

In the Matter of ALLIS-CHALMERS MANUFACTURING COMPANY *and*
INTERNATIONAL UNION, UNITED AUTOMOBILE WORKERS OF AMERICA,
LOCAL 248

Case No. R-215

SUPPLEMENTAL DECISION

AND

CERTIFICATION OF REPRESENTATIVES

February 9, 1938

On June 14, 1937, International Union, United Automobile Workers of America, Local 248, herein called Local No. 248, by Julius Blunk, financial secretary, filed with the Regional Director of the Twelfth Region (Milwaukee, Wisconsin) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of the West Allis, Wisconsin, plant of the Allis-Chalmers Manufacturing Company, herein called the Company, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. On June 26, 1937, the National Labor Relations Board, herein called the Board, acting pursuant to Article III, Section 3, of National Labor Relations Board Rules and Regulations—Series 1, as amended, ordered the Regional Director to conduct an investigation and provide for an appropriate hearing.

On July 1, 1937, the Regional Director issued a notice of hearing to be held at Milwaukee, Wisconsin, on July 12, 1937, copies of which were served upon the Company, Local No. 248, the International Association of Machinists, herein called the I. A. M., the International Brotherhood of Firemen and Oilers, herein called the I. B. F. O., the International Brotherhood of Electrical Workers, herein called the I. B. E. W., Mr. Joseph A. Padway, attorney for these unions, and upon the Metal Trades Council of Milwaukee, and the Independent Engineers and Draftsmen's Association herein called the Association.

Pursuant to the notice, a hearing was held at Milwaukee, Wisconsin, from July 12 through July 28, 1937, before Fred A. Hughes, the

Trial Examiner duly designated by the Board. On November 20, 1937, the Board issued a Decision and Direction of Election.¹ On December 9, 1937, the Board issued an Amendment to the Direction of Election, and on December 22, 1937, the Board issued a second Amendment to the Direction of Election. In its Decision the Board determined that the technical engineers in nonsupervisory capacities and the draftsmen constituted a unit appropriate for the purposes of collective bargaining and directed an election among these employees, to determine whether they desired to be represented by the Independent Engineers and Draftsmen's Association, or by Local No. 248, for the purposes of collective bargaining, or by neither.

As to other production employees, the Board found that they could be considered together as one unit, or that units could be made of the firemen and oilers, of the maintenance electricians, and of all the production workers, excluding draftsmen, technical engineers, maintenance electricians, and firemen and oilers. The Board stated that the determining factor would be the desires of the men themselves, and directed that elections be held among the firemen and oilers and the maintenance electricians to determine the desires of the employees in these categories.

An election was ordered among the maintenance electricians to determine whether they desired to be represented by the I. B. E. W., Local No. 663, or by Local No. 248, or by neither. The Board stated that if Local No. 248 was accorded a majority the maintenance electricians would be considered as constituting, together with the other production workers, a single unit, but that if the I. B. E. W., Local No. 663, was accorded a majority, the maintenance electricians would be considered as constituting a separate unit.

An election was ordered among the operating engineer in charge, the operating engineer in the basement, the operating engineers, the head fireman in charge, the head fireman, the assistant operating engineers, the firemen, the oilers, the boiler washers, the coal-dock operators, the coal-dock man and the ashman, in the main powerhouse and in the boiler rooms of the forage department, to determine whether they desired to be represented by the I. B. F. O., Local No. 125, or by the U. A. W. A., Local No. 248, or by neither. The Board stated that if Local No. 248 was accorded a majority these groups would be considered as constituting, together with the other production workers, a single unit, but that if the I. B. F. O., Local No. 125, was accorded a majority these groups would be considered as constituting a separate unit.

¹ 4 N. L. R. B. 159.

An election was ordered among all other production employees, to determine whether or not they desired to be represented by Local No. 248.

Pursuant to the Direction of Election, as amended, secret ballots were conducted on January 3 and 4, 1938. Full opportunity was afforded to all parties to this investigation to participate in the conduct of the secret ballots and to make challenges. On January 7, 1938, the Regional Director, who conducted the ballots, caused to be served on the parties his Intermediate Report on the conduct of the ballots. No objections with respect to the conduct of the elections were filed to the Intermediate Report, and it was forwarded by the Regional Director to the Board in Washington, D. C.

