

In the Matter of AMERICAN HARDWARE CORPORATION and UNITED
ELECTRICAL AND RADIO WORKERS OF AMERICA

Case No. R-271.—Decided December 4, 1937

Hardware Manufacturing Industry—Investigation of Representatives: controversy concerning representatives of employees: rival organizations; refusal by employer to recognize petitioning union as exclusive bargaining agent; substantial doubt as to majority status—*Unit Appropriate for Collective Bargaining:* employees in four plants located in same city; contention of craft union for single plant unit, overruled; centralization of management; history of organization of employees and of collective bargaining with employer; where other considerations determinative of appropriate unit are such that either of two contentions is valid, decisive factor is the desire of the employees involved; determination of dependent upon results of separate elections—*Elections Ordered—Certification of Representatives.*

Mr. Edmund J. Blake, for the Board.

Robinson, Robinson, & Cole, by *Mr. Francis W. Cole* and *Mr. James M. Carlisle*, of Hartford, Conn., for the Company.

Mr. Michael Petanovich, of New Britain, Conn., *Mr. Charles Newell*, and *Mr. Anthony Uccello*, for the U. E. R. W.

Mr. Francis P. Fenton, of Boston, Mass., for the Moulders' Union, the Polishers' Union, and the American Federation of Labor.

Mr. Dennis Keeffe, for the Moulders' Union.

Mr. John J. Flynn, for the Polishers' Union.

Mr. Ernest Umpleby, for the Pattern Makers' League.

Mr. J. H. De Cantillon and *Mr. Jack Argazzi*, for the I. A. M.

Mr. Paul S. Kuelthau, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

On June 28, 1937, United Electrical and Radio Workers of America, herein called the U. E. R. W., filed a petition with the Regional Director for the First Region (Boston, Massachusetts) alleging that a question affecting commerce had arisen concerning the representation of employees of American Hardware Corporation, New Britain, 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 July 26, 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, authorized the Regional Director to conduct an investigation and to provide for an appropriate hearing.

On July 29, 1937, the Regional Director issued a notice of hearing which was duly served on the Company and the U. E. R. W. Notice was also served on the New England representative of the American Federation of Labor, since the petition stated that some American Federation of Labor unions claimed membership in the plants. Pursuant to the notice, a hearing was held at New Britain, Connecticut, on August 9, 1937, before William Seagle, the Trial Examiner duly designated by the Board. At the hearing, Pattern Makers' League of North America, herein called the Pattern Makers' League, Metal Polishers' International Union, herein called the Polishers' Union, International Association of Machinists, herein called the I. A. M., and International Moulders' Union of North America, herein called the Moulders' Union, were permitted to intervene and were represented. The Board, the Company, the Moulders' Union, the Polishers' Union, and the American Federation of Labor were represented by counsel, and the U. E. R. W. was represented by an organizer, a national representative, and the president of its local union.

Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all the parties. At the beginning of the hearing, counsel for the American Federation of Labor made several motions to dismiss the petition and to postpone the hearing, all of which were denied by the Trial Examiner. Objections to the introduction of evidence were made during the course of the hearing. The Board has reviewed the rulings of the Trial Examiner on motions and objections to the introduction of evidence and finds no prejudicial errors were committed. The rulings are hereby affirmed.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

American Hardware Corporation is a Connecticut corporation with its principal office and place of business at New Britain, Connecticut. The Company is engaged in the manufacture of locks, builders' hardware, screws, and other metal products. We are here concerned only

with the Company's four plants at New Britain, Connecticut, situated in groups of two approximately three-fourths of a mile apart.

The P. & F. Corbin division, which manufactures locks and builders' hardware, and the Corbin Cabinet Lock division, which manufactures cabinet locks, padlocks, trunk and suitcase hardware, post office equipment, and miscellaneous metal products, are located across the street from each other. The P. & F. Corbin division has 1,403 hourly paid employees on its July 24, 1937 pay roll, and occupies several buildings. The Corbin Cabinet Lock division had 549 hourly paid employees on its July 24, 1937 pay roll and is entirely confined to one building.

The Russell & Erwin division, which makes locks and builders' hardware, and the Corbin Screw Division, which makes screws, nuts, bolts, and automatic machine screw products, are likewise located across the street from each other. The Russell & Erwin division had 932 hourly paid employees on its July 24, 1937 pay roll and occupies a number of buildings in an area extending over four city blocks. The Corbin Screw division had 1,016 hourly paid employees on its July 24, 1937 pay roll and occupies two neighboring buildings.

