

In the Matter of DEERE AND COMPANY, MIXED CAR WAREHOUSE and
UNITED FARM EQUIPMENT AND METAL WORKERS OF AMERICA, C. I. O.

Case No. 13-R-2032.—Decided December 8, 1943

Mr. H. W. Pike, of Moline, Ill., for the Company.

Meyers & Meyers, by *Mr. H. E. Baker*, of Chicago, Ill., for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Farm Equipment and Metal Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Deere and Company, Moline, 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 Rock Island, Illinois, on November 10, 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

Deere and Company is an Illinois corporation with its principal office at Moline, Illinois. We are here concerned with its Mixed Car Warehouse and garage at Moline, Illinois, where it is engaged in storing and distributing farm equipment and munitions. During 1942 the Company purchased raw materials valued in excess of \$1,000,000, over 70 percent of which was shipped to it from points outside the State of

Illinois. During the same period the Company manufactured products valued in excess of \$1,000,000, over 70 percent of which was shipped to points outside the State of Illinois. The Company admits, with respect to its Mixed Car Warehouse, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Farm Equipment and Metal 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 September 1, 1943