

In the Matter of THE HOLTZER-CABOT ELECTRIC CO. and UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA, C. I. O.

*Case No. 1-R-1589.—Decided October 15, 1943*

*Mr. John T. Noonan*, of Boston, Mass., for the Company.

*Mr. Allan D. McNeil*, of Boston, Mass., 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 Electrical, Radio & Machine Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Holtzer-Cabot Electric Co., Boston, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert E. Greene, Trial Examiner. Said hearing was held at Boston, Massachusetts, on September 30, 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 Holtzer-Cabot Electric Co. is a Massachusetts corporation with its principal place of business at Boston, Massachusetts, where it is engaged in the manufacture of fractional horsepower motors, generators, signaling, telephoning, fire, and switchmen's systems. The Company uses raw materials valued at about \$2,000,000, annually, approximately 50 percent of which is shipped to it from points out-

side the State of Massachusetts. During the same period the Company sells products valued in excess of \$5,000,000, about 50 percent of which is shipped to points outside the State of Massachusetts.

## II. THE ORGANIZATION INVOLVED

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 August 27, 1943, the Union requested the Company to recognize it as the exclusive collective bargaining representative of the guards employed by the Company. 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.<sup>1</sup>

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 guards at the Amory and Stuart Streets plants of the Company, excluding the captain and sergeants, constitute an appropriate unit. The Company contends that plant-protection employees do not constitute an appropriate unit because they are sworn United States auxiliary military police.

The Company's plant-protection force consists of 30 employees, all of whom are uniformed, armed, and sworn United States auxiliary military police. The United States Army has formulated certain employment standards applicable to the plant-protection employees. Nevertheless these employees are hired, discharged, and paid by the Company, and in all essential respects the customary employer-employee relationship is preserved. In view of these facts, and for the reasons stated in the *Dravo* case, we find no merit in the Company's contention.<sup>2</sup>

We find that all guards at the Amory and Stuart Streets plants of the Company, excluding captains, sergeants, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or

<sup>1</sup> The Regional Director reported that the Union presented 12 authorization cards bearing apparently genuine signatures of person whose names appear on the Company's pay roll of September 15, 1943. There are 30 persons in the appropriate unit.

<sup>2</sup> See *Matter of Dravo Corporation*, 52 N. L. R. B. 322, and cases cited therein.

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 The Holtzer-Cabot Electric Co., Boston, Massachusetts, 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 First 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 Electrical, Radio & Machine Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.