Forty per cent of the raw material used in its New Britain plants is bought by the Company outside of Connecticut. These purchases amount to \$1,500,000 yearly. In addition, the Company buys coal, valued at about \$50,000 a year, from places outside of Connecticut.

The Company maintains sales offices and warehouses in San Francisco, Seattle, and Philadelphia. Likewise, through wholly owned subsidiaries, it maintains sales offices and warehouses in New York, Chicago, and London, England. The Company has 125 salesmen operating throughout the United States.

The finished products from the plants in Connecticut are shipped either directly to the purchaser or to the Company's American warehouses. Ninety per cent of the products are shipped out of Connecticut.

II. THE ORGANIZATIONS INVOLVED

United Electrical and Radio Workers of America is a labor organization affiliated with the Committee for Industrial Organization. It admits to membership all the employees of the Company paid upon an hourly basis, except office and supervisory employees.

Pattern Makers' League of North America is a labor organization affiliated with the American Federation of Labor. It admits to membership all pattern makers employed by the Company.

Metal Polishers' International Union is a labor organization affiliated with the American Federation of Labor. It admits to membership employees of the Company engaged in metal polishing and buffing.

International Association of Machinists is a labor organization affiliated with the American Federation of Labor. It admits to membership all machinists, tool makers, die makers, and gauge makers employed by the Company. It also admits to membership certain machine specialists.

International Moulders' Union of North America is a labor organization affiliated with the American Federation of Labor. It admits to membership persons employed in the Company's foundries.

III. THE QUESTION CONCERNING REPRESENTATION

The craft unions here involved, with the exception of the I. A. M., which has been meeting with the Company for two years, have been meeting with Company officials for the purposes of collective bargaining for approximately a year. The Company is willing to recognize each craft union as the representative of its members and has dealt with each of them on that basis. No contracts covering wages, hours, or working conditions have been signed with any union.

About the beginning of May 1937, the U. E. R. W. started to organize in the Company's plants. On May 31, 1937, the U. E. R. W. wrote to George T. Kimball, president of the Company, requesting a conference to discuss collective bargaining. As a result, conferences took place on June 8, 1937, and on June 17, 1937, at which the Company offered to recognize the U. E. R. W. as the representative of its members and to deal with it as such. The U. E. R. W. insisted that it should be recognized as the exclusive representative of all employees of the Company.

The Company rejected this demand because of the conflicting claims of the four craft unions which, as stated above, had been bargaining with the Company for some time.

At the hearing, the U. E. R. W. withdrew its contention that the pattern makers should be included in the unit with the other employees because it appeared that all pattern makers employed by the Company belonged to the Pattern Makers' League. Since no one objects to the claim that the pattern makers employed by the Company constitute a unit, and since the Board sees no objection to their functioning as a unit, we find that, as to them, no question concerning representation has arisen.

The other intervening unions contest the claim of the U. E. R. W. to represent all of the employees of the Company except pattern makers, and themselves claim to represent certain crafts in the Company's plant. In view of the conflicting claims of the various unions involved here, we find that a question concerning the representation of employees of the Company at its New Britain plants has arisen.

IV. THE EFFECT OF THE QUESTION CONCERNING REPRESENTATION ON
COMMERCE

We find that the question concerning 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

As stated above, the Company's four plants at New Britain are situated in two groups about three-quarters of a mile apart. Each plant has its own manager and superintendent with their respective office staffs. The organization of the Company is such that the managers of the respective plants have no power to make important decisions. All significant questions of Company policy are decided by the president and general manager of the Company.

Although the various plants of the Company make somewhat dissimilar products, their output is essentially of the same type. The processes of the different plants vary to some extent, and it might be difficult or impossible to transfer semi-skilled employees from one plant to another. The Company does not make such transfers under its present policy. However, the president of the Company, George T. Kimball, testified that it would be possible to transfer the more highly skilled employees from plant to plant, since the work they do in each plant is essentially the same.

Some of these plants fabricate materials used by the other plants in their final product. Thus the P. & F. Corbin division supplies castings to the Corbin Cabinet Lock division and to the Corbin Screw division. The press work for the Russell & Erwin division is done at the P. & F. Corbin division, and the tools and dies for use on such work are also made by the P. & F. Corbin division. To a great extent, however, each plant is independent of the others and does all the work necessary to the production of its final product.

