

In the Matter of LIGHT METALS, INC. and INTERNATIONAL UNION OF
MOLDERS & FOUNDRY WORKERS OF NORTH AMERICA, LOCAL 56,
A. F. OF L.

Case No. 9-R-1139.—Decided September 29, 1943

Mr. Kurt F. Pantzer, of Indianapolis, Ind., for the Company.
Mr. Stephen A. Miller, of Indianapolis, Ind., and *Mr. Gilmond Hart*,
of Muncie, Ind., for the Molders.
Mr. Fred Gardner, of Fort Wayne, Ind., and *Elizabeth Moore*, of
Indianapolis, Ind., for the U. E.
Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Union of Molders & Foundry Workers of North America, Local 56, A. F. of L., herein called the Molders, alleging that a question affecting commerce had arisen concerning the representation of employees of Light Metals, Inc., Indianapolis, Indiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before William I. Shooer, Trial Examiner. Said hearing was held at Indianapolis, Indiana, on September 8, 1943. At the commencement of the hearing the Trial Examiner granted a motion of United Electrical, Radio & Machine Workers of America, herein called the U. E., to intervene. The Company, the Molders, and the U. E. 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:
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FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Light Metals, Inc., is an Indiana corporation operating a plant at Indianapolis, Indiana, where it is engaged in the manufacture of magnesium and its alloys. All magnesium used by the Company is shipped to it from points outside the State of Indiana, and over 50 percent of the finished products are shipped to points outside the State of Indiana. The Company admits, for the purpose of the proceeding, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

International Union of Molders & Foundry Workers of North America, Local 56, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

United Electrical, Radio & Machine Workers of America, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On June 12, 1943, the Molders requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. The Company did not reply to this request.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Molders and the U. E. each represents a substantial number of employees in the unit hereinafter found to be appropriate.¹

We find that a question affecting commerce has arisen concerning 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 Molders urges that all production and maintenance employees of the Company, excluding office and clerical employees, foremen, plant guards, and supervisory employees, constitute an appropriate unit. There is no controversy with respect to the composition of the unit.

¹ The Field Examiner reported that the Molders and the U. E. presented 35 and 36 authorization cards, respectively, bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of August 22, 1943. There are 102 persons in the appropriate unit.

The U. E. has an existing contract with P. R. Mallory Company, the parent corporation of the Company involved herein. The U. E. contends that the employees involved herein are covered by the said contract. However, an examination of the contract discloses that it only covers employees employed at named plants of P. R. Mallory Company. The Company is not named in the contract. Accordingly we find the contention of the U. E. to be without merit.

We find that all production and maintenance employees of the Company, excluding office and clerical employees, plant guards, foremen, and any other 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 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 Light Metals, Inc., Indianapolis Indiana, 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 Ninth 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 they desire to be represented by International Union of Molders & Foundry Workers of North America, Local 56, affiliated with the American Federation of Labor, or by United Electrical, Radio & Machine Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining, or by neither.

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