

In the Matter of WATERBURY CLOCK COMPANY and INTERNATIONAL  
ASSOCIATION OF MACHINISTS

*Case No. R-320.—Decided November 11, 1937*

*Clock Manufacturing Industry—Investigation of Representatives:* controversy concerning representation of employees: dispute between craft and industrial unions as to appropriate unit—*Unit Appropriate for Collective Bargaining:* craft; occupational and wage differences; history of collective bargaining with employer; established labor organization in plant; desire of employees—*Representatives:* proof of choice; signed authorizations; stipulation as to majority in appropriate unit—*Certification of Representatives—*upon proof of majority representation.

*Mr. Charles A. Graham,* for the Board.

*Mr. Edward T. Carmody,* of Waterbury, Conn., for the Company.

*Mr. J. H. DeCantillon,* of Meriden, Conn., for the I. A. M.

*Mr. Philip C. Brainard,* of Waterbury, Conn., for the Brass Workers Union.

*Mr. Lewis M. Gill,* of counsel to the Board.

DECISION

AND

CERTIFICATION OF REPRESENTATIVES

STATEMENT OF THE CASE

On August 18, 1937, International Association of Machinists, herein called the I. A. M., filed with the Regional Director for the Second Region (New York City) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of Waterbury Clock Company, Waterbury, Connecticut, 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 September 20, 1937, the National Labor Relations Board, herein called the Board, acting pursuant to Section 9 (c) of the Act, and Article III, Section 3, of National Labor Relations Board Rules and Regulations—Series 1, as amended, ordered an investigation and authorized the Regional Director to conduct it and to provide for an appropriate hearing upon due notice.

On September 25, 1937, the Regional Director issued a notice of hearing to be held at Waterbury, Connecticut, on September 30,

1937, copies of which were duly served upon the Company, upon the I. A. M., and upon the Waterbury Brass Workers Union, herein called the Brass Workers Union, which had indicated a desire to intervene. Pursuant to the notice, a hearing was held at Waterbury, Connecticut, on September 30, 1937, before Harold R. Korey, the Trial Examiner duly designated by the Board. The Board and the Company were represented by counsel, and the I. A. M. and the Brass Workers Union were represented by officers of their respective organizations. All participated in the hearing. Full opportunity to be heard, to examine and cross-examine witnesses and to introduce evidence bearing upon the issues was afforded all parties.

A motion by the Brass Workers Union to intervene was granted. No objections to the admission of any evidence were made at the hearing.

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

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE COMPANY

The Company is a corporation, organized in 1857 under the laws of Connecticut. Its principal offices and only plant are located in Waterbury, Connecticut.

The Company is engaged in the manufacture and sale of timepieces and parts of timepieces. It does an annual gross business of approximately five million dollars. Raw materials used by the Company include brass, steel, and paper. An average of about 25 per cent of such raw materials are purchased outside the State of Connecticut. The finished timepieces and parts are sold through subsidiaries, 95 per cent being sold outside the State of Connecticut and shipped by railroad, ship, and truck. The Company employs approximately 40 salesmen, who solicit orders in all states in the United States. It is the owner of trade marks and foreign patents. The Company advertises in newspapers and magazines and over the radio.

The Company's plant in Waterbury, Connecticut, consists of several buildings, all located in one city block. The number of employees in this plant is approximately 2,800.

#### II. THE ORGANIZATIONS INVOLVED

The I. A. M. is a labor organization affiliated with the American Federation of Labor. It admits to membership machinists, tool and die makers, and apprentice mechanics employed by the Company.

The Brass Workers Union is a labor organization which is a local of the International Union of Mine, Mill, and Smelter Workers,

an industrial union for the copper, brass, and non-ferrous metal industry. It admits to membership all production employees of the Company.

