

In the Matter of THE WINTER WEISS COMPANY, EMPLOYER and
INTERNATIONAL ASSOCIATION OF MACHINISTS, LOCAL LODGE No. 47,
PETITIONER

In the Matter of THE WINTER WEISS COMPANY, EMPLOYER and
INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILD-
ERS & HELPERS OF AMERICA, LOCAL 101, AFL, PETITIONER

*Cases Nos. 30-RC-3 and 30-RC-34, respectively.—Decided November
5, 1948*

DECISION

AND

ORDER

Upon separate petitions duly filed, a hearing in the above consolidated cases was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel, consisting of Chairman Herzog and Members Houston and Gray.¹

Upon the entire record in the case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.

2. The labor organizations involved claim to represent employees of the Employer.²

3. For reasons stated hereinafter, no question affecting commerce exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

¹ Board Member Houston did not participate in this case.

² The Petitioner, International Association of Machinists, Local Lodge No. 47, is hereinafter referred to as the IAM; the Petitioner, International Brotherhood of Boilermakers, Iron Ship Builders & Helpers of America, Local 101, AFL, is hereinafter referred to as the Boilermakers. International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, CIO, withdrew from the case on May 19, 1948, and made no appearance at the hearing.

The IAM seeks a unit consisting of all employees of the Employer engaged in maintenance repair, or as mechanics, journeymen machinists, specialists, helpers, and apprentices, all without restriction as to department or location within the plant, excluding all employees in the unit proposed by the Boilermakers, all office and clerical employees, employees of the woodworking department, salesmen, teamsters, truck drivers, warehousemen, janitors, watchmen, guards, professional employees, and all supervisors as defined in the Act.

The Boilermakers requests a unit consisting of all employees of the Employer engaged in welding, burning, setting-up, laying-out, punching, rolling, breaking, drilling, shearing, assembling, polishing, painting, scaling, operating hoists, or moving or fabricating any work in connection with plates, shapes, or forms of steel or other metals, angles, panels, and H and I beams, all without restriction as to department or location within the plant, excluding all employees in the unit sought by the IAM, all office and clerical employees, employees of the woodworking department, salesmen, teamsters, truck drivers, warehousemen, janitors, watchmen, guards, professional employees and all supervisors as defined in the Act.

The Employer takes the position that the only appropriate unit is a plant-wide unit embracing all production and maintenance employees, excluding office and clerical employees, salesmen, janitors, watchmen, guards, professional employees, and all supervisors as defined in the Act.

The Employer is engaged in the manufacture and sale of trailers, truck bodies, sleeper cabs, portadrills, potato chip machines, cattle spraying machines, and various other types of specialized equipment. The production operations of the plant are carried on in approximately 11 departments, *viz*, the mill, body assembly, general assembly, paint, chipmaster, shipping and receiving, commercial, maintenance, and portadrill departments, the plate shop, and the machine shop—each under the separate supervision of a crew leader or foreman, who is in turn responsible to the general superintendent of the plant. The functions and manufacturing activities performed by these departments are highly integrated. The record discloses that working conditions, hours of employment, and privileges such as vacations and holidays, are the same for all employees in the plant. The wage structure is based upon a bracket system, under which the wage bracket for each job classification is the same throughout the plant regardless of department. Approximately 80 or 85 percent of the employees in the Employer's plant are interchangeable and, at various times, have been transferred from one job or department to another.

In the course of its operations, the Employer employs approximately 148 employees. Of this number the IAM seeks to represent approximately 54 employees and the Boilermakers seek to represent approximately 64 employees. There is no history of collective bargaining to bear upon the appropriateness of the unit. It appears from the record, however, that competitive plants in the same general area as the Employer's plant are organized on a plant-wide basis.

The Unit Proposed by the IAM

The IAM desires a unit embracing approximately 54 employees engaged in maintenance repair, or as mechanics, journeymen machinists, specialists, helpers, and apprentices. As noted above, these employees are located in various departments throughout the plant, each of which is separately supervised. They possess skills ranging from highly skilled craftsmen such as tool and die makers and machinists, to skilled and semiskilled specialists, such as mechanics and machine operators. The record discloses that during slack periods these employees are transferred from one job or department in the plant to another where the work load is heavier. Thus, a mechanic may become a platemaker in the plate shop, a machinist may become a shear operator in the portadrill department, or a turret lathe operator in the machine shop may be transferred to the assembly department. The record also indicates that the IAM would exclude from its proposed unit skilled and semiskilled mill machine operators in the mill department whose skills appear to be comparable to those of employees whom the IAM seeks to represent.

Upon the basis of the foregoing facts and upon the entire record in the case, we are of the opinion that the grouping sought by the IAM is neither a pure craft unit nor a department unit, nor does it conform with any functional division of the plant. The employees in question lack the homogeneity requisite to a unit appropriate for the purposes of collective bargaining. Accordingly, we find that the unit sought by the IAM is inappropriate and we shall dismiss the petition filed in Case No. 30-RC-3.

The Unit Proposed by the Boilermakers

The Boilermakers' unit would include approximately 64 employees engaged in welding, burning, setting-up, laying-out, punching, rolling, breaking, drilling, shearing, assembling, polishing, painting, scaling, operating hoists, or moving or fabricating any work in connection with plates, shapers, or forms of steel or other metals, angles, panels, or H and I beams.

As in the case of the unit sought by the IAM, the employees in the Boilermakers group are employed in various departments of the plant, each of which is under separate supervision. They are skilled and semiskilled workers who, in the course of the Employer's operations, are transferred from one job or department to another as the occasion may require. Welders are called upon to do assembly work, fabricate jigs, or act as helpers on shear machines or punch presses; painters at times are used in the stock room as material handlers or as assemblers; and in several instances, so-called "three position" employees perform several functions such as welding, cutting, or assembling.

From the foregoing, and upon the entire record in the case, it is clear that the unit proposed by the Boilermakers is neither a pure craft unit nor a departmental unit, nor does it conform with any functional division of the plant. Like the IAM, the Boilermakers seek to represent in a separate unit a grouping of employees which lacks the homogeneity requisite to a unit appropriate for the purposes of collective bargaining. Under these circumstances, we find that the requested unit is inappropriate and we shall, therefore, dismiss the petition filed in Case No. 30-RC-34.

ORDER

Upon the basis of the entire record, the National Labor Relations Board hereby orders that the petitions filed in Cases Nos. 30-RC-3 and 30-RC-34, be, and they hereby are, dismissed.