

In the Matter of SKF INDUSTRIES, INC., and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL UNIONS NOS. 98 AND 380, A. F. L.

In the Matter of SKF INDUSTRIES, INC. and INTERNATIONAL ASSOCIATION OF MACHINISTS DISTRICT LODGE No. 1

In the Matter of SKF INDUSTRIES, INC. and UNITED STEELWORKERS OF AMERICA

In the Matter of SKF INDUSTRIES, INC. and UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA

Cases Nos. 4-R-1141, 4-R-1171, 4-R-1192 and 4-R-1209 respectively.—Decided November 13, 1943

*Mr. Walter Gordon Merritt*, of New York City, for the Company.

*Mr. J. T. Rogan*, of Philadelphia, Pa., and *Mr. Clayton Smith*, of Morristown, Pa., for the I. B. E. W.

*Mr. William Dameron* and *Mr. Joseph Greenwood*, of Philadelphia, Pa., for the I. A. M.

*Mr. M. H. Goldstein*, of Philadelphia, Pa., for the USA.

*Mr. David Scribner* of New York City, and *Mr. Saul Waldbaum*, of Philadelphia, Pa., for the UE.

*Mr. J. F. Hippel* and *Mr. F. E. Hann, Jr.*, of Philadelphia, Pa., for the Association.

*Miss Melvern R. Krelow*, of counsel to the Board.

## DECISION

AND

## DIRECTION OF ELECTIONS

### STATEMENT OF THE CASE

Upon petitions duly filed by International Brotherhood of Electrical Workers, Local Unions Nos. 98 and 380, AFL, herein called the IBEW, International Association of Machinists District Lodge No. 1, herein called the IAM, United Steelworkers of America, herein called the USA, and United Electrical, Radio & Machine Workers of America, herein called the UE, alleging that questions affecting commerce had arisen concerning the representation of employees of SKF In-

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dustries, Inc., Philadelphia, Pennsylvania, herein called the Company, the National Labor Relations Board consolidated the cases and provided for an appropriate hearing upon due notice before William Strong, Trial Examiner. Said hearing was held at Philadelphia, Pennsylvania, on October 7, 1943. The Company, the IBEW, the IAM, the USA, the UE, and SKF Employees' Association, herein called the Association, appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

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

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE COMPANY

SKF Industries, Inc., a corporation, is engaged in the production and sale of ball and roller bearings and other minor products. Its sales annually exceed \$35,000,000, of which over 75 percent is shipped to the Company from points outside the Commonwealth of Pennsylvania. The Company purchases raw materials valued in excess of \$8,000,000, annually, of which over 60 percent is shipped to the Company from points outside the Commonwealth of Pennsylvania. The Company's principal office is located on Front Street and Erie Avenue, Philadelphia, Pennsylvania, and three of its plants are in that immediate locality. The fourth plant is in the township of East Gwynedd, Montgomery County, Pennsylvania, approximately 20 miles from the other plants. The Company concedes that it is engaged in commerce within the meaning of the National Labor Relations Act.

#### II. THE ORGANIZATIONS INVOLVED

International Brotherhood of Electrical Workers, Local Unions Nos. 98 and 380, and International Association of Machinists District Lodge No. 1, are labor organizations affiliated with the American Federation of Labor, admitting to membership employees of the Company.

United Steelworkers of America and United Electrical, Radio & Machine Workers of America are labor organizations affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

SKF Employees' Association is an unaffiliated labor organization, admitting to membership employees of the Company.

## III. THE QUESTIONS CONCERNING REPRESENTATION

The Company stipulated at the hearing that on various dates preceding the filing of the petitions herein, each of the petitioners requested the Company to recognize and bargain with it, and that the Company then refused and still refuses to bargain with petitioners.

In May 1937, and again in December 1941, the Company and the Association entered into a contract under which the Company recognized the Association as the exclusive bargaining agent of all of its employees in plants 1 and 2.<sup>1</sup> The 1941 contract expired on June 30, 1943, and negotiations for a new contract were begun prior to that date. A new contract was executed on June 28, 1943, and was ratified by the Association sometime in July 1943. Prior to June 28, 1943, the Company was notified by the IAM and the UE of their respective membership and majority representation claims. The IBEW filed its petition on May 28, 1943, and the USA notified the Company on June 30, 1943, of its claim. The Association urges the contract as a bar to a determination of representatives. However, since the Company was informed of the representation claims of the petitioners herein prior to the ratification of the contract in July, we find that the contract is not a bar to a determination of representatives at this time.

Statements of a Field Examiner of the Board introduced in evidence at and subsequent to the hearing, indicate that the IAM, the UE, the USA, and the IBEW represent a substantial number of the Company's employees in the unit each contends is appropriate.<sup>2</sup>

<sup>1</sup> Plants 3 and 4 were not in existence in December 1941. As those plants came into being, the terms of the contract were extended to apply to them.

<sup>2</sup> The Field Examiner reported that the IBEW presented 44 authorization cards, bearing apparently genuine signatures, of which 36 are the names of persons whose names appear on the Company's active personnel file of July 31, 1943, which contains the names of 42 employees in the unit alleged by the IBEW as appropriate. Thirty-four cards are dated between January 1 and August 1, 1943, and 2 are undated. At the hearing, the Company stated that there were approximately 60 electrical maintenance workers then employed.