### III. THE QUESTION CONCERNING REPRESENTATION

Neither the Brass Workers Union nor the I. A. M. seeks at this time a determination of the bargaining agency for all employees of the Company. It is stipulated that the I. A. M. represents a majority of the machinists, tool and die makers, and apprentice mechanics, and the I. A. M. contends that these employees constitute an appropriate unit. The Company, while adopting a neutral attitude, desires a determination of the appropriateness of the proposed unit. The Brass Workers Union contends that the unit proposed by the I. A. M. is inappropriate. We find that a question has arisen concerning the representation of employees of the Company.

### IV. THE EFFECT OF THE QUESTION OF REPRESENTATION ON COMMERCE

We find that the question of representation, which has arisen, in connection with the operations of the Company described in Section I above, has a close, intimate, and substantial relation to trade, traffic, and commerce among the several States, and tends to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

### V. THE APPROPRIATE UNIT

It was testified that of approximately 2,800 employees of the Company, about 95 are skilled machinists, tool and die makers, and apprentice mechanics. The I. A. M. contends that a unit comprising these employees is appropriate. Almost all of these men are located in Departments 13 and 51. They occupy two separate buildings, although there are certain automatic screw machine operators located in the same building with the machinists in Department 51. An official of the Company testified that these machinists and tool and die makers are more highly skilled than the rest of the employees; that there is no interchangeability between these men and other employees; and that the wage scale for such men reaches higher levels than that for other employees in the plant. The direction and supervision of these employees is also different from that of other employees in the plant.

The Brass Workers Union, while agreeing with the Company and the I. A. M. that automatic screw machine operators do not belong in a craft unit with the machinists and tool and die makers, contends that a craft unit of any type is inappropriate, since all the employees are interdependent and have common interests. However, it does not claim to represent a majority of the employees in the entire plant.

It was testified by an I. A. M. representative that for some four years the I. A. M. has successfully negotiated with the Company on matters of wages, hours, and conditions of work relating to employees in the unit proposed by the I. A. M. It has never represented the automatic screw machine operators. The Brass Workers Union has negotiated with the Company on behalf of the automatic screw machine operators, but has never represented the group now claimed by the I. A. M. While no evidence of any signed agreements was adduced, it does appear from this history of negotiations that the unit proposed by the I. A. M. is feasible. In view of the fact that it is conceded by all parties that the I. A. M. has been selected by the majority of the employees in such a unit, it appears that the desire of these employees is that they should constitute a separate bargaining group. Under all the circumstances of the case, we believe that the machinists, tool and die makers, and apprentice mechanics constitute together an appropriate unit.

In order to insure to the Company's employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of the Act, we find that the machinists, tool and die makers, and apprentice mechanics constitute a unit appropriate for the purposes of collective bargaining in respect to rates of pay, wages, hours, and other conditions of employment.

#### VI. THE DETERMINATION OF REPRESENTATIVES

While no pay roll of the Company was submitted, it was testified that there were about 95 employees included in the unit which we have found appropriate. The I. A. M. introduced as an exhibit a list of signatures of skilled mechanics in Departments 13 and 51 authorizing the I. A. M. to represent the signatories for purposes of collective bargaining. There were 83 such signatures. Furthermore, it was stipulated by all the parties concerned that the I. A. M. represented a majority of the employees in the unit in question. We find that the I. A. M. has been selected by the majority of the employees in the unit above described as appropriate, and we will certify it as their exclusive bargaining agency.

#### CONCLUSIONS OF LAW

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

1. A question affecting commerce has arisen concerning the representation of employees of Waterbury Clock Company, Waterbury, Connecticut, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

2. The machinists, tool and die makers, and apprentice mechanics employed by the Company, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

### CERTIFICATION OF REPRESENTATIVES

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of 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 International Association of Machinists has been selected by a majority of the machinists, tool and die makers, and apprentice mechanics employed by the Waterbury Clock Company, Waterbury, Connecticut, as their representative for the purposes of collective bargaining, and that, pursuant to the provisions of Section 9 (a) of the Act, International Association of Machinists is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.