Prior to the summer of 1935, the Company refused to deal with any union for any purpose. That summer the I. A. M. approached the management and tried to negotiate. A raise in pay was granted, though the Company denies that it was due to the activities of the I. A. M. Although the I. A. M. at that time claimed members only in the Russell & Erwin division, the increase was made applicable to all the Company's plants in New Britain.

In the summer of 1936 the Pattern Makers' League, claiming to represent all the pattern makers, approached the management seeking a wage increase. The Company recognized the Pattern Makers'

League as the representative of its members without regard to the plant in which they worked, and granted a wage increase which applied to all pattern makers employed in the New Britain plants.

Following the summer of 1936 the Company recognized and dealt with the I. A. M., the Moulders' Union, and the Polishers' Union as the representatives of their respective members. None of these unions claimed to represent all the employees in their craft employed by the Company, each confining its claim to employees of the Russell & Erwin division. Nevertheless, all increases in wages resulting from such negotiations were applied to all persons employed in the New Britain plants in the craft affected by the raise.

All the unions involved in this case admit to membership employees in all the New Britain plants. The I. A. M., the Pattern Makers' League, and the U. E. R. W. request that no distinction in determining the unit be made because of the fact that the men are employed in different plants and they have secured members in the different plants. The Polishers' Union and the Moulders' Union ask that one plant be split off as a separate unit. In *Matter of Chase Brass and Copper Company, Inc.*, and *Waterbury Brass Workers Union*,¹ the Board held the employees in two plants in the same city with a common management to be separate units on the ground that the employees had organized and bargained on that basis. No organization along the lines of a multiple plant unit had commenced in that case. Such is not the situation here. The Pattern Makers' League, the I. A. M., and the U. E. R. W. have organized on the basis that all employees of the Company in New Britain eligible for membership in their respective unions constitute an appropriate unit. To hold that each plant in New Britain constituted a separate unit would hamper organization already started along broader lines.

Further, the plants are not situated so far apart geographically that there is any difficulty in holding meetings of the employees from all four plants.

The factors of centralized management of all plants and of organization among the employees of all plants without distinction as to the plant in which they work, readily lead to the conclusion that no distinction should be made along plant lines in determining the unit.

The U. E. R. W. contends that all production employees in the four plants paid on an hourly basis, except pattern makers, office workers, timekeepers, and foremen, but including factory clerks, working assistant foremen, and shipping, packing, and trucking employees constitute an appropriate unit. In support of this conten-

¹ 4 N. L. R. B. 47.

tion the U. E. R. W. asserts that all are employed by the same employer, that all must deal with the same persons in regard to wages and working conditions, that in seeking improvements in wages or working conditions all gain strength from a united front, and that 2,400 of the Company's 3,800 employees have expressed their preference for an industrial unit by joining the U. E. R. W.

The unit alleged by the U. E. R. W. to be appropriate includes factory clerks and working assistant foremen. When the petitioning union so desires, it has been the policy of the Board to exclude such employees from a unit of production workers. In this case, however, the U. E. R. W. wishes them to be included and no objection is made by any of the other parties. These employees will therefore be included in the appropriate unit.

The shipping, packing, and trucking employees work under the same conditions as the other employees. The U. E. R. W. requested their inclusion in the unit and no objection was made at the hearing. They will therefore be included.

The office workers, timekeepers, and foremen are excluded from the unit because their problems and working conditions are plainly different from those of the other employees.

For these reasons, in the absence of organization along craft lines, all production employees in the New Britain plants paid upon an hourly basis, with the exceptions just noted, might well constitute an appropriate unit for collective bargaining. It is necessary, however, to consider the contentions of the craft unions that certain smaller groups of the employees should be treated as separate units.

The I. A. M. contends that the machinists, tool makers, and die makers in the four plants constitute an appropriate unit. There are approximately 150 employees in this unit. This contention is supported by the fact that the employees in these classifications are more highly skilled than the other men in the plant, and that they have been organized and bargaining through the I. A. M. for approximately two years. It is true that no agreement, oral or written, has ever been reached between the Company and the I. A. M., but the I. A. M. did request and receive changes in wages and working conditions during that period. Further, in October 1936 the I. A. M. called a strike at the Corbin Screw plant lasting about five weeks and involving 50 or 60 men. Thus the I. A. M. was an active labor organization in the New Britain plants before the U. E. R. W. started to organize there.

