

In the Matter of DIXIE MANUFACTURING COMPANY, INCORP. and INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL & ORNAMENTAL IRON WORKERS, SHOPMEN'S LOCAL UNION 657, A. F. OF L.

*Case No. 5-R-1385.—Decided November 20, 1943*

*Messrs. Jerome E. Toohey and Carl Trier*, of Baltimore, Md., for the Company.

*Messrs. Henry McFarland and Joseph Stamm*, of Baltimore, Md., for the Union.

*Mr. Louis Cokin*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition and amended petition duly filed by International Association of Bridge, Structural & Ornamental Iron Workers, Shopmen's Local Union 657, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Dixie Manufacturing Company, Incorp., Baltimore, Maryland, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George L. Weasler, Trial Examiner. Said hearing was held at Baltimore, Maryland, on October 28, 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

Dixie Manufacturing Company, Incorp., is a Maryland corporation engaged in the manufacture of dust-collecting equipment, exhaust  
53 N. L. R. B., No. 140.

fans, and sheet metal products at Baltimore, Maryland. During 1942 the Company purchased materials valued at about \$200,000, approximately 10 percent of which was shipped to it from points outside the State of Maryland. During 1942 the Company sold products valued in excess of \$500,000, 25 percent of which was shipped to points outside the State of Maryland. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

#### II. THE ORGANIZATION INVOLVED

International Association of Bridge, Structural & Ornamental Iron Workers, Shopmen's Local Union 657, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

#### III. THE QUESTION CONCERNING REPRESENTATION

On June 14, 1943, the Union requested recognition of the Company as exclusive collective bargaining representative of the Company's employees. The Company refused this request until such time as the Union is certified by the Board.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</sup>

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, excluding clerks, office employees, watchmen, foremen, 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

The Company and the Union agree that the Board might certify the Union as the exclusive collective bargaining representative of the employees within the appropriate unit on the basis of the record without an election. We are of the opinion, however, that an election will

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<sup>1</sup> The Field Examiner reported that the Union presented authorization cards bearing apparently genuine signatures of 48 persons whose names appear on the Company's pay roll of October 10, 1943. There are 67 employees in the appropriate unit.

most effectively and satisfactorily resolve the question concerning representation which has arisen. We shall direct that the employees eligible to vote shall be those within 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 a part of the investigation to ascertain representatives for the purposes of collective bargaining with Dixie Manufacturing Company, Incorp., Baltimore, Maryland, 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 Fifth 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 Association of Bridge, Structural & Ornamental Iron Workers, Shopmen's Local Union 657, affiliated with the American Federation of Labor, for the purposes of collective bargaining.