

In the Matter of ALUMINUM COMPANY OF AMERICA, THE ALUMINUM COOKING UTENSIL COMPANY, AND ALUMINUM SEAL COMPANY and ASSOCIATION OF ALUMINUM SALARIED EMPLOYEES (AFFILIATED WITH NATIONAL FEDERATION OF SALARIED UNIONS)

In the Matter of ALUMINUM RESEARCH LABORATORIES, A DIVISION OF THE ALUMINUM COMPANY OF AMERICA, and ASSOCIATION OF ALUMINUM SALARIED EMPLOYEES (AFFILIATED WITH NATIONAL FEDERATION OF SALARIED UNIONS)

In the Matter of ALUMINUM COMPANY OF AMERICA and ASSOCIATION OF ALUMINUM SALARIED EMPLOYEES (AFFILIATED WITH NATIONAL FEDERATION OF SALARIED UNIONS)

In the Matter of THE ALUMINUM COOKING UTENSIL COMPANY AND NEW METHOD FINANCE CORPORATION and ASSOCIATION OF ALUMINUM SALARIED EMPLOYEES (AFFILIATED WITH NATIONAL FEDERATION OF SALARIED UNIONS)

Cases Nos 6-R-1051 and 6-R-1077 through 6-R-1079, respectively

AMENDMENT TO DECISION AND DIRECTION OF
ELECTIONS

June 11, 1945

On May 10, 1945, the Board issued a Decision and Direction of Elections in the above-entitled proceeding.¹ On May 23, 1945, the Companies filed a petition with the Board for reconsideration of the Board's Decision with respect to the technical and professional unit and requesting that the professional employees either be excluded from any unit or that they be permitted to vote as a separate group, in which latter event the appropriateness of the technical and professional unit is to be determined by the desires of the employees as expressed in each election. On May 28, 1945, the Independent filed objections to the Companies' petition. On May 29, 1945, a large group of the professional employees filed objections to the inclusion of the professional employees in the same unit with the technical

¹ 61 N. L. R. B. 1066

62 N. L. R. B., No. 48.

employees and requested that the former be established as a separate unit. On May 29, 1945, the Board issued an order stating that unless sufficient cause was shown prior to June 4, 1945, the Board would grant the Companies' petition insofar as it requested that the professional employees be permitted to vote as a separate group. No objections having been filed to the order to show cause and no sufficient cause to the contrary appearing, the request of the Companies is granted, and it is hereby directed that the Decision and Direction of Elections herein be, and the same hereby is, amended as follows:

1) By striking therefrom the section heading "IV. The appropriate units" and substituting therefor "IV. The appropriate units; the determination of representative".

(2) By striking from Section IV thereof, the first paragraph under "*Office and Clerical Unit*" and substituting therefor the following:

The Independent desires to include technical and professional employees in the same unit with office and clerical employees. As indicated above, both the Companies and the C. I. O. are opposed to such an all-inclusive unit; they urge that office and clerical employees should not be included in the same unit with technical and professional employees. The C. I. O. further urges that the technical and professional employees be included in one unit; the Companies, on the other hand, contend that the professional engineers and chemists should be excluded from any unit or, in the alternative, that the professional employees be permitted to vote as a separate group, the determination of the appropriateness of their inclusion with the other technical employees to await the outcome of the elections. In view of the fact that the background, work, and interests of office and clerical employees generally differ from those of technical and professional employees, we shall, in accord with our practice, establish the office and clerical employees as a separate unit; our determination with respect to the technical and professional unit will, however, await, for reasons stated hereinafter, the outcome of the elections."

(3) By striking the final paragraph of Section IV thereof, and substituting therefor the following:

The Companies urge that the professional engineers and chemists be permitted to vote as a separate group, their inclusion in the same unit with the other technical employees to be determined by the outcome of the elections. We are of the opinion that the technical and professional employees may together constitute an appropriate unit; however, in view of the fact that the professional employees are college graduates or have the equivalent in experience, and their duties, responsibilities, and problems differ from those of the remaining

technical employees, we are also of the opinion that such professional employees form a well-defined, homogeneous group of employees entitled to representation and the opportunity to express their desire for a bargaining agent in a voting group separate from that of other technical employees.^{42a} In the event that both the professional and technical employees, voting separately, select the same union, they shall together constitute a single appropriate unit. Accordingly, we shall make no final determination at this time with respect to a unit of technical and/or professional employees but shall defer such determination pending the outcome of the elections in the two voting groups.

We shall direct that separate elections by secret ballot be held among the employees in the units found appropriate above and in the voting groups described below who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction:

(1) All technical employees of the Aluminum Company of America, The Aluminum Cooking Utensil Company, Aluminum Seal Company, and New Method Finance Corporation, at New Kensington, Arnold, Glassmere and Logans Ferry, Pennsylvania, including employees at the Wear-Ever building, combustion engineers at ACA, shop draftsmen, junior and senior draftsmen, die draftsmen, detailers, designers, laboratory laborers, specimen preparers, specimen preparer helpers, laboratory helpers, laboratory trainees, analysts, testers, and laboratory testers, but excluding: at ACA, assistant technical supervisors, operating engineers, metallurgists, junior metallurgists, metallographers, technical trainees, division development engineers, assistant division development engineers, lubricating engineers, works electrical engineers, assistant works electrical engineers, junior engineers, surveyor, all employees in the industrial engineering division, estimators, at ASC, assistant chief chemists, chief experimental and development engineers, production engineers, plant engineers, sales engineers, service engineers, efficiency engineers; at TACUC, project engineers, junior project engineers, metallurgists, technical trainees, staff engineers, industrial engineers, junior industrial engineers, safety engineers, clerk to industrial engineers;⁴³ employees listed in Appendix B, medical technicians, first-aid men, day nurses, night nurses, employees of the sales development division, railroad development engineers,⁴⁴ all employees of the Aluminum Research Laboratories, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action,

^{42a} *Matter of Radio Corporation of America*, 57 N L R B 1729; *Matter of General Electric Company*, 57 N L R B 81

(2) All professional chemists and engineers employed by the Aluminum Company of America. The Aluminum Cooking Utensil Company, Aluminum Seal Company and New Method Finance Corporation at New Kensington, Arnold, Glassmere, and Logans Ferry, Pennsylvania, including employees at the Wear-Ever building; at ACA, assistant technical supervisors, operating engineers, metallurgists, junior metallurgists, metallographers, technical trainees, division development engineers, assistant division development engineers, lubricating engineers, works electrical engineers, assistant works electrical engineers, junior engineers; at ASC, assistant chief chemists, chief experimental and development engineers, production engineers, junior project engineers, metallurgists, technical trainees, and staff engineers; but excluding at ACA, surveyor, all employees in the industrial engineering division, estimators; at ASC, service engineers, efficiency engineers; at TACUC, industrial engineers, junior industrial engineers, safety engineers; employees of the sales development division, railroad development engineers, all employees of the Aluminum Research Laboratories, all employees included in group (1) above, all employees listed in Appendix B, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action.

(4) By striking Section V thereof.

(5) By striking from the Direction of Elections the words "but not later than thirty (30) days from the date of this Direction," and substituting therefor the words "but not later than sixty (60) days from the date of this Direction,".

(6) By striking from the Direction of Elections the words "among the employees in the units found appropriate in Section IV, above," and substituting therefor the words "among the employees in the appropriate units and voting groups described in Section IV, above,".