

In the Matter of THE MENDON COMPANY and UNITED AUTOMOBILE
WORKERS OF AMERICA, LOCAL 817, A. F. OF L.

Case No. 7-R-1514—Decided September 29, 1943

Miller, Des Roches & Stern, by *Mr. Albert M. Stern*, of Detroit, Mich., for the Company.

Mr. Milton M. Rymal and *Mr. Claude Brice*, of Lansing, Mich., for the Union.

Mr. Louis Colkin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Automobile Workers of America, Local 817, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Mendon Company, Mendon, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Frederick P. Mett, Trial Examiner. Said hearing was held at Mendon, Michigan, on September 10, 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

The Mendon Company is a Michigan corporation with its principal place of business at Mendon, Michigan, where it is engaged in

the manufacture of ground cables, battery cables, and ignition assemblies. The Company purchases raw materials valued in excess of \$50,000 annually from points outside the State of Michigan and ships finished products valued in excess of \$50,000 annually to points outside the State of Michigan. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Unified Automobile Workers of America, Local 817, is a labor organization affiliated with the American Federation of Labor admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of its employees.

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.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

We find, in substantial agreement with a stipulation of the parties, that all employees of the Company, excluding office 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.

V. THE DETERMINATION OF REPRESENTATIVES

We find that the question concerning representation which has arisen can best be resolved by means of an election by secret ballot. The Union urges that the pay roll of September 1, 1943, be used to determine eligibility to vote. Inasmuch as no reason appears as to why we should depart from our usual practice, we shall direct that the employees eligible to vote shall be those in the appropriate unit who were employed during the pay-roll period immediately preceding

¹ The Regional Director reported that the Union presented 33 membership-application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of August 13, 1943. There are approximately 57 employees in the appropriate unit.

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 The Mendon Company, Mendon, 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 United Automobile Workers of America, Local 817, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

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