

In the Matter of BRASS FOUNDRY COMPANY and UNITED FARM EQUIPMENT & METAL WORKERS OF AMERICA, C. I. O.

Case No. 13-R-1906.—Decided October 8, 1943

Mr. F. V. Arber, of Peoria, Ill., for the Company.

Meyers & Meyers, by *Mr. H. E. Baker*, of Chicago, Ill., 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 United Farm Equipment & Metal Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Brass Foundry Company, Peoria, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing before Leon A. Rosell, Trial Examiner. Said hearing was held at Peoria, Illinois, on September 14, 1943. The Company and the Union appeared at and participated in the hearing.¹ 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.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Brass Foundry Company is an Illinois corporation with its principal place of business at Peoria, Illinois, where it is engaged in the manufacture of brass, bronze, and aluminum castings. Approxi-

¹ Although Local 360, International Association of Machinists, herein called the I. A. M., was served with notice of hearing, it did not appear.

mately 1 percent of the raw materials used by the Company is shipped to it from points outside the State of Illinois. The Company sells products valued in excess of \$50,000 annually, approximately 63 percent of which is shipped to points outside the State of Illinois.

II. THE ORGANIZATION INVOLVED

United Farm Equipment & Metal 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 26, 1943, the Union requested recognition of the Company as exclusive collective bargaining representative of the Company's employees. The Company refused this request until such time as the Union is certified by the Board.

On November 24, 1942, the Company entered into a contract with the I. A. M., recognizing it as the collective bargaining representative of its members only. The contract provides that it shall remain in effect until April 30, 1943, and thereafter until such time as either party thereto gives the other thirty (30) days' notice of a desire to terminate. Inasmuch as the contract recognizes the I. A. M. for its members only, and inasmuch as the contract is terminable upon thirty days' notice of either party thereto, it is apparent that it does not constitute a bar to a determination of representatives at this time.

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.²

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 alleges that all production and maintenance employees of the Company, including watchmen, but excluding supervisory employees and office clerical employees, constitute an appropriate unit. The Company took no position with respect to the appropriate unit.

The record discloses that the Company employs four watchmen, three of whom bear arms. Although three of the four watchmen are

² The Regional Director reported that the Union presented 46 membership application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of July 19, 1943. There are approximately 78 employees in the appropriate unit.

armed, they are not members of the Auxiliary Military Police. We shall include the watchmen in the unit.

Evidence introduced at the hearing indicates that the employees claimed by the Union constitute a well defined homogeneous group.

We find that all production and maintenance employees of the Company, including watchmen, but excluding office 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.

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 the 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 Brass Foundry Company, Peoria, 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 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 Farm Equipment & Metal Workers of America, affiliated with the C. I. O., for the purposes of collective bargaining.