

In the Matter of AETNA BALL BEARING MANUFACTURING COMPANY and
UNITED FARM EQUIPMENT AND METAL WORKERS OF AMERICA, C. I. O.

Case No. 13-R-2054.—Decided November 13, 1943

Mr. Carl F. Rose, Chicago, Ill., for the Company.

*Meiers & Meiers, by Mr. Ben Meiers, of Chicago, Ill., for the
C. I. O.*

Mr. J. Glenn Shehee, of Chicago, Ill., for the Association.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Farm Equipment and Metal Workers of America, C. I. O., herein called the C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of Aetna Ball Bearing Manufacturing Company, Chicago, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George S. Freudenthal, Jr., Trial Examiner. Said hearing was held at Chicago, Illinois, on October 29, 1943. At the commencement of the hearing, the Trial Examiner granted a motion of Aetna Ball Bearing Employees Association, herein called the Association, to intervene. The Company, the C. I. O., and the Association appeared at and participated in the hearing, and all parties 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:

53 N. L. R. B., No. 107.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Aetna Ball Bearing Manufacturing Company is an Illinois corporation with its principal place of business at Chicago, Illinois, where it is engaged in the manufacture of ball and roller bearings, washers, and sleeves. During 1942 the Company purchased raw materials valued at about \$1,527,725, over 80 percent of which was shipped to it from points outside the State of Illinois. During the same period the Company manufactured products valued at about \$4,582,814, over 80 percent of which was shipped to points outside the State of Illinois. The Company admits, for the purpose of this proceeding, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

United Farm Equipment and Metal Workers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

Aetna Ball Bearing Employees Association is an unaffiliated labor organization, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On September 15, 1943, the C. I. O. requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. The Company refused this request until such time as the C. I. O. is certified by the Board.

On December 5, 1941, the Company and the Association entered into an exclusive bargaining contract. Said contract provides that it shall remain in full force and effect until December 31, 1942, and from year to year thereafter unless either party thereto notifies the other of a desire to terminate at least 60 days prior to any annual expiration date. The contract was automatically renewed in 1942. Inasmuch as the C. I. O. made its claim upon the Company prior to October 31, 1943, the date upon which the contract would have renewed itself for another year, we find that the contract does not constitute a bar to the instant proceeding.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the C. I. O. represents a substantial number of employees in the unit hereinafter found to be appropriate.¹

¹ The Regional Director reported that the C. I. O. presented 257 application for membership cards bearing apparently genuine signatures of persons whose names appear on a current pay roll of the Company. There are approximately 554 employees in the appropriate unit. The Association did not present any evidence of membership among employees in the unit but relies upon its contract as evidence of its interest among such employees.

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 agreement with a stipulation of the parties, that all production and maintenance employees at Plants A and B of the Company, including group leaders, set-up men, receiving clerks, shipping clerks, and instructors, but excluding clerical employees, watchmen, foremen, assistant foremen, heads or foremen of the shipping, receiving, and dispatching departments, 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.

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.

The C. I. O. requests that it appear on the ballots as "United Farm Equipment and Metal Workers of America, Local 151, C. I. O." The request is hereby granted.

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 Aetna Ball Bearing Manufacturing Company, Chicago, Illinois, 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 Thirteenth 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 who have not been rehired or reinstated prior to the date of the election, to determine whether they desire to be represented by United Farm Equipment and Metal Workers of America, Local 151, C. I. O., or by Aetna Ball Bearing Employees Association, for the purposes of collective bargaining, or by neither.