

In the Matter of ROCKFORD SCREW PRODUCTS Co. and UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW-CIO)

Case No. 13-R-3013.—Decided July 24, 1945

Mr John H. Thomson, of Chicago, Ill., for the Company.

Mr Harry Lehnert, of Rockford, Ill., for the Union.

Miss Ruth E. Bliefeld, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a second amended petition duly filed by United Automobile, Aircraft & Agricultural Implement Workers of America (UAW-CIO); herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Rockford Screw Products Co., Rockford, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Gustav B. Erickson, Trial Examiner. Said hearing was held at Rockford, Illinois, on May 10, 1945. The Company and the Union appeared and participated. All parties 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

Rockford Screw Products Co., an Illinois corporation, is engaged in the manufacture of screws, bolts, and threaded products. We are concerned

with the Company's three plants at Rockford, Illinois, *viz*, a main plant, located on 9th Street, and two smaller plants located on Harrison Street and 18th Street, respectively. The chief raw material used by the Company is steel. During 1944 the Company's purchases amounted to over \$1,000,000, more than 20 percent of which came from points outside the State of Illinois. During the same period its sales amounted to over \$1,000,000, and more than 50 percent of the goods sold was shipped to points outside the State.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Automobile, Aircraft & Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On April 2, 1945, the Union, by letter, informed the Company of its claim to represent a majority of the production and maintenance employees and requested recognition as exclusive bargaining representative of these employees. The Company, by letter dated April 11, 1945, notified the Union that it would not grant such recognition until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.¹

We find that a question affecting commerce has 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 UNIT

The Union seeks a unit consisting of all production and maintenance employees at the 9th Street and Harrison Street plants of the Company, including watchmen and laboratory testers, but excluding office and clerical employees, and all supervisory employees. The Company is in substantial agreement as to the composition of the unit except that it would also include the employees at the 18th Street plant, the factory clerks, the production clerks, and the draftsmen and junior draftsmen in the engineering department, all of whom the Union would exclude.

Employees in the 18 Street plant: As stated above, the Company operates three plants at Rockford, Illinois. The Union would include the employees

¹ The Field Examiner reported that the Union submitted 295 authorization cards; that, of these cards, 60 were dated August through December 1944, 29 were dated January through April 1945, and 206 were undated; and that there are between 750 and 850 employees in the appropriate unit.

at the 9th Street and Harrison Street plants, but would exclude the employees at the 18th Street plant. The 3 plants are operated as one unit by the Company, and all 3 plants are subject to the same supervision and have the same personnel department. The 18th Street plant was established during the summer of 1944, because there was insufficient space in the main plant to accommodate the necessary personnel and equipment. There are 4 employees presently employed in the 18th Street plant, all of whom operate lathing and milling machines and are classified as machinists by the Company. These employees repair and rebuild machinery, and build and assemble new machinery. Three of these employees were transferred from the main plant to the 18th Street plant, and all 4 employees perform similar operations to those carried on at the other 2 plants, and work under the same conditions. Under the circumstances, and in view of the close integration of the 3 plants, we are of the opinion that a unit consisting of all 3 plants of the Company at Rockford, Illinois is appropriate.² Accordingly, we shall include the employees in the 18th Street plant in the unit.

Working supervisors: The Company employs five working supervisors in the inspection and drilling departments, whose duties are to instruct new employees, and assign work to, and set up machines for, employees in the department. Working supervisors do not perform any production work, being chiefly engaged in "set-up" work.³ They have no authority to hire, discharge, or discipline employees, or effectively recommend such action. The working supervisors are in turn supervised by the subforeman who is in charge of the work of all employees in the department. The Union would exclude the working supervisors from the unit, while the Company desires their inclusion. On the basis of the foregoing facts it appears that these employees function essentially as instructors and leadmen and do not possess sufficient indicia of supervisory authority to warrant their exclusion from the unit. We shall include the working supervisors in the appropriate unit.

Factory clerks: The Company employs 12 clerks in the shipping department, 1 in the engineering department, and 1 in the laboratory. All of these employees are hourly paid, are on the factory pay roll, receive the same vacations, and the same rules apply to them as to the production and maintenance employees. They do no manual or physical work as do the production and maintenance employees, but perform only clerical work. The subforeman who is in charge of the department in which they are located supervises their work as well as the work of the other employees in the department. The Company urges that the factory clericals be included in the production and maintenance unit, while the Union desires their exclusion on the ground that it has not attempted to organize these employees

² See *Matter of The Rauland Corporation*, 62 N. L. R. B. 248.

³ Most of the set-up work is done for the female employees in the department.

inasmuch as they are under the jurisdiction of an "affiliated white collar union." From the foregoing facts it clearly appears that the interests of the factory clericals are closely aligned to those of the production and maintenance employees. We perceive no reason for departing from our policy, in such circumstances, of including factory clericals in a production and maintenance unit unless the parties agree to their exclusion. We shall therefore include the factory clericals in the appropriate unit.⁴

Production clerks: The Company employs 10 persons listed as production clerks. These employees work in the office, are on the office pay roll, and use the same cloakroom and facilities as do the office employees. They are supervised by the Production Manager, who is responsible to the Plant Superintendent. The production clerks have the same vacation schedule, and are subject to the same rules and regulations as the production and maintenance employees. They are responsible for entering orders, and for checking and routing them through the factory to the Shipping Department. Although they come in contact with production and maintenance employees in the course of their work, they spend approximately 70 percent of their working time in the office. The Company desires the inclusion of these employees, while the Union contends they should be excluded. The Union has not extended its organization to these employees. Since the production clerks do only clerical work, and spend most of their time in the office apart from the production and maintenance employees, we find them to be office clerical employees. We shall, in accordance with our usual policy of excluding office clericals from a production and maintenance unit, exclude the production clerks from the unit.

Draftsmen and junior draftsmen: The Company would include, and the Union exclude, the draftsmen and junior draftsmen. The Company employs two junior draftsmen and two draftsmen. These employees are listed on the factory pay roll, but are classified as part of the Engineering Department. Their work, which consists of tracing and sketching, is supervised by the head draftsman. Although they spend approximately 40 percent of their time in the factory, the major portion of their work is done in a room apart from the production and maintenance employees. The record shows that two of the draftsmen were promoted to these positions from production and maintenance classifications. It is clear, however, that knowledge of mechanical drawing is a prerequisite for the position. Inasmuch as it appears that the work of these employees is of a technical nature, and in view of our policy of excluding technical employees from a production and maintenance unit, we shall exclude the draftsmen and junior draftsmen from the unit.

We find that all production and maintenance employees of the Company

⁴ See *Matter of Socony-Vacuum Oil Company*, 60 N. L. R. B. 559; *Matter of Proctor & Gamble Manufacturing Company*, 62 N. L. R. B. 1262

at its 9th Street, Harrison Street, and 18th Street plants, including watchmen,⁵ truck drivers, factory clericals, and laboratory testers, but excluding production clerks, and draftsmen and junior draftsmen, office clericals, 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, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.⁶

DIRECTION OF ELECTION

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 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Rockford Screw Products Company, Rockford, Illinois, an election 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 Thirteenth 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 employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during the 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 election, to determine whether or not they desire to be represented by United Automobile, Aircraft & Agricultural Implement Workers of America (UAW-CIO), for the purposes of collective bargaining.

CHAIRMAN HERZOG took no part in the consideration of the above Decision and Direction of Election.

⁵ The watchmen are not armed nor deputized

⁶ The Union's request to appear on the ballot as United Auto Workers UAW-CIO is hereby referred to the Regional Director for determination