As to the results of the secret ballots, the Intermediate Report showed the following:

Technical engineers and draftsmen

Total number eligible.....	351
Total Ballots Cast.....	323
Total Number of Blank Ballots.....	0
Total Number of Void Ballots.....	0
Total Number of Protested Ballots.....	2
Total Number of Ballots Cast for International Union, United Automobile Workers of America, Local No 248, C. I. O.....	13
Total Number of Ballots Cast for Independent Engineers and Draftsmen's Association.....	272
Ballots Cast for Neither Organization.....	36

Maintenance electricians

Total Number Eligible.....	73
Total Ballots Cast.....	65
Total Number of Blank Ballots.....	0
Total Number of Void Ballots.....	0
Total Number of Protested Ballots.....	1
Total Number of Ballots Cast for International Brotherhood of Electrical Workers, Local No 663-B, A F of L.....	49
Ballots cast for International Union, United Automobile Workers of America, Local No. 248, C. I. O.....	11
Ballots cast for Neither Organization.....	4

Firemen and oilers

Total Number Eligible.....	59
Total Ballots Cast.....	56
Total Number of Blank Ballots.....	0
Total Number of Void Ballots.....	0
Total Number of Protested Ballots.....	0
Total Number of Ballots Cast for International Union, United Automobile Workers of America, Local No 248, C. I. O.....	10

Total Number of Ballots Cast for International Brotherhood of Firemen and Oilers, Local No. 125, A. F. of L.....	41
Ballots Cast for Neither Organization.....	5

Other production employees

Total Number Eligible.....	8,414
Total Ballots Cast.....	7,761
Total Number of Blank Ballots.....	20
Total Number of Void Ballots.....	10
Total Number of Ballots Cast for International Union, United Automobile Workers of America, Local No. 248, C. I. O.....	6,086
Total Number of Ballots Cast Against International Union, United Automobile Workers of America, Local No. 248, C. I. O.....	1,645

Before the elections were held, but after the issuance of the Board's decision, questions arose as to the eligibility of indentured apprentices, cooperative students, and graduate students, and as to whether or not assistant foremen and inspectors were employed in supervisory capacities. The Regional Director ordered that the ballots cast by these employees be segregated. The number of employees in these classifications who cast ballots are as follows:

Assistant Foremen.....	77
Graduate Students.....	40
Indentured Apprentices.....	193
Cooperative Students.....	1
Inspectors.....	163
Total.....	474

These ballots cannot affect the results of the elections listed above.

In order to facilitate collective bargaining and to extend to the employees as quickly as possible the benefits of the collective bargaining that has already taken place, the Board will issue a Certification applicable to the employees other than those in these five categories. When the Board has made a final determination as to the status of assistant foremen, inspectors, graduate students, indentured apprentices and cooperative students, it will, if it finds that any of these groups are to be included within the appropriate unit, issue another certification embodying that finding.

Upon the entire record in the case, the Board makes the following:

SUPPLEMENTAL FINDINGS OF FACT

In order to insure to employees of the Company the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of the Act, and subject to our further decision regarding assistant foremen, inspectors, graduate students, indentured apprentices and cooperative students, we find that the following groups of the employees of the West Allis, Wiscon-

sin, plant of the Allis-Chalmers Manufacturing Company constitute units appropriate for the purposes of collective bargaining:

- (a) Maintenance electricians, excluding assistant foremen, inspectors, graduate students, indentured apprentices and cooperative students;
- (b) Operating engineer in charge, the operating engineer in the basement, the operating engineers, the head fireman in charge, the head fireman, the assistant operating engineers, the firemen, the oilers, the boiler washers, the coal-dock operators, the coal-dock man and the ashman, in the main powerhouse and in the boiler rooms of the forge department, exclusive of assistant foremen, inspectors, graduate students, indentured apprentices and cooperative students;
- (c) Production employees, exclusive of supervisory employees, draftsmen, technical engineers, maintenance electricians and firemen and oilers, assistant foremen, inspectors, graduate students, indentured apprentices and cooperative students.

