

In the Matter of MID-STATE FROZEN EGG CORPORATION *and* BAKERY,
LAUNDRY, DAIRY EMPLOYEES AND SALES DRIVERS' LOCAL UNION 188,
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, A. F. OF L.

Case No. 9-R-1219.—Decided November 15, 1943

Mr. F. W. Patrick, of Indianapolis, Ind., for the Company.

Mr. Lynn G. Miles, of Indianapolis, Ind., for the Teamsters.

Mr. Robert Clark, of Indianapolis, Ind., for the C. I. O.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Bakery, Laundry, Dairy Employees and Sales Drivers' Local Union 188, International Brotherhood of Teamsters, A. F. of L., herein called the Teamsters, alleging that a question affecting commerce had arisen concerning the representation of employees of Mid-State Frozen Egg Corporation, Indianapolis, Indiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John W. Coddair, Jr., Trial Examiner. Said hearing was held at Indianapolis, Indiana, on October 29, 1943. At the commencement of the hearing the Trial Examiner granted a motion of United Cannery, Agricultural, Packing & Allied Workers of America, C. I. O., herein called the C. I. O., to intervene. The Company, the Teamsters, and the C. I. O. 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:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Mid-State Frozen Egg Corporation is an Illinois corporation with its principal office at Indianapolis, Indiana, where it is engaged in processing eggs. During 1942 the Company purchased materials valued in excess of \$100,000, over 20 percent of which was shipped to it from points outside the State of Indiana. During the same period the Company sold products valued in excess of \$100,000, over 50 percent of which was shipped to points outside the State of Indiana. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

Bakery, Laundry, Dairy Employees and Sales Drivers' Local Union 188, International Brotherhood of Teamsters, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

United Cannery, Agricultural, Packing & Allied 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 31, 1943, the Teamsters 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 a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Teamsters 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

We find, in substantial agreement with a stipulation of the parties, that all production and maintenance employees of the Company, ex-

¹ The Field Examiner reported that the Teamsters submitted 73 application-for-membership cards bearing apparently genuine signatures of persons whose names appear on the September 25, 1943, pay roll of the Company. There are 152 employees in the appropriate unit. The Field Examiner also reported that the C. I. O. presented 20 cards bearing apparently genuine signatures of persons whose names appear on the September 25, 1943, pay roll.

cluding clerical employees 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 Mid-State Frozen Egg Corporation, Indianapolis, Indiana, 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 Ninth 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 Bakery, Laundry, Dairy Employees and Sales Drivers' Local Union 188, International Brotherhood of Teamsters, affiliated with the American Federation of Labor, or by United Cannery, Agricultural, Packing & Allied Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining, or by neither.