

Allen-Bradley Company and Local 663, International Brotherhood of Electrical Workers, AFL-CIO, Petitioner. Case 30-RC-568

October 31, 1967

DECISION AND ORDER

BY CHAIRMAN McCULLOCH AND MEMBERS
BROWN AND JENKINS

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before Wallace Taine, Hearing Officer. Following the hearing and pursuant to Section 102.67 of the National Labor Relations Board Rules and Regulations and Statements of Procedure, Series 8, as amended, and by direction of the Regional Director for Region 30, this case was transferred to the National Labor Relations Board for decision. Briefs have been timely filed by the Employer, the Petitioner, and the Intervenor.¹

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 Hearing Officer's rulings made at the hearing and finds that they are free from prejudicial error. They are hereby affirmed.

Upon the entire record in this case, and with special consideration of the criteria as set forth in the *Millinckrodt* decision,² the Board finds:

1. The parties stipulated, and we find, that the Employer is engaged in commerce within the meaning of the Act, and that it will effectuate the purposes of the Act to assert jurisdiction herein.
2. The labor organizations involved claim to represent certain employees of the Employer.
3. No question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 2(6) and (7) of the Act for the following reasons:

The Employer's Operations

The Employer is engaged in the manufacture of electric motor controls and electronic components in its multibuilding complex at Milwaukee, Wisconsin. Its principal products are devices to interrupt electrical current for the purpose of starting and

stopping electric motors. The Employer manufactures four types of electronic components: fixed composition resistors, variable resistors or potentiometers, ferrite components, and ceramic capacitors.

Of the approximately 5,690 union workers employed in the three-shift operation, 110 are toolroom employees represented by District No. 10, International Association of Machinists and Aerospace Workers, AFL-CIO, 9 are employed in two boilerrooms and are represented by the International Brotherhood of Firemen and Oilers, AFL-CIO, Local 125, and the remaining employees are included in the production and maintenance unit represented by the Intervenor.

The production and maintenance unit was established in 1937; the boilerroom and toolroom units were carved out of the production and maintenance unit pursuant to Board certifications in 1953 and 1954, respectively.

The Petitioner now seeks to sever a unit consisting of maintenance electricians in department 452 and electronic instrument repair and maintenance men in department 447 from their current inclusion in the Intervenor's production and maintenance unit.³ The Petitioner alternatively requests representation of both departments in one unit or of either in separate units.

Department 452

There are 70 maintenance electricians⁴ assigned to department 452, whose central shop is located on the second floor of the Employer's main plant building. Their work duties range from changing light bulbs to installing new electrical equipment, wiring control mechanisms on production machinery, and repairing and maintaining electrical equipment at the Employer's entire facility, including the eight-floor main plant and the adjoining plant buildings. Essentially, they are under the supervision of department 452, but because the Employer's basic products are electrical devices, they are often directed in their work by production supervisors. Most of the maintenance electricians report directly to the department's central shop. They either work in the shop from which they are often dispatched to perform specific work in production areas, or are assigned to duty stations throughout the plant for unspecified periods of time. The duty stations consist of workbenches in production areas which are equipped with tools, instruments, spare parts, and

¹ United Electrical, Radio and Machine Workers of America (UE), Local 1111, herein referred to as Intervenor, was permitted to intervene at the hearing on the basis of its current contract covering the Employer's production and maintenance employees.

² *Millinckrodt Chemical Works, Uranium Division*, 162 NLRB 387.

³ Department 452 has been included in the Intervenor's unit from its inception in 1937, but department 447 which was created in 1962 was merged into the unit shortly thereafter on the basis of a card check.

⁴ In addition, five apprentices employed pursuant to a State of Wisconsin administered apprenticeship program are assigned to department 452. However, they have been specifically excluded from the coverage of the collective-bargaining agreement between the Employer and the Intervenor.

reference materials. In addition, a group of maintenance electricians regularly report directly to and work out of a duty station in the Employer's ferrite production department which is located in a building separate from the central shop. Thus, although these electricians are assigned for administrative purposes to department 452, their work contacts are almost exclusively limited to ferrite department personnel.

