

In the Matter of FLORENCE STOVE COMPANY and UNITED STEELWORKERS
OF AMERICA, C. I. O.

Case No. 1-R-1547.—Decided November 10, 1943

Mr. William M. Quade, of Gardner, Mass., for the Company.
Grant & Angoff, by *Mr. Harold Roitman*, of Boston, Mass., for the
U. S. A.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Steelworkers of America, C. I. O., herein called the U. S. A., alleging that a question affecting commerce had arisen concerning the representation of employees of Florence Stove Company, Gardner, 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 Gardner, Massachusetts, on October 25, 1943. The Company and the U. S. A. appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues.¹ The Trial Examiner's ruling 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

Florence Stove Company is a Massachusetts corporation with its principal place of business at Gardner, Massachusetts, where it is engaged in the manufacture of stoves, heaters, and induction systems for airplanes. During 1942, the Company purchased raw materials

¹ Although Florence Workers Union, herein called the Independent, was served with notice of hearing, it did not appear.

for use at its Gardner plant valued in excess of \$2,500,000, approximately 90 percent of which was shipped to it from points outside the State of Massachusetts. During the same period the Company sold products from its Gardner plant valued in excess of \$10,000,000, about 90 percent of which was shipped to points outside the State of Massachusetts. 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 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 U. S. A. as the exclusive collective bargaining representative of its employees at the Gardner plant.

On September 16, 1941, the Independent and the Company entered into an exclusive collective bargaining contract. On May 22, 1942, the Company and the Independent entered into a supplementary agreement. The agreement, as supplemented, provides that it shall remain in full force and effect until September 16, 1942, and from year to year thereafter, unless either party thereto notifies the other of a desire to terminate at least 30 days prior to any annual expiration date. No such notice was given in 1942. However, the petition herein was filed by the U. S. A. on July 29, 1943. Inasmuch as the U. S. A. made its claim upon the Company prior to August 16, 1943, the date upon which the contract would have automatically renewed itself, we find that the contract does not constitute a bar to a determination of representatives at this time.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the U. S. A. represents a substantial number of employees in the unit hereinafter found to be appropriate.²

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 agreement with a stipulation of the parties, that all production, maintenance, and shipping room employees at

² The Regional Director reported that the U. S. A. presented 316 membership application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of July 31, 1943. There are approximately 927 employees in the appropriate unit.

the Gardner plant of the Company, excluding clerical employees, guards, 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 Florence Stove Company, Gardner, 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 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 Steelworkers of America, C. I. O., for the purposes of collective bargaining.

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