Upon the basis of the above findings of fact and upon the entire record in the case, the Board makes the following:

SUPPLEMENTAL CONCLUSIONS OF LAW

1. The following employees of the West Allis, Wisconsin, plant of the Allis-Chalmers Manufacturing Company constitute units appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act:

- (a) Maintenance electricians, excluding assistant foremen, inspectors, graduate students, indentured apprentices and cooperative students;
- (b) Operating engineer in charge, the operating engineer in the basement, the operating engineers, the head fireman in charge, the head fireman, the assistant operating engineers, the firemen, the oilers, the boiler washers, the coal-dock operators, the coal-dock man and the ashman, in the main powerhouse and in the boiler rooms of the forge department, exclusive of assistant foremen, inspectors, graduate students, indentured apprentices and cooperative students;
- (c) Production employees, exclusive of supervisory employees, draftsmen, technical engineers, maintenance electricians and firemen and oilers, assistant foremen, inspectors, graduate students, indentured apprentices and cooperative students.

CERTIFICATION OF REPRESENTATIVES

By virtue of and pursuant to the power vested in the National Labor Relations Board by the National Labor Relations Act, 49 Stat. 449, and pursuant to Article III, Section 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that the Independent Engineers and Draftsmen's Association has been designated and selected by a majority of the technical engineers in nonsupervisory capacities and the draftsmen, exclusive of assistant foremen, inspectors, graduate students, indentured apprentices and cooperative students, as their representative for the purposes of collective bargaining, and that, pursuant to the provisions of Section 9 (a) of the Act, the Independent Engineers and Draftsmen's Association is the exclusive representative of all such employees for the purposes of collective bargaining in respect to wages, rates of pay, hours of work and other conditions of employment; and

IT IS HEREBY CERTIFIED that Local No. 663 of the International Brotherhood of Electrical Workers, affiliated with the American Federation of Labor, has been designated and selected by a majority of the maintenance electricians, exclusive of assistant foremen, inspectors, graduate students, indentured apprentices and cooperative students, of the West Allis, Wisconsin, plant of the Allis-Chalmers Manufacturing Company as their representative for the purposes of collective bargaining, and that, pursuant to the provisions of Section 9 (a) of the Act, Local No. 663 of International Brotherhood of Electrical Workers, affiliated with the American Federation of Labor, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to wages, rates of pay, hours of work and other conditions of employment; and

IT IS HEREBY CERTIFIED that Local No. 125 of the International Brotherhood of Firemen and Oilers, affiliated with the American Federation of Labor, has been designated and selected by a majority of the following group of employees: Operating engineer in charge, the operating engineer in the basement, the operating engineers, the head fireman in charge, the head fireman, the assistant operating engineers, the firemen, the oilers, the boiler washers, the coal-dock operators, the coal-dock man and the ashman, in the main powerhouse and in the boiler rooms of the forge department, exclusive of assistant foremen, inspectors, graduate students, indentured apprentices and cooperative students, as their representative for the purposes of collective bargaining, and that, pursuant to the provisions of Section 9 (a) of the Act, Local No. 125 of the International Brotherhood of Firemen and Oilers, affiliated with the American Federation of Labor, is the exclusive representative of all such em-

ployees for the purposes of collective bargaining in respect to wages, rates of pay, hours of work and other conditions of employment; and

IT IS HEREBY CERTIFIED that Local No. 248, International Union, United Automobile Workers of America, affiliated with the Committee for Industrial Organization, has been designated and selected by a majority of the production employees of the West Allis, Wisconsin, plant of the Allis-Chalmers Manufacturing Company, exclusive of supervisory employees, draftsmen, technical engineers, maintenance electricians and firemen and oilers, assistant foremen, inspectors, graduate students, indentured apprentices and cooperative students, as their representative for the purposes of collective bargaining, and that, pursuant to the provisions of Section 9 (a) of the Act, Local No. 248, International Union, United Automobile Workers of America, affiliated with the Committee for Industrial Organization, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to wages, rates of pay, hours of work and other conditions of employment.