The maintenance electricians are divided into the following classifications: electrical crib clerk, electrical maintenance man, electrician junior, electrician senior, electrical technician, and electrical specialist. Each classification has three wage levels. The most skilled, electrical specialist A, has an hourly rate of \$4 which is as high as any rate received by the highest skilled production and maintenance employees.

Department 447

Department 447 comprises 26 instrument mechanics, all of whom work out of the department's central shop on the second floor of the main plant building. They are responsible for maintaining approximately 700 pieces of electronic equipment situated throughout the Employer's premises, including electronic recorders, indicators, and dielectric heaters, oscilloscopes, and heat controls. Malfunctioning instruments are either repaired while attached to production machinery on the production floor, or removed to the central shop area. The more highly skilled instrument mechanics alternate between troubleshooting assignments in production departments and benchwork in the central shop.

Department 447 employees normally progress from the lowest classification of instrument maintenance-learner to instrument maintenance man, instrument service man, and instrument technician. As in the case of the maintenance electricians, each of the above classifications has three wage levels. The highest classification, that of instrument technician A, also receives the top hourly rate of \$4 among production and maintenance unit employees.

Craftsmen Status

It is generally conceded that the employees in departments 452 and 447 for the most part possess and exercise a high degree of skill in their work. The Intervenor, however, contends that certain employees within both departments, such as crib attendants, are not true craftsmen, and that still others in the lower classifications need not be journeymen to perform repetitive and unskilled jobs such as changing light bulbs. However, in view of the fact that the greater number of employees in both departments are in the higher job classifications, and that a 4-year apprenticeship program for maintenance elec-

tricians is currently in existence, it is evident that they are in fact journeymen who possess the traditional skills of their respective crafts. Accordingly, we find that the maintenance electricians and instrument maintenance men are craftsmen.

Petitioner's Qualifications as Representative

Local 663, the petitioning Union herein, was specifically chartered in 1936 to represent maintenance electricians as opposed to electricians in the building trades industry in the Milwaukee area. However, over the course of years and on the basis of its experience in the industry, the Petitioner has come to represent a substantial number of electricians and instrument maintenance men whose basic electrical or electronic skills and knowledge parallel to a substantial extent that of electricians in general. Thus, the Petitioner now represents maintenance electricians and instrument maintenance men almost exclusively. It is evident that the Petitioner qualifies as a traditional representative of the types of employees sought herein.

Coordination in the Production Process

The Petitioner contends that the employees sought have not been integrated into the Employer's production process, as they perform separate functions, have no direct contact with the finished products, have separate supervision and work locations, and share no community of interest with the production and maintenance employees. However, the record demonstrates that production is heavily dependent upon electricians and instrument men. Thus, the proper functioning of production equipment, dependent as it is upon the proper functioning of a large number of electrical and electronic devices over which these employees have primary responsibility, is critical to the Employer's continued production. The record further reveals that while employees in both departments work under their own departmental supervision, the bulk of their work orders and directions, such as job priorities, come from production department supervisors. Moreover, the nature of their work duties requires that a substantial number of the employees in question be assigned to production areas regularly, and to spend most of their working time in close contact with production employees.

Bargaining History

As indicated above, the Intervenor has been the bargaining representative of the Employer's production and maintenance employees, including the maintenance electricians and other skilled groups, such as maintenance painters, model makers, and air-conditioning mechanics, since 1937. The instrument maintenance men in depart-

ment 447 became a part of the production and maintenance unit in 1962 when the department was established and 12 of the 15 instrument men then in the department sought membership in the unit by executing authorization cards for the Intervenor. Apart from this addition of the instrument men, and the severance of boilerroom employees and toolroom employees⁵ in 1953 and 1954, respectively, the production and maintenance unit has remained substantially the same since 1937.

The Petitioner contends that the Intervenor has not provided adequate representation for the special interests of the craftsmen in question and has neglected the interests of five apprentices in department 452 by excluding them from the coverage of its contract. Furthermore, it claims that the Intervenor has not utilized fully the contractual machinery with respect to complaints lodged by maintenance electricians, and that employees in both departments have been denied any opportunity to participate in the Intervenor's internal affairs or to voice their interests in negotiations concerning their job classifications and wages, with the result that glaring inequities exist between their wages and other conditions of employment as compared with those of similarly skilled workers who are represented by craft unions in other plants.

