

IN THE MATTER OF MID-WEST ABRASIVE COMPANY and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW-CIO)

Case 7-R-1550.—Decided November 18, 1943

Mr. Fred J. Schumann, of Detroit, Mich., for the Company.

Mr. R. Lyle Stone, of Owosso, Mich., for the Union.

Miss Frances Lopinsky, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition¹ duly filed by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America (UAW-CIO) herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Mid-West Abrasive Company,² Owosso, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Frank L. Danello, Trial Examiner. Said hearing was held at Owosso, Michigan, on October 26, 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 an 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-West Abrasive Company, a Delaware corporation, is engaged at its plants in Detroit and Owosso, Michigan, and in Rochester,

¹ Amended as to unit at the hearing.

² At the hearing all pleadings were amended to correspond with this, the correct corporate name.

Pennsylvania, in the manufacture of abrasives used in the war effort. For the period from January 1, 1943 to July 1, 1943, the Company purchased raw materials for use at its Owosso plant in the approximate value of \$479,000, about 95 percent of which was shipped to it from points outside the State of Michigan. For the same period, sales of manufactured products approximated in value \$900,000, over 50 percent of which was shipped from Owosso to points outside the State of Michigan. Only the Owosso plant is involved in this proceeding.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

International Union, United Automobile, Aircraft & Agricultural Implement 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

By letter dated July 29, 1943, the Union requested recognition as the sole collective bargaining representative of the Company's employees. The letter was received by the Company but was not answered.

A statement of the Trial Examiner made at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.³

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

In substantial accordance with the stipulation of the parties, we find that all production and maintenance employees of the Company at its Owosso plant, including watchmen but excluding office and 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.

³ The Trial Examiner stated that the Union submitted 89 application-for-membership cards, 85 of which bore apparently genuine original signatures; that the names of 81 persons appearing on the cards were listed on the Company's pay roll of August 22, 1943. There are 190 employees in the appropriate unit. The cards were dated 3 in January 1943, 2 in February 1943, 4 in March 1943, 8 in June 1943, 47 in July 1943, 3 in August 1943, and 22 undated.

V: THE DETERMINATION OF REPRESENTATIVES

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 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-West Abrasive Company, Owosso, 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 those 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 International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.