

In the Matter of THE MACHINED PARTS CORPORATION and LOCAL No. 174,
INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICUL-
TURAL IMPLEMENT WORKERS OF AMERICA, C. I. O.

Case No. 7-R-1582.—Decided November 20, 1943

Mr. Norman P. Lasca, of Detroit, Mich., for the Company.

Mr. Nicholas J. Rothe, of Detroit, Mich., for the UAW-CIO.

Mr. Henry J. Murphy and *Mr. Charles E. Wright*, of Detroit, Mich.,
for the IAM.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Local No. 174, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, C. I. O., herein called the UAW-CIO, alleging that a question affecting commerce had arisen concerning the representation of employees of the Machined Parts Corporation, Detroit, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Harold A. Cranefield, Trial Examiner. Said hearing was held at Detroit, Michigan, on November 3, 1943. At the commencement of the hearing the Trial Examiner granted a motion of International Association of Machinists, Local Lodge No. 1361, A. F. of L., herein called the I. A. M., to intervene. The Company, the UAW-CIO, and the IAM 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. 141.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Machined Parts Corporation is a Michigan corporation with its principal place of business at Detroit, Michigan, where it is engaged in the manufacture of electrical ignition parts and screw machine parts for automobiles. During the 6-month period ending September 30, 1943, the Company purchased raw materials valued in excess of \$25,000, approximately 50 percent of which was shipped to it from points outside the State of Michigan. During the same period the Company sold products valued in excess of \$25,000, approximately 50 percent of which was shipped to points outside the State of Michigan.

II. THE ORGANIZATIONS INVOLVED

Local No. 174, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

International Association of Machinists, Local Lodge No. 1361, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On September 18, 1943, the UAW-CIO requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. The Company refused this request.

On October 21, 1942, the Company and the I. A. M. entered into an exclusive bargaining contract. The contract provides that it shall remain in effect until at least October 21, 1943. It further provides that it is terminable thereafter upon 30 days' notice of either party thereto. Inasmuch as the contract is subject to termination by either party thereto by 30 days' notice, we find that it 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 UAW-CIO 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 National Labor Relations Act.

¹ The Regional Director reported that the UAW-CIO presented 16 authorization cards bearing apparently genuine signatures of persons whose names appear on the Company's pay-roll of October 13, 1943, which contains the names of 20 persons. The I. A. M. did not present any evidence of representation, but relies upon its agreement as evidence of its interest in the instant proceeding.

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 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 The Machined Parts Corporation, Detroit, 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 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 they desire to be represented by Local No. 174, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations, or by International Association of Machinists, Local Lodge No. 1361, affiliated with the American Federation of Labor, for the purposes of collective bargaining, or by neither.