

In the Matter of METAL OFFICE FURNITURE COMPANY and UNITED  
FURNITURE WORKERS OF AMERICA, LOCAL 415, C. I. O.

*Case No. 7-R-1558.—Decided October 15, 1943*

*Mr. Walter D. Idema, of Grand Rapids, Mich., for the Company.*

*Mr. Russell Bogart, of Grand Rapids, Mich., 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 Furniture Workers of America, Local 415, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Metal Office Furniture Company, Grand Rapids, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Max Rotenberg, Trial Examiner. Said hearing was held at Grand Rapids, Michigan, 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 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

Metal Office Furniture Company is a Michigan corporation with its principal place of business at Grand Rapids, Michigan, where it is engaged in the manufacture of office furniture. During the first 3 months of 1943, the Company purchased raw materials valued at about \$200,000, approximately 90 percent of which was shipped to it from points outside the State of Michigan. During the same period

the Company sold products valued at approximately \$500,000, about 90 percent of which was shipped to points outside the State of Michigan.

## II. THE ORGANIZATION INVOLVED

United Furniture Workers of America, Local 415, is a labor organization affiliated with the Congress of Industrial Organizations, 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 until such time as the Union is certified by the Board.

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 urges that all production and maintenance employees of the Company at its four Grand Rapids plants, including watchmen, but excluding office, clerical, plant protection, and supervisory employees and foremen, constitute an appropriate unit. The only controversy with respect to the unit concerns watchmen.

The Company employs about seven persons classified by it as watchmen. The Union urges that they be included in the unit and the Company that they be excluded. The watchmen make appointed rounds of the plant and in addition fire the boilers. The watchmen are not sworn as auxiliary United States military police, nor are they armed or uniformed. Under the circumstances, we shall include the watchmen in the unit.

We find that all production and maintenance employees at the four Grand Rapids plants of the Company, including watchmen, but excluding office, clerical, and plant protection employees, foremen, and any other 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.

<sup>1</sup>The Regional Director reported that the Union presented 105 membership application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of September 13, 1943. There are approximately 257 employees in the appropriate unit.

## 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 Metal Office Furniture Company, Grand Rapids, 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 Furniture Workers of America, Local 415, affiliated with the C. I. O., for the purposes of collective bargaining.