The record evidence clearly demonstrates that union stewards are selected from all departments to process employee grievances, that the contractual grievance procedures are available to all employees on an equal basis, and that representatives from department 447 served on the union committee which negotiated job classifications for that department. Further, although apprentices are excluded from the current contract during the period of their apprenticeship,⁶ it is clear that the terms of the indentured apprenticeship agreement between the Employer and the State Industrial Commission covers virtually every aspect of the employment relationship so as to render further contract coverage unnecessary and ineffectual.

The evidence also shows the extent of participation by the skilled employees in the Intervenor's internal affairs. Thus, the record indicates that employees in departments 447 and 452 were active participants in union affairs prior to the current attempt for severance. For example, an instrument maintenance man served on the Intervenor's election committee, some maintenance electricians were candidates for union offices, and skilled employees from other departments were elected to high union positions. In addition, the record shows that in 1966, a skilled trades committee composed of representatives of only skilled departments was

formed by Intervenor for the purpose of focusing special attention on the needs of skilled employees within the production and maintenance unit. Moreover, in negotiations with the Employer, the Intervenor regularly obtains special wage increases for the purpose of correcting any existing wage inequities which it, with the approval of the general membership, customarily allocates to departments 447, 452, and the other skilled departments within the unit.

From the foregoing, it is apparent that the maintenance electricians, instrument maintenance men, as well as other skilled employees, have ample opportunity to participate and have participated in union affairs, and their special interests are adequately represented under the existing pattern of representation. Accordingly, we find that the Petitioner's contrary contentions in these respects are not supported by the record.

Industry and Area Bargaining

The Petitioner adduced evidence showing that in six plants, which are engaged in the manufacture of electrical or electronic products in Milwaukee and other parts of Wisconsin, it represents units of maintenance electricians and/or instrument maintenance men which enjoy stable bargaining relationships and higher wages than the employees in departments 447 and 452. Other record evidence indicates that maintenance electricians are represented as part of production and maintenance units in five other plants in the same industry and geographical area. A Department of Labor survey of wages received by all maintenance electricians in the area shows that the average rate of pay of the Employer's electricians compares favorably with the average rate of pay of maintenance electricians in the area.

The Employer and the Intervenor take the position that severance here would seriously impair existing labor relations stability. In support of their contention, they cite the long and stable bargaining relationship concerning the production and maintenance unit as contrasted with, as an example, the strike and unstable bargaining relationship which followed severance of the toolroom employees from the production and maintenance unit in 1954, and the purported ineffectiveness of their separate representation since that time.

In our view, the evidence with respect to collective bargaining in the industry and area does not favor severance herein. Rather, here, as we found in the recent *Mallinckrodt* case,⁷ the benefits achieved by almost 30 years of uninterrupted sta-

⁵ With respect to the toolroom unit, the evidence shows that approximately 1 year following the certification of that unit, upon the expiration of a collective-bargaining agreement, a lengthy strike ensued, and that subsequent collective-bargaining efforts have failed to produce a written agreement covering the toolroom employees from that time to the present

⁶ The current collective-bargaining agreement does provide for coverage of the apprentices upon completion of their 4-year apprenticeship

⁷ *Mallinckrodt Chemical Works, supra*

bility in labor relations in the existing bargaining unit of approximately 5,500 production and maintenance employees outweigh the interests to be served by affording the 96 maintenance electricians and instrument maintenance men an opportunity to change their mode of representation. In other circumstances, the employees in question may constitute an identifiable group of skilled journeymen entitled to separate representation. Here, however, it is clear that the separate community of interests which these employees enjoy by reason of their skills and training have been largely submerged in the broader community of interests which they share with production and maintenance employees as a result of their long association in the existing

bargaining unit, and their integration and intimate connection of work with the Employer's production processes. And, taking into consideration that stability in labor relations will not be served by granting severance and separate representation, we conclude, for all of the foregoing reasons and on the evidence on the record as a whole, that the units sought by the Petitioner are inappropriate for the purposes of collective bargaining. We shall, therefore, dismiss the petition.

ORDER

IT IS HEREBY ORDERED that the petition filed herein be, and it hereby is, dismissed.