

**E. I. Du Pont de Nemours and Company (May Plant)
and International Brotherhood of Electrical Workers,
Local Union 382, AFL-CIO. Case 11-RC-3254**

August 27, 1971

**DECISION AND DIRECTION OF
ELECTION**

BY CHAIRMAN MILLER AND MEMBERS
FANNING AND BROWN

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Donald L. Dotson. 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 11, this case was transferred to the National Labor Relations Board for decision. Briefs were filed by the Petitioner and the Employer.

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.

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.

The Board has considered the entire record in this case, including the briefs of the parties, and hereby makes the following findings:

1. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the policies of the Act to assert jurisdiction herein.

2. The Petitioner is a labor organization claiming to represent certain employees of the Employer.

3. 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.

4. *The appropriate unit.* There is no history of collective bargaining for the employees sought to be represented herein.

The Petitioner seeks to represent a unit consisting of all control equipment mechanics employed at the Employer's May plant, Camden, South Carolina, excluding all control equipment specialists, engineering assistants, office clerical employees, professional employees, guards, and supervisors as defined in the Act.¹ The Petitioner contends that the employees sought constitute an appropriate craft or departmen-

tal unit. The Employer's position is that the only appropriate unit is one consisting of all of the Employer's production and maintenance employees.

At the May plant, the Employer is engaged in manufacturing two chemically treated synthetic textile fibers, nylon and orlon. The plant operates 24 hours a day, 7 days a week, 52 weeks a year, under a highly automated continuous-flow process by which the raw materials are converted into either a salt or flake, and then into the final product. Due to the nature of the chemicals used and the highly automated continuous-flow concept of the Employer's operation, a disruption in any portion of the process could result in a major disruption and shutdown of all, or a large portion, of the plant.

There are approximately 2,647 employees at the May plant, including approximately 1,789 "wage roll" or hourly paid employees. Among the wage roll employees are those employees assigned to the engineering department, including the 127 control equipment mechanics which the Petitioner seeks to represent. In addition to the control equipment mechanics, the engineering department also includes 236 general mechanics, 14 machinists, 30 metal workers, 12 carpenters, 12 painters, and several power area employees. The control equipment mechanics, along with the general mechanics, machinists, and metal workers, are the only employees who can progress to the highest pay classification—Group 6. All employees, regardless of job classification or grade, receive essentially the same benefits. Seniority is computed both on a plantwide basis (for purposes of layoffs) and a section basis (for purposes of shift selection within sections).

The control equipment mechanics are responsible for the repair and maintenance of all electrical, electronic, pneumatic, and hydraulic controls, gauges, and equipment used in the production of nylon and orlon.² Their primary function is to insure that all such equipment is maintained in such a manner that the possibility of a malfunction and its resultant disruption of the continuous production process is reduced or eliminated.

The control equipment mechanics carry out their functions through periodic, prescheduled preventive maintenance, and "trouble shooting" at the request of a production supervisor or operator. In performing preventive maintenance, the control equipment mechanics are called on to disassemble, clean, check, calibrate, and reassemble electronic, hydraulic, or

performed the same work solely on electrical instruments). With the addition of the nylon process, the two jobs were merged into the single "control equipment mechanic" job category, and control equipment mechanics are now required to perform work on all instruments and equipment, whether electrical, hydraulic, or pneumatic.

¹ The unit description appears as amended at the hearing.

² Prior to the addition of the nylon process in early 1968, the functions now performed by control equipment mechanics were divided among "instrument men" (who performed repair and maintenance exclusively on hydraulic and pneumatic instruments) and "maintenance electricians" (who

pneumatic equipment to insure that the equipment is performing in accordance with proper temperature, pressure, and calibration standards within very specific tolerances. In the event a piece of equipment malfunctions, a control equipment mechanic is called to diagnose the trouble and make whatever repairs are required to get the equipment operative. In both preventive maintenance and trouble shooting, the control equipment mechanics perform such tasks as setting and checking alarms; checking generators; setting and checking safety shutdown devices; changing the voltage on solid state equipment; setting steam pressure; removing, adjusting, or repairing instruments; adjusting the speed on generating equipment; checking the accuracy of weight scales; installing and removing large motors; installing and removing gauges; and installing, calibrating, and repairing various electrical, pneumatic, and hydraulic controls. In addition, control equipment mechanics are responsible for insuring that all electrical, pneumatic, and hydraulic devices on newly installed equipment are properly calibrated and functioning before the equipment is turned over to the production operator.

The present complement of 127 control equipment mechanics includes 28 trainees who transferred to the control equipment mechanic job category from various production or engineering jobs. None were newly hired. The remaining control equipment mechanics were previously classified as either electricians or instrument men prior to the merger of job functions in 1968. To qualify for a control equipment mechanic job, applicants are required to take a test which is given to all applicants for engineering department jobs.

With respect to training, those control equipment mechanics who were previously electricians have received cross-training in basic instrumentation, while those formerly classified as instrument men have been cross-trained in basic electricity. For all new control equipment mechanic trainees, including 28 present trainees, the Employer has instituted a 3-year training program consisting of approximately 620 hours of classroom instruction plus on-the-job training. The trainees enter the program at a 1-T classification, which is equivalent to a Group 3 employee. The trainees advance in grade after the completion of 13-week segments of the training program, provided they demonstrate a certain level of proficiency. The classroom phase of the training program includes instruction in various areas de-

signed to acquaint the trainee with basic principles of electricity and instrumentation.³ The program is not specifically designed to teach skills which may be utilized outside the plant, such as residential or commercial wiring, although much of the training can be utilized outside the plant.