Consideration of these facts leads to the conclusion that the machinists, tool makers, and die makers could function either as a separate unit or as part of the larger industrial unit. The factors which ordinarily persuade us that the craft unit, on one hand, or the industrial unit, on the other, is the appropriate unit, are not decisive here. In such a situation the Board has adopted the prin-

principle that the desires of the men involved shall determine whether they are to be a separate unit or whether they are to be included within the larger industrial unit.² In accordance with this principle, the determination of the unit to which the machinists' group shall belong will depend upon the results of an election which we shall direct.

The I. A. M. also contended that the header department at the Corbin Screw plant constituted a separate unit. This department is composed of specialist machinists engaged in making the heads for screws. The Corbin screw plant is the only one of the four plants in New Britain that has such a department. There are, however, specialist machinists of many other types eligible to membership in the I. A. M. employed both at the Corbin Screw plant and at the other plants of the Company. The machinists in the header department are no more highly skilled than the other specialist machinists, and the I. A. M. made no contention that all specialist machinists constitute an appropriate unit. Further there is no history of collective bargaining by the header department as a separate unit, and no reason appears for separating those employees from the other specialist machinists who are to be included in the industrial unit. We therefore find that the header department does not constitute a separate unit for the purposes of collective bargaining and that the employees of that department are part of the industrial unit.

The Moulders contends that the foundrymen at the Russell & Erwin plant constitute an appropriate unit for collective bargaining. In view of our previous conclusion that the four plants should not be treated separately, we cannot agree with this contention, insofar as it would confine the unit to the foundry men in one of the plants.

There are both iron and brass foundries at the P. & F. Corbin plant and at the Russell & Erwin plant, and no foundries at the other two plants. The foundries at the P. & F. Corbin plant employ 166 persons, and those at the Russell & Erwin plant employ 122. The representative of the Moulders' Union testified that the membership of that Union was confined to the brass foundry at the Russell & Erwin plant, which employs 68 persons. There was no indication at the hearing that any of the parties wanted the foundrymen in all the plants to be considered an appropriate unit, or that the brass foundrymen desired to be considered a unit. Were there any evidence that a substantial number of the foundrymen desired that all

² *Matter of City Auto Stamping Company and International Union, United Automobile Workers of America*, 3 N. L. R. B. 306; *Matter of The Globe Machine and Stamping Co. and Metal Polishers' Union, Local No. 3*, *International Association of Machinists District No. 54, Federal Labor Union 18768*, and *United Automobile Workers of America*, 3 N. L. R. B. 294; *Matter of Pennsylvania Greyhound Lines et al and The Brotherhood of Railroad Trainmen*, 3 N. L. R. B. 622; *Matter of Pacific Gas and Electric Company and United Electrical and Radio Workers of America*, 3 N. L. R. B. 835; *Matter of Allis-Chalmers Manufacturing Company and International Union, United Automobile Workers of America, Local 248*, 4 N. L. R. B. 159.

of their craft employed by the Company should be considered as a unit, we might have directed that an election be conducted which would definitely indicate whether the craft as a whole desired to belong to the industrial unit or to constitute a separate unit. In the absence of such evidence, we hold the foundrymen to be part of the industrial unit.

The situation of the Polishers' Union is much like that of the Moulders' Union, except that there are polishers employed in all four plants. The Polishers' Union contends that the polishers at the Russell & Erwin plant constitute a separate unit. In view of our finding that no distinction should be based upon the fact that the persons concerned are employed in four different plants, we cannot find that the unit asked for by the Polishers' Union is appropriate.

There are 223 polishers employed in the Company's plants in New Britain, of which 94 are employed at the Russell & Erwin plant. The representative of the Polishers' Union claimed that all the polishers at the Russell & Erwin plant were members of that union, but made no claim to members in the other plants. A former shop committeeman for the Polishers' Union testified that at one time all the polishers in the Russell & Erwin plant belonged to the Polishers' Union, but that in June 1937 they had banded together and joined the U. E. R. W. in a body, and were still members of the U. E. R. W. There was no request at the hearing that all polishers employed by the Company in New Britain be designated as a unit by the Board. The Polishers' Union was opposed to such a designation. Had there been any indication that a substantial number of the polishers employed by the Company desired such a unit, we might have ordered an election which would definitely indicate whether they desired to belong to the industrial unit or to be a unit by themselves. Since there was no indication of any such desire, we hold that the polishers are included with the other employees in the industrial unit.

