aside from its own assertion as to its intent and purpose in support of the instant petition, there is no evidence to establish that Petitioner is particularly qualified to deal with the special problems of craftsmen, a factor which we consider material, though not alone determinative.

We view the functional interrelationship of toolroom employees with other phases of the Employer's production operation, the frequent contact and common interests shared with production employees as well as with other skilled employees, the 12-year history of successful bargaining on the broader basis which allowed flexibility to accomodate any special craft needs, and the questionable qualifications of the Petitioner as a specialist in craft representation, as compelling considerations for continuing the current bargaining pattern. Therefore, we conclude that it would not be appropriate to permit severance of toolroom employees from the existing production and maintenance unit. Accordingly, we shall dismiss the petition.[3]

ORDER

It is hereby ordered that the petition herein be, and it hereby is, dismissed.

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[3] *Holmberg, Inc*, 162 NLRB 407

Jewell Smokeless Coal Corporation *and* Kyle Reed, an Individual. Case 5-CA-3504.

March 28, 1967

DECISION AND ORDER

BY CHAIRMAN MCCULLOCH AND MEMBERS FANNING AND ZAGORIA

On November 18, 1966, Trial Examiner A. Bruce Hunt issued his Decision 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 attached Trial Examiner's Decision. Thereafter, the Respondent filed exceptions to the Trial Examiner's Decision and a supporting brief.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel.

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 Trial Examiner's Decision, the Respondent's exceptions and brief, and the entire record in this case, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner.