

In the Matter of A & F ALUMINUM PRODUCTS CO. (FOUNDRY) and
UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA, CIO

Case No. 21-R-2131.—Decided October 27, 1943

Messrs. Latham & Watkins, by Mr. Richard W. Lund, of Los Angeles, Calif., for the Company.

Mr. George M. Dodson, of Los Angeles, Calif., for the Union.

Mr. Joseph W. Kulkis, 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, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of A & F Aluminum Products Co., Los Angeles, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Bartlett Breed, Trial Examiner. The hearing was held at Los Angeles, California, on October 7, 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

A & F Aluminum Products Co., a California corporation, operates a plant in Los Angeles, California, where it is engaged in the manufacture of aluminum castings and the machining of precision parts for the aircraft industries. This work is carried on in three separate buildings. The proceedings herein involve the foundry building.

During the past year, the Company purchased raw materials in excess of \$60,000 and had sales in excess of \$750,000. Of the materials purchased approximately 10 percent originated outside the State of California and approximately 25 percent of the finished products sold was shipped outside the State of California. During the past year, the Company purchased for its aluminum foundry raw materials consisting of aluminum ingots of a value of approximately \$50,000, and sold aluminum castings at a total sales price of approximately \$250,000. Approximately 35 percent of the aluminum castings sold was shipped outside the State of California. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Electrical, Radio & Machine Workers 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

On or about September 7, 1943, the Union advised the Company that it represented a majority of the Company's foundry employees and requested recognition as their exclusive bargaining agent. The Company refused to recognize the Union unless and until the Union has been certified by the Board in an appropriate unit.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found 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, substantially in accordance with the agreement of the parties, that all production and maintenance employees in the foundry,² excluding maintenance employees Crump and Symington, office and clerical employees, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect

¹ The report of the Field Examiner shows that the Union submitted 40 application-for-membership cards bearing apparently genuine signatures of 33 persons whose names appear on the September 22, 1943, pay roll of the Company, which contains the names of 42 persons within the alleged appropriate unit.

² While housed in the foundry building, the shipping and receiving department, the machine shop, and the tool, jig and fixture department, are not to be deemed as falling within this category.

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 REPRESENTATION

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 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 A & F Aluminum Products Co., Los Angeles, California, 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 Twenty-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 employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by United Electrical, Radio & Machine Workers of America, CIO, for the purposes of collective bargaining.

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