In accordance with the above discussion, we will not at this time make a finding as to the unit appropriate for the purposes of collective bargaining. This determination will depend upon the results of elections which we shall direct to be held separately (1) among the machinists, tool makers, and die makers in all of the Company's plants in New Britain, and (2) among the employees of all the Company's plants in New Britain paid upon an hourly basis, including factory clerks, working assistant foremen, and those employees engaged in shipping, packing, and trucking, but excluding pattern makers, machinists, tool makers, die makers, office employees, time-keepers, and foremen. If a majority of the men in each group designate the U. E. R. W. as their representative, both groups will constitute a single unit. Otherwise we will find that there are two appropriate units.

VI. THE DETERMINATION OF REPRESENTATIVES

The U. E. R. W. brought several trays of application cards to the hearing. The recording secretary of the U. E. R. W. testified that he thought there were approximately 2,400 cards in the trays but that the financial secretary was custodian of the cards. The financial secretary did not testify. These cards were not checked against the Company's pay roll nor were they introduced into evidence. There was no breakdown of the cards to determine in what department the men signing them were working. The I. A. M. introduced no evidence of its membership but claimed to have enrolled a majority of the machinists, tool makers, and die makers employed by the Company. Since competent evidence of a majority membership in either group mentioned above is lacking, elections will be necessary.

In accordance with our usual practice, these employees within the two groups mentioned above who were employed by the Company during the last pay-roll period immediately preceding June 18, 1937, the date of the filing of the petition, except those who have since quit or been discharged for cause, will be entitled to vote in the elections.

CONCLUSIONS OF LAW

On the basis of the above findings of fact and upon the entire record in the case, the Board concludes that a question affecting commerce has arisen, concerning the representation of employees of American Hardware Corporation, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

DIRECTION OF ELECTIONS

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, it is hereby

DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for the purposes of collective bargaining with American Hardware Corporation, New Britain, Connecticut, elections by secret ballot shall be conducted within twenty (20) days from the date of this Direction, under the direction and supervision of the Regional Director for the First Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 9, of said Rules and Regulations, among those employees of American Hardware Corporation at its four plants in New Britain, Connecticut, who fall within the groups described below and who were employed by the Company

during the last pay-roll period immediately preceding June 18, 1937, and who have not since quit or been discharged for cause:

1. The machinists, tool makers, and die makers, excluding foremen, to determine whether they desire to be represented by United Electrical and Radio Workers of America or International Association of Machinists for the purposes of collective bargaining, or by neither;

2. The employees paid on an hourly basis, including factory clerks, working assistant foremen, and those employees engaged in shipping, packing, and trucking, but excluding pattern makers, machinists, tool makers, die makers, office employees, timekeepers, and foremen, to determine whether they desire to be represented by United Electrical and Radio Workers of America for the purposes of collective bargaining.

MR. EDWIN S. SMITH, concurring:

Although other facts on which this decision is based would seem to indicate that the industrial unit is here the one most appropriate to achieve the purposes of collective bargaining in the plants of the respondent, I am ready to concur in the decision because of what the record discloses of the history of the machinists' attempts to organize on a craft basis.

The I. A. M. began organization approximately a year before the advent of the industrial union and the other craft unions. Its members engaged in a five weeks' strike in the fall of 1936, thereby demonstrating the solidarity of their craft convictions. There have also been several attempts at bargaining by the machinists with favorable results to the workers. These results can probably be fairly attributed to the stand taken by the machinists' representatives. The efforts zealously and effectively made to build up this craft as a bargaining entity should not, I think, be wiped out, in deference to the interests of the majority of the employees, without permitting a vote of the sort here provided for.

[SAME TITLE]

AMENDMENT TO DECISION

AND

DIRECTION OF ELECTIONS

December 17, 1937

On December 4, 1937, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Elections in the above-entitled case. The Direction of Elections provided that an election by secret ballot be conducted within twenty (20) days among the machinists, tool makers, and die makers, excluding foremen, em-

ployed by American Hardware Corporation, New Britain, Connecticut, to determine whether they desired to be represented by United Electrical and Radio Workers of America, herein called the U. E. R. W., or International Association of Machinists, herein called the I. A. M., for the purposes of collective bargaining or by neither.

