

In the Matter of WM. R. BOOTZ D/B/A WM. R. BOOTZ MANUFACTURING COMPANY and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, C. I. O.

Case No. 14-R-734.—Decided October 5, 1943

Mr. Isidor Kahn, of Evansville, Ind., for the Company.

Mr. J. B. Mansfield and *Mr. E. W. Bohannon*, of Evansville, Ind., for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Wm. R. Bootz d/b/a Wm. R. Bootz Manufacturing Company, Evansville, Indiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Ryburn L. Heckler, Trial Examiner. Said hearing was held at Evansville, Indiana, on September 9, 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

Wm. R. Bootz Manufacturing Company operates a plant at Evansville, Indiana, where it is engaged in the manufacture of heating

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units and practice bombs for the United States Army and Navy. During 1942 the Company purchased raw materials valued in excess of \$100,000, approximately 80 percent of which was shipped to it from points outside the State of Indiana. During the same period the Company manufactured products at its Evansville plant valued in excess of \$100,000, all of which was delivered to the United States Army or Navy at points within the State of Indiana.

II. THE ORGANIZATION INVOLVED

International Union, United Automobile, Aircraft and Agricultural Implement 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 July 24, 1943, the Union requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. The Company refused this request.

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 National Labor Relations Act.

IV. THE APPROPRIATE UNIT

The Union contends that all hourly rated employees of the Company, including inspectors, but excluding plant-protection, clerical and supervisory employees, constitute an appropriate bargaining unit. The Company took no position with respect to the unit. Evidence introduced at the hearing indicates that the employees claimed by the Union are closely related from a functional standpoint and from a homogeneous group.

We find that all hourly rated employees of the Company, including inspectors, but excluding plant-protection and clerical 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.

¹ The Regional Director reported that the Union presented 66 membership application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of August 8, 1943. There are approximately 87 employees in the appropriate unit.

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 requests that an election be held in the immediate future. The Company contends that no election should be held because it expects to sharply curtail its employment or even cease operations entirely by November 15, 1943. The record indicates that the Company's present war contracts will be completed around November 15, 1943. However, the Company is presently engaged in efforts and negotiations to procure new contracts. There is considerable uncertainty as to whether the Company will in fact be forced to cease or curtail its operations. We shall accordingly proceed with an immediate determination of representatives.

We shall direct that the employees eligible to vote in the election shall be those within 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 Wm. R. Bootz d/b/a Wm. R. Bootz Manufacturing Company, Evansville, 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 Fourteenth 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 Union, United Automobile, Aircraft and Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.