

In the Matter of WHITMAN & BARNES, DIVISION OF UNITED DRILL AND TOOL CORPORATION and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, C. I. O.

Case No. 7-R-1538.—Decided November 1, 1943

Cahn & Clarke, by *Mr. Joseph F. Clarke*, of Detroit, Mich., for the Company.

Sugar & Tucker, by *Mr. Jack N. Tucker*, of Detroit, 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 International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Whitman & Barnes, Division of United Drill and Tool Corporation, Detroit, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Frederick P. Mett, Trial Examiner. Said hearing was held at Detroit, Michigan, on October 18, 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

Whitman & Barnes, Division of United Drill and Tool Corporation, operates a plant at Detroit, Michigan, where it is engaged in
53 N. L. R. B., No. 62.

the manufacture of drills and reamers. The Company purchases raw materials valued in excess of \$1,000,000, annually, about 30 percent of which is shipped to it from points outside the State of Michigan. During the same period the Company manufactures products valued in excess of \$3,000,000, about 30 percent of which is delivered to points outside the State of Michigan. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

International Union, United Automobile, Aircraft and Agricultural Implement 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 10, 1943, the Union requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. 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.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

The Union urges that all hourly and piece-rated production and maintenance employees at the Detroit plant of the Company, including shipping room employees, but excluding supervisory employees, watchmen, and office and clerical employees, constitute an appropriate unit. The only controversy with respect to the unit concerns shipping room employees. The Company urges that they be excluded from the unit.

The Company employs approximately 60 persons classified by it as shipping room employees. The non-supervisory shipping room employees are paid on an hourly rate and wrap and pack the Company's finished products. They do not perform any clerical duties. Inasmuch as their work is manual in nature and constitutes an integral part of the Company's operations, we shall include the shipping room employees in the unit.

¹The Regional Director reported that the Union presented 231 authorization cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of September 4, 1943. There are approximately 718 employees in the appropriate unit.

We find that all hourly and piece-rated production and maintenance employees at the Detroit plant of the Company, including shipping room employees, but excluding office and clerical employees, watchmen, 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 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 Whitman & Barnes, Division of United Drill and Tool Corporation, Detroit, 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 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 International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.