On December 13, 1937, the U. E. R. W. filed a petition asking that the election among the machinists, tool makers, and die makers be postponed until further investigation by the Board or that the U. E. R. W. be withdrawn from the ballot.

Upon consideration of the petition, the Board finds no reason for postponing the election, and therefore the Direction of Elections will be amended to provide that the machinists, tool makers, and die makers, excluding foremen, will decide merely whether they desire to be represented by the I. A. M. We will also amend our Decision to conform to this change in the Direction of Elections.

Therefore, the Decision in the above-entitled case, issued on December 4, 1937, is amended by striking therefrom the last two sentences in the last paragraph of Section V of the Findings of Fact, and substituting therefor the following:

If a majority of the machinists, tool makers, and die makers, excluding foremen, choose the I. A. M., that group will constitute a separate unit.

The Direction of Elections is hereby amended by striking therefrom paragraph 1, and substituting therefor the following:

1. The machinists, tool makers, and die makers, excluding foremen, to determine whether or not they desire to be represented by International Association of Machinists for the purposes of collective bargaining.

[SAME TITLE]

SUPPLEMENTAL DECISION

AND

CERTIFICATION OF REPRESENTATIVES

January 17, 1938

STATEMENT OF THE CASE

On June 28, 1937, United Electrical and Radio Workers of America, herein called the U. E. R. W., filed with the Regional Director for the First Region (Boston, Massachusetts) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of American Hardware Corporation, New Britain, 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 July 26, 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 July 29, 1937, the Regional Director issued a notice of hearing, copies of which were duly served upon the Company, upon the U. E. R. W., and upon the New England representative of the American Federation of Labor, since the petition stated that "several craft units of the American Federation of Labor" claimed membership in the plants. Pursuant to the notice, a hearing was held on August 9, 1937, at New Britain, Connecticut, before William Seagle, the Trial Examiner duly designated by the Board. The Board, the Company, the U. E. R. W., the American Federation of Labor, Pattern Makers League of North America, Metal Polishers' International Union, International Moulders' Union of North America, and International Association of Machinists, herein called the I. A. M., were represented at and participated in the hearing. On December 4, 1937, the Board issued a Decision and Direction of Elections which provided that two elections be held.

In its Decision the Board made no final determination as to the appropriate units for collective bargaining with the Company except in so far as it refused to make any distinction along plant lines in determining units and refused to segregate the foundrymen and polishers as separate units because no substantial number in those crafts had indicated a preference for craft units. The U. E. R. W. contended that all production employees in the four plants at New Britain paid on an hourly basis, except pattern makers, office workers, timekeepers, and foremen, but including factory clerks, working assistant foremen, and shipping, packing, and trucking employees, constituted an appropriate unit. The I. A. M. contended that the machinists, tool makers, and die makers, excluding foremen, in the four plants constituted an appropriate unit. The Board stated that since either contention could be sustained, it would direct a separate election to be held among the machinists, tool makers, and die makers, excluding foremen, to determine whether they desired to be represented by the I. A. M., the U. E. R. W., or neither, and would decide the issue on the basis of the preference indicated by those employees in the election.

The Board also directed an election among the employees paid on an hourly basis, including factory clerks, working assistant foremen, and those employees engaged in shipping, packing, and trucking, but excluding pattern makers, machinists, tool makers, die mak-

ers, office employees, timekeepers, and foremen, to determine whether they desired to be represented by the U. E. R. W.

On December 9, 1937, the I. A. M. filed exceptions to the Board's Decision, which were denied by the Board on December 14, 1937.

On December 10, 1937, the U. E. R. W. filed exceptions to the Board's Decision and requested that the Board postpone the election among the machinists, tool makers, and die makers pending further investigation by the Board or remove the U. E. R. W. from the ballot in that election. On December 17, 1937, the Board issued an Amendment to the Decision and Director of Elections. As amended, the Direction of Elections provided that the machinists, tool makers, and die makers, excluding foremen, should indicate whether or not they desired to be represented by the I. A. M. The Decision as amended provided that if that group chose the I. A. M. it would constitute a separate unit.

Pursuant to the Direction of Elections as amended, elections by secret ballot were conducted on December 22, 1937. Full opportunity was accorded to all parties to participate in the conduct of the secret ballot and to make challenges.

