

In the Matter of GREENLEE BROS. & COMPANY and UNITED ELECTRICAL,
RADIO & MACHINE WORKERS OF AMERICA, LOCAL 1153, CIO

Case No. 13-R-1957.—Decided November 30, 1943

Messrs. Pope & Ballard, by *Mr. C. R. Kaufman*, of Chicago, Ill.,
for the Company.

Mr. Robert Kirkwood, of Chicago, Ill., and *Mr. E. V. Roose*, of Rock-
ford, Ill., for the Union.

Mr. Joseph W. Kulkis, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Electrical, Radio & Machine Workers of America, Local 1153, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Greenlee Bros. & Company, Rockford, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert T. Drake, Trial Examiner. Said hearing was held at Rockford, Illinois, on November 6, 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. The 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

Greenlee Bros. & Company, an Illinois corporation, operates a plant in Rockford, Illinois, where it is engaged in the manufacture and sale of woodworking machinery, woodboring bits, chisels, machine tools, carpenters' tools and grey iron castings. During the year

ending October 31, 1943, the Company purchased more than \$500,000 worth of pig iron, coke, coal, foundry sand and stone, steel, and lumber. Of these materials, approximately 40 percent of the pig iron was transported to the Company's plant from points outside the State of Illinois. Approximately 85 percent of the coke, 75 percent of the foundry sand, 65 percent of the steel, and all of the foundry stone and lumber were also transported to the Company's plant from points outside the State of Illinois. During the same period, the Company sold more than \$3,000,000 worth of products, approximately 85 percent of which was shipped to points outside the State of Illinois. The Company admits and we find that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Electrical, Radio & Machine Workers of America, Local 1153, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On or about July 29, 1943, the Union requested the Company to recognize it as the exclusive bargaining representative of the employees within an alleged appropriate unit. The Company refuses to accord the Union such recognition unless and until the Union is certified by the Board.

The Company contends that a prior consent election¹ should constitute a bar to this proceeding. We have heretofore found that a consent election held under Board auspices in which no bargaining representative was chosen does not constitute a bar to a current determination sought by the same petitioner when the petitioner has procured substantial additional designations in the proposed unit.² The union has now submitted additional designations indicating an apparent majority representation and demonstrated a substantial interest in this proceeding. Accordingly, we find that the prior consent election does not constitute a bar to this proceeding.

A statement of the Regional Director of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees within the unit hereinafter found to be appropriate.³

¹ Case No. 13-R-1631. The Union failed to demonstrate a majority status and the petition was dismissed.

² See *Matter of Chrysler Corp.*, 37 N. L. R. B. 877; *Matter of New York Central Iron Works*, 37 N. L. R. B. 894; *Matter of Detroit Nut Company*, 39 N. L. R. B. 739.

³ The report of the Regional Director shows that the Union submitted 690 authorization cards bearing apparently genuine signatures; 445 of the cards bear names appearing on the October 30, 1943, pay roll of the Company, which contains the names of 971 persons within the alleged appropriate unit.

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, substantially in accordance with the stipulation of the parties, that all hourly paid production and maintenance employees, excluding office and clerical employees, salaried employees, watchmen, guards, assistant foremen, foremen, assistant superintendents, superintendents, and all 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.⁴

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 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Greenlee Bros. & Company, Rockford, 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 tempo-

⁴ The Union requested that it be designated on the ballot as "United Electrical, Radio & Machine Workers of America, CIO." This request is hereby granted.

rarily 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 election, to determine whether or not they desire to be represented by United Electrical, Radio & Machine Workers of America, CIO, for the purposes of collective bargaining.