

American Type Founders Co., Inc. and District Lodge
No. 155, International Association of Machinists
& Aerospace Workers, AFL-CIO, Petitioner. Case
26-RC-3182

November 8, 1968

DECISION ON REVIEW AND DIRECTION
OF ELECTION

BY CHAIRMAN McCULLOCH AND MEMBERS
BROWN AND JENKINS

On June 24, 1968, the Regional Director for Region 26 issued his Decision and Order in the above-entitled proceeding, in which he dismissed the petition as premature. Thereafter, in accordance with Section 102.67 of the National Labor Relations Board Rules and Regulations, as amended, the Petitioner filed a timely request for review, contending that the Regional Director departed from officially reported Board precedent by not directing an immediate election. The Employer filed opposition. By telegraphic Order dated August 26, 1968, the National Labor Relations Board granted the request for review. Thereafter, the parties filed timely briefs on review.

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

The Board has reviewed the entire record in this case including the briefs of the parties with respect to the issues under review, and makes the following findings:

In its petition, the Petitioner seeks to represent the production and maintenance employees employed at the Employer's new Franklin, Tennessee, plant. The Regional Director, in agreement with the Employer,

dismissed the petition on the ground that the Employer "does not presently have a representative and substantial complement of employees in the proposed unit and that such a complement is not contemplated until December 1968." We disagree.

Since at least January 1968, when the Employer acquired the plant involved herein, it has hired in accord with a monthly schedule to which it has closely adhered. In May 1968, when the instant petition was filed, the Employer employed 104 employees. According to its schedule, by October 1, 1968, the Employer will have employed a total of 254 employees, and 6 months thereafter, on April 1, 1969, a total of 445 employees. The Employer expects it will have hired its full complement of 526 employees by July 1, 1969.

In May 1968, the Employer had employees classified in 21 of 52 anticipated job classifications; other employees were performing the functions of 7 other classifications;¹ and an employee was training for an eighth.² The Employer's hiring schedule envisaged the employment of employees in three more classifications by October 1, 1968³ Thus, the Employer had programmed 32 job classifications to be manned by this time. And the Employer's schedule makes no provision at all for the employment of employees in 19⁴ of the remaining 20 job classifications.

It is clear that by October 1, 1968, a date preceding the date of issuance of this Decision, the Employer is expected to employ at least 254 employees in 32 of the 52 anticipated classifications, amounting to 55 percent of the 445 employees anticipated within the next 6 months or 48 percent of its full complement. In view of the foregoing we conclude that, regardless of the size of the employee complement on the date of the hearing, the present employee complement is substantial and representative for the purpose of directing an immediate election.⁵

¹ Burrer, hand, saw operator, band, saw operator, cut-off, stock chaser, trucker, electric, trucker, hand, leadman.

² Tester, typesetter.

³ Assembler, bench-Web press, painter (brush and spray), painter (cleaner and painter).

⁴ Assembler, electric harnesses, subassemblies; boring mill operator, broaching machine operator, buffer and polisher, gear cutter operator,

grinder operator, centerless, grinder operator, internal, helper, maintenance, honing machine operator, machine serviceman, mechanic, press rebuild, press tester, setup man; shaper operator, straightener, thread milling machine operator, tool chaser, tool or cutter grinder, welder, all purpose

⁵ See *Endicott Johnson De Puerto Rico, Inc.*, 172 NLRB No. 194, *Revere Copper and Brass, Incorporated*, 172 NLRB No. 117, *Elsa Canning Company*, 154 NLRB 1810.

We therefore find that a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act, and that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

⁶ The Petitioner would include, the Employer exclude, the inspectors, the production control expeditor, and the production clerks

The four *inspectors* report to the chief inspector who, in turn, reports directly to the Employer's vice president and general manager. Three of the four inspectors are receiving inspectors who are stationed at an enclosed area near the loading dock, where they inspect parts and subassemblies bought by the Employer. The fourth inspector spends 60-70 percent of his time in the machine shop, inspecting parts manufactured there. All four inspect to close tolerances, using micrometers and dial gauges. Like the other classifications in dispute, the inspectors are salaried but otherwise share many conditions of employment with the production and maintenance employees. In accord with our usual practice, we shall include the inspectors. *Ryan Aeronautical Co*, 121 NLRB 1502, 1504-05.

The *production control expeditor* reports to the production and material manager, who also reports directly to the vice president and general manager. The production control expeditor spends half of his time in the plant, and has a desk next to the tool crib. He follows jobs, locates parts, and makes reports and shortage lists. We find that he is a plant clerical employee and accordingly we shall include him. *Weyer-*

All production and maintenance employees employed by the Employer at its Franklin, Tennessee, plant, including the inspectors and the production control expeditor, but excluding office clerical employees, technical and professional employees, watchmen, guards and supervisors within the meaning of the Act.⁶

[Text of Direction of Election⁷ omitted from publication.]

hauser Company, 132 NLRB 84

The 8 to 12 *production clerks* also report to the production and material manager. They maintain Cardex systems used for ordering and specifying materials to the purchasing department, for maintaining inventory, and for entering job and customer orders, they also make shop orders. On the other hand, the record indicates that the production clerks work in the main office and have no contact with production employees. The record does not disclose whether there are other clerical employees employed at the Franklin plant. As the record is insufficient to support a determination of the unit placement of the production clerks, they may vote subject to challenge.

⁷ An election eligibility list, containing the names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 26 within 7 days after the date of this Decision on Review and Direction of Election. The Regional Director shall make the list available to all parties to the election. No extension of time to file this list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. *Excelsior Underwear Inc*, 156 NLRB 1236.