The plant is operated around the clock by a regular daytime work force and four rotating shifts.⁴ During the day, between 7 and 10 control equipment mechanics are assigned to each of the area shops within various production areas throughout the plant. These shops are under the supervision of an area control equipment supervisor. Each day the control equipment mechanics report to the shops to which they are assigned, where they meet with their supervisor and receive assignments to perform work within their designated production area. The work performed by control equipment mechanics during the day consists primarily of preventive maintenance. After receiving a specific assignment from the area supervisor, the control equipment mechanic reports to the equipment to be worked on, and with the assistance of the production operator, a general mechanic, and occasionally others, when needed, performs the necessary maintenance. There was some testimony indicating that during the performance of preventive maintenance, tasks of control equipment mechanics are often performed by others. However, it is clear from the record as a whole that the control equipment mechanics perform those tasks requiring special knowledge of electricity and instrumentation, whereas the tasks performed by others are limited to the more routine operations. Upon completion of the preventive maintenance, the control equipment mechanic returns to the area shop for further assignment by the area control equipment supervisor.

In the event of a malfunction, the production operator, alone or together with his production supervisor, attempts to diagnose the problem as either mechanical, electrical, pneumatic, or hydraulic. If the problem is purely mechanical, a general mechanic is called. If the problem involves an electrical, pneumatic, or hydraulic malfunction, a control equipment mechanic is called. In the event the control equipment mechanic cannot correct the trouble, the production supervisor may summon a control equipment specialist or an engineer,⁵ or may ultimately decide to call in an outside contractor to make the repairs.

During the night shifts there are only two control

³ Classroom instruction is given in electrical safety, hand and power tools, basic electricity, automatic controls, valves, resistors, series and parallel circuits, motor-generator overhaul, transformers, basic principles of temperature and heat, principles of flow measurement, basic electronic test instruments, and numerous other topics.

⁴ The daytime force works from 8 a.m. to 4:30 p.m. The first shift works from 8 a.m. to 4 p.m., the second shift from 4 p.m. to midnight, and the third shift from midnight to 8 a.m. The fourth shift is off.

⁵ The parties agreed to exclude control equipment specialists and engineers from the unit.

equipment mechanics assigned to the entire orlon area, and two to the entire nylon area. These control equipment mechanics perform little or no preventive maintenance, but rather are engaged almost entirely in troubleshooting. There are no control equipment mechanic supervisors present at the plant during these shifts. As with the day control equipment mechanics, the shift mechanics are called to the location of an electrical, hydraulic, or pneumatic malfunction where the problem is explained by the production supervisor or operator. The equipment is then repaired by the control equipment mechanic, with any needed assistance.

There are several other control equipment mechanics assigned to special project crews under the supervision of a project control equipment supervisor or an engineer. The project crews are primarily concerned with the installation of new equipment in the plant, and with minor construction work incidental to the installation of new equipment. While the project crews may consist of other craftsmen, as well as control equipment mechanics, it appears that while working as part of a project crew the control equipment mechanics perform the majority of, and certainly the more difficult, electrical, hydraulic, and pneumatic work, while the others operate within their own spheres of competence.

In contending that the employees sought constitute an appropriate craft or departmental unit, the Petitioner relies heavily on a 1966 Board decision in a previous case involving the same plant as the one herein.⁶ In that case, the Board found electricians to be craftsmen, and also indicated that a craft unit of instrument men would be appropriate.⁷ These same employees have now been merged into the present control equipment mechanic classification.

In the present case, as in the earlier one, the Employer contends that the highly integrated production process and the close coordination between control equipment mechanics and production operators precludes the establishment of a craft unit. In addition, the Employer urges that the control equipment mechanics are "specialists" rather than craftsmen.

⁶ *E. I. DuPont de Nemours and Company (May Plant)*, 162 NLRB 413.

⁷ Although the Board directed an election in a unit of electricians, no bargaining history resulted.

⁸ *Cf. Monsanto Company*, 172 NLRB No. 159, which is distinguishable of its facts. See *E. I. DuPont de Nemours and Company (Florence Plant)*, 192 NLRB No. 164, issued this day.

⁹ In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior*

In light of the extensive record in this case, we are unable to conclude that the Employer's present operation at the May Plant is sufficiently different from the facts set out in the 1966 *DuPont* case to warrant denial of separate craft representation.⁸ While the Employer has added a new process and additional equipment to the plant, and has merged two previous job categories into a single job, in all other significant respects the Employer's operation appears to be unchanged. Having concluded in 1966 that the electricians and the instrument men at the May plant each possessed the attributes of craft status, we now find that in the present case a unit consisting of employees performing the combined tasks of both those crafts is equally entitled to representation on a craft basis, notwithstanding the integrated nature of the production process.

In reaching the above conclusion, we view as significant the fact that their training program by its nature and length is designed to equip them with a variety of skills not required of specialists; the vast majority of control equipment mechanics work out of area shops under the assignment and control of control equipment supervisors; and while the control equipment mechanics spent a majority of their time working in specific production areas, their work requires them to possess and exercise the skills of both electrician and instrument man. Moreover, the above findings are consistent with our decision in *E. I. DuPont de Nemours and Company (Florence Plant)*, *supra*, in which we found appropriate a craft unit of control mechanics whose function, training, and skills are virtually identical to those possessed by the employees sought in the present case.

Accordingly, we find, on the basis of the entire record, 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 control equipment mechanics employed at the Employer's May Plant, Camden, South Carolina, excluding all control equipment specialists, engineering assistants, office clerical employees, guards, and supervisors as defined in the Act. [Direction of Election⁹ omitted from publication.]

Underwear Inc., 156 NLRB 1236; *N.L.R.B. v. Wyman-Gordon Co.*, 394 U.S. 759. Accordingly, it is hereby directed that an election eligibility list, containing the names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director of Region 11 within 7 days of the date of this Decision 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.