In the Matter of CORTLAND LINE COMPANY, INC. *and* UNITED STEELWORKERS OF AMERICA, C. I. O.

Case No. 3–R–643.—Decided October 14, 1943

Mr. Louis H. Folmer, of Cortland, N. Y., for the Company.
Mr. Bert Danquer, of Syracuse, N. Y., for the Union.
Mr. Joseph E. Gubbins, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Steelworkers of America, affiliated with the C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Cortland Line Company, Inc., Cortland, New York, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Peter J. Crotty, Trial Examiner. Said hearing was held at Cortland, New York, on September 27, 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 upon 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

Cortland Line Company, Inc., a New York corporation, is engaged at Cortland, New York, in the manufacture of parachute cord, tennis rackets, and fish lines. During the year 1942, the Company used at its Cortland, New York, plant, raw materials valued in excess of $500,000, approximately 75 percent of which was shipped to the plant

from points outside the State of New York. During the same period the Company manufactured at its Cortland plant finished products valued in excess of $500,000, approximately 75 percent of which was shipped to points outside the State of New York. For the purposes of this proceeding the Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Steelworkers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

In August 1943, the Union requested recognition as exclusive bargaining agent for the Company's employees but the Company refused to grant such recognition unless and until the Union was certified by the Board.

A statement prepared by a Field Examiner, introduced in evidence, 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 accordance with a stipulation of the parties, that all production and maintenance employees of the Company, exclusive of superintendents, assistant superintendents, foremen, foreladies, all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, office help, guards, watchman, the two chief inspectors both of whom are in the line department, the experimental department, the electrician and the sales force, 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

The Company contends that employees whom it designates as "probationary" should not be permitted to vote in the election. The

[1] The Field Examiner reported that the Union submitted 295 application-for-membership cards, 257 of which bore apparently genuine signatures of employees whose names appear on the Company's pay roll of August 23, 1943; there are 569 employees in the appropriate unit.

Union wishes such employees to vote. It appears that it is the Company's policy to regard all new employees as being on probation for a period of 60 days. At the end of that time they automatically acquire the status of regular employees. There is no substantial difference in pay between probationers and regular workers, and a change from the probationary to the regular status works no apparent change either as to pay or working conditions. We find that probationers are entitled to vote in the election.[2]

We shall direct that the question concerning representation which has arisen be resolved by 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 our Direction of Election herein, subject to the limitations and additions set forth in said 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 Cortland Line Company, Inc., Cortland, New York, 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 Third 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 Steelworkers of America, affiliated with the C. I. O., for the purposes of collective bargaining.

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[2] See *Matter of Nineteen Hundred Corporation*, 32 N. L R B. 327.