

In the Matter of M. D. BALDWIN, R. F. BALDWIN, FRANCES M. BALDWIN, H. B. TUTHILL, V. M. TUTHILL, A. S. KURKJIAN, D/B/A OLIVER MACHINERY COMPANY and INTERNATIONAL MOLDERS AND FOUNDRY WORKERS, LOCAL #213, A. F. OF L.

*Case No. 7-R-1523.—Decided September 24, 1943*

*Mr. Stephen F. Dunn*, of Grand Rapids, Mich., for the Company.  
*Mr. Lester Campbell*, of Grand Rapids, Mich., for the Union.  
*Mr. Louis Cokin*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition and amended petition duly filed by International Molders and Foundry Workers, Local #213, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of M. D. Baldwin, R. F. Baldwin, Frances M. Baldwin, H. B. Tuthill, V. M. Tuthill, A. S. Kurkjian, d/b/a Oliver Machinery Company, Grand Rapids, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Harold A. Cranefield, Trial Examiner. Said hearing was held at Grand Rapids, Michigan, on September 2, 1943. The Company and the Union 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

Oliver Machinery Company is a copartnership consisting of M. D. Baldwin, R. F. Baldwin, Frances M. Baldwin, H. B. Tuthill, V. M.

52 N. L. R. B., No. 147.

Tuthill, and A. S. Kurkjian, with its principal place of business at Grand Rapids, Michigan, where it is engaged in the manufacture of woodworking machinery. We are here concerned with its foundry known as the Grand Rapids Foundry Division. During the first 6 months of 1943, the Company purchased raw materials for use at its foundry valued at about \$68,000, approximately 60 percent of which was shipped to it from points outside the State of Michigan. During the same period, the Company sold products from its foundry valued at about \$228,000. A substantial portion of the finished products are used by another plant of the Company located at Grand Rapids, Michigan.

## II. THE ORGANIZATION INVOLVED

International Molders and Foundry Workers, Local #213, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

On July 20, 1943, the Union requested the Company to recognize it as the exclusive collective bargaining representative of the employees at the Grand Rapids Foundry Division. The Company refused this request until such time as the Union is certified by the Board.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</sup>

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 National Labor Relations Act.

## IV. THE APPROPRIATE UNIT

We find, in substantial agreement with a stipulation of the parties, that all employees at the Grand Rapids Foundry Division of the Company, excluding office and clerical employees, plant protection 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, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

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<sup>1</sup> The Regional Director reported that the Union presented 52 authorization cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of August 11, 1943. There are approximately 71 employees in the appropriate unit.

## V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of 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.

## 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 2, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with M. D. Baldwin, R. F. Baldwin, Frances M. Baldwin, H. B. Tuthill, V. M. Tuthill, H. S. Kurkjian, d/b/a Oliver Machinery Company, Grand Rapids, Michigan, 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 Seventh 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 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 any who have since quit or been discharged for cause, to determine whether or not they desire to be represented by International Molders and Foundry Workers, Local #213, affiliated with the American Federation of Labor, for the purposes of collective bargaining.