The USA presented 1,562 authorization cards, bearing apparently genuine signatures, of which 1,177 are the names of persons whose names appear on the Company's active personnel file of July 31, 1943, which contains the names of approximately 4,327 employees in the unit alleged by the USA as appropriate. Of the 1,177 cards, 2 are dated in 1941, 55 between January 1 and December 31, 1942, 989 between January 1 and August 1, 1943, and 131 are undated. Subsequent to the hearing the USA submitted 424 additional cards, bearing apparently genuine signatures, of which 360 are the names of persons whose names appear on the Company's active personnel file of July 31, 1943. The 360 cards are dated in August and September 1943. No check was made for duplications of the 360 cards as against the 1,177.

The IAM submitted 1,215 authorization cards, bearing apparently genuine signatures, of which 635 are names of persons whose names appear on the Company's active personnel file of July 31, 1943, which contains the names of approximately 4,327 employees in the unit alleged by the IAM as appropriate. Of the 625 cards, 1 was dated in 1941, 70 between January 1 and December 31, 1942, 482 between January 1, and August 1, 1943, and 82 undated.

The UE submitted 776 authorization cards, bearing apparently genuine signatures, all of which bear the names of persons whose names are on the Company's active personnel

We find that questions affecting commerce have arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

#### IV. THE APPROPRIATE UNITS; THE DETERMINATION OF REPRESENTATIVES

With regard to the specific unit categories, the USA, the IAM, the UE, and the Association are in general agreement that all production and maintenance employees paid on an hourly and piece-work basis, but excluding office, clerical employees, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action, should comprise an appropriate unit. However, the USA, the IAM, and the UE would exclude guards; the Association would include them. The USA would also exclude laboratory employees, part-time employees paid on an hourly basis who would be hourly paid were they on full time, and set-up men; the IAM, the UE, and the Association would include them. The IBEW contends that the electrical maintenance employees should constitute a separate appropriate unit, whereas the USA, the IAM, the UE, and the Association would include them in the production and maintenance group.

The Company maintains four plants, three in Philadelphia and the fourth in East Gwynedd, Pennsylvania. The USA and the IAM contend that plants 1, 2, and 3 constitute a single appropriate unit; the UE contends that plant 4 constitutes a separate appropriate unit. The Association and the Company contend that the four plants constitute a single appropriate unit. The IBEW contends that its unit should comprise the electrical maintenance employees of all four plants. Plants 1, 2, and 3, are situated adjacent to each other in Philadelphia, Pennsylvania; plant 4 is located approximately 20 miles from the other three plants. Plants 1, 2, and 3, are operated administratively as an integrated group. Plant 4, on the other hand, is leased by the Company from the Defense Plant Corporation, and maintains separate pay rolls and personnel records, and a separate hiring office. Due to transportation problems, the hours of work differ as between plant 4 and the other plants. The majority of the employees in plant 4 are recruited from that area. Company representatives in plant 4 are vested, except in doubtful cases, with sole authority to discharge employees. There is also maintained in plant

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file of July 31, 1943, which contains the names of approximately 1,532 employees in the unit the UE alleges as appropriate. Of the 776 cards, 15 are dated between July 1 and December 31, 1942, 595 between January 1 and August 1, 1943, and 75 were undated.

At the hearing the Association's secretary testified that that Association represented 5,026 of the Company's employees: 2,962 at plant 1; 1,048 at plants 2 and 3; and 1,016 at plant 4.

4 a separate beneficial association. In view of the foregoing, we are of the opinion, and find, that plants 1, 2, and 3 together, and plant 4, constitute separate appropriate units.

As heretofore stated, conflicts have arisen as to certain specific categories of employees, whom some of the parties would include, and others would exclude, from the proposed units.

*Plant-protection employees or guards:* The Association seeks to have these employees included within the production and maintenance group, while the other organizations desire their exclusion. These employees are militarized, and in accordance with our usual practice, we shall exclude them from the production and maintenance groups.<sup>3</sup>

*Laboratory employees:* The USA seeks to exclude the five laboratory employees employed by the Company. Three perform tests and two do mechanical work. None has highly specialized knowledge, and all are hourly paid. We are of the opinion that these employees should be included in the production and maintenance groups, we shall include them.

*Part-time employees:* There are approximately 115 part-time employees paid on an hourly basis, who would be hourly paid were they on full time. They consist of persons who regularly work approximately 3 hours between shifts and on Saturdays. We find that these employees are regular part-time employees and, according to our usual practice, we shall include them.<sup>4</sup>

*Set-up men:* The Company employs in excess of 150 set-up men who are hourly paid and perform the usual functions of set-up men. They have, at the present time, from 6 to 10 employees under them. They have no authority to hire, discharge or discipline, and have been included in past bargaining units. We conclude that these employees do not possess sufficient supervisory authority to warrant their exclusion; we shall include them.