On December 24, 1937, the Regional Director, acting pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended, issued and duly served upon the parties his Intermediate Report on the ballot. No exceptions to the Intermediate Report were filed by any of the parties, and it was forwarded by the Regional Director to the Board in Washington, D. C., on December 30, 1937.

As to the balloting and its results, the Regional Director reported as follows:

Machinists, tool makers, and die makers

Total number eligible.....	195
Total number of ballots cast.....	184
Total number of blank ballots.....	1
Total number of void ballots.....	3
Total number of ballots cast for the I. A. M.....	118
Total number of ballots cast against the I. A. M.....	62

Other hourly paid employes

Total number eligible.....	3,428
Total number of ballots cast.....	2,897
Total number of blank ballots.....	11
Total number of void ballots.....	29
Total number of ballots cast for the U. E. R. W.....	2,029
Total number of ballots cast against the U. E. R. W.....	828

During the conduct of the election the Regional Director, upon challenge, made certain rulings. Those rulings are hereby affirmed.

On January 5, 1938, the I. A. M. filed a "Statement of Protest and Request for Oral Argument" in which it contended that it

had not had proper notice of the hearing on August 9, 1937, and that therefore it had not had the opportunity to introduce certain specified evidence indicating that the header department should not be included within the industrial unit. It also objected to the ruling of the Regional Director at the election that certain employees, referred to as blacksmiths by the Regional Director, and as mechanics in the experimental department by the I. A. M., were part of the industrial unit.

At the hearing on August 9, 1937, the I. A. M. raised no objection to holding the hearing on that day. Its objection now that it had insufficient notice therefore comes too late. The Board considered objections of the I. A. M. to the inclusion of the header department in the industrial unit on December 9, 1937, and they were denied as stated above. The I. A. M. has not indicated the existence of any reason for reversing the ruling of the Regional Director in regard to the status of those employees variously referred to as blacksmiths and mechanics. We will not further delay certification of representatives in this case for the sake of oral argument in the absence of some indication that such a reason exists. For the above reasons, the petition of the I. A. M. is hereby denied.

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

SUPPLEMENTAL FINDINGS OF FACT

We find that the following groups of employees of the Company at its four plants at New Britain, Connecticut, constitute units appropriate for the purposes of collective bargaining and that said units will insure to employees of the Company the full benefit of their right to self-organization and to collective bargaining and otherwise effectuate the policies of the Act:

- (a) Machinists, tool makers, and die makers, excluding foremen;
- (b) Employees paid on an hourly basis, including factory clerks, working assistant foremen, and those employees engaged in shipping, packing, and trucking, but excluding pattern makers, machinists, tool makers, die makers, office employees, timekeepers, and foremen.

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 Company at its four plants in New Britain, Connecticut, constitute units appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the National Labor Relations Act:

- (a) Machinists, tool makers, and die makers, excluding foremen;

- (b) Employees paid on an hourly basis, including factory clerks, working assistant foremen, and those employees engaged in shipping, packing, and trucking, but excluding pattern makers, machinists, tool makers, die makers, office employees, timekeepers, and foremen.

2. International Association of Machinists is the exclusive representative of all the employees of the Company in the unit described in paragraph 1 (a) above for the purposes of collective bargaining, within the meaning of Section 9 (a) of the National Labor Relations Act.

3. United Electrical and Radio Workers of America is the exclusive representative of all the employees in the unit described in paragraph 1 (b) above for the purposes of collective bargaining, within the meaning of Section 9 (a) 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, and pursuant to Article III, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that International Association of Machinists has been designated and selected by a majority of the machinists, tool makers, and die makers, excluding foremen, employed by American Hardware Corporation, New Britain, Connecticut, at its four plants at New Britain, 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; and

IT IS HEREBY CERTIFIED that United Electrical and Radio Workers of America has been designated and selected by a majority of the employees of American Hardware Corporation, New Britain, Connecticut, at its four New Britain plants, paid on an hourly basis, including factory clerks, working assistant foremen, and those employees engaged in shipping, packing, and trucking, but excluding pattern makers, machinists, tool makers, die makers, office employees, timekeepers, and foremen, as their representative for the purposes of collective bargaining and that, pursuant to the provisions of Section 9 (a) of the Act, United Electrical and Radio Workers of America 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.