*Leaders:* All parties agree to the inclusion of leaders. It appears that they usually instruct employees and direct the flow of work in their respective groups. The record, however, is not sufficiently definite as to the authority exercised by these leaders to permit a determination of their supervisory status. We shall therefore exclude or include them according to whether or not they fall within the customary definition of supervisory employees set forth below.

As above stated, the IBEW seeks a unit consisting of electrical maintenance employees at all four plants. The Company employs various

<sup>3</sup> See *Matter of Dravo Corporation*, 52 N. L. R. B. 322.

<sup>4</sup> See *Matter of Southwestern Bell Telephone Company, or Mrs. Viola Berthold, Agent*, 50 N. L. R. B. 702; *Matter of H. W. Byron, V. J. Byron, J. W. Byron, and S. T. Byron, Partners trading and doing business as The Mercerburg Tannery*, 49 N. L. R. B. 283. Part-time employees who would, if employed full time, be on a salaried basis were excluded by agreement of the parties.

types of maintenance employees, of whom the electrical maintenance employees constitute a part. These employees engage in duties normally associated with employees in that category. We have in numerous instances stated that employees similar to the foregoing comprise traditional craft groups and as such may constitute separate appropriate units.<sup>5</sup> On the other hand, they may well fall within the units of production and maintenance employees sought by the Company and other unions herein. Under all the circumstances we are of the opinion that our determination of the unit issue with respect to these employees should depend in part upon the desires of the employees themselves to be expressed at the self-determination elections hereinafter directed among such employees. We shall consequently make no final determination of the units with respect to these employees, or the production and maintenance employees, at this time, but shall defer our determination pending the results of the elections hereinafter directed.

We shall direct that separate elections by secret ballot be held among the employees of the Company within each of the groups listed 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. There shall be excluded from each of such voting groups, in addition to others specifically mentioned herein, all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action. The respective voting groups shall be as follows:

(1) All production and maintenance employees paid on an hourly and piece-work basis in plants 1, 2, and 3 of the Company, including laboratory employees, part-time employees paid on an hourly basis who would be hourly paid were they on full time, and set-up men, but excluding guards, office clerical employees, and all electrical maintenance employees, to determine whether they desire to be represented by the USA, or by the IAM, or by the Association or by none;

(2) All production and maintenance employees paid on an hourly and piece-work basis in plant 4 of the Company, including laboratory employees, part-time employees paid on an hourly basis who would be hourly paid were they on full time, and set-up men, but excluding guards, office clerical employees, and all electrical maintenance employees, to determine whether they desire to be represented by the UE, or by the Association, or by neither;

(3) All electrical maintenance employees in plants 1, 2, and 3 of the Company, to determine whether they desire to be represented by

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<sup>5</sup> See *Matter of Marshall Field & Company*, 36 N. L. R. B. 748; *Matter of Phelps Dodge Corporation, etc.*, 34 N. L. R. B. 846, and cases cited therein.

the USA, or by the IAM, or by the Association, or by the IBEW,<sup>6</sup> or by none;

(4) All electrical maintenance employees in plant 4 of the Company to determine whether they desire to be represented by the UE; or by the Association, or by the IBEW, or by none.

As stated above, there will be no final determination of the appropriate units pending the results of the elections hereinabove directed.

### 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, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, as amended; it is hereby

**DIRECTED** that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with SKF Industries, Inc., Philadelphia, Pennsylvania, elections by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Fourth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the following employees who were employed by the Company during the pay-roll period immediately preceding the date of this Direction of Elections, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the elections, and excluding also all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action:

(1) All production and maintenance employees paid on an hourly and piece-work basis in plants 1, 2, and 3, including laboratory employees, part-time employees paid on an hourly basis who would be hourly paid were they on full time, and set-up men, but excluding guards, office clerical employees, and all electrical maintenance employees, to determine whether they desire to be represented by United Steelworkers of America, or by International Association of Machin-

<sup>6</sup> The IBEW requests that Local 98 be designated on the ballot in the election to be conducted among the employees in plants 1, 2, and 3; and Local 380, among the employees in plant 4. The request is hereby granted.

ists District Lodge No. 1, or by SKF Employees' Association, for the purposes of collective bargaining, or by none;

(2) All production and maintenance employees paid on an hourly and piece-work basis in plant 4, including laboratory employees, part-time employees paid on an hourly basis who would be hourly paid were they on full time, and set-up men, but excluding guards, office clerical employees, and all electrical maintenance employees, to determine whether they desire to be represented by United Electrical, Radio & Machine Workers of America, or by SKF Employees' Association, for the purposes of collective bargaining, or by neither;

(3) All electrical maintenance employees in plants 1, 2, and 3, to determine whether they desire to be represented by United Steelworkers of America, or by International Association of Machinists District Lodge No. 1, or by SKF Employees' Association, or by International Brotherhood of Electrical Workers, Local Union No. 98, A. F. L., for the purposes of collective bargaining, or by none;

(4) All electrical maintenance employees in plant 4 to determine whether they desire to be represented by United Electrical, Radio & Machine Workers of America, or by SKF Employees' Association, or by International Brotherhood of Electrical Workers, Local Union No. 380, A. F. L., for the purposes of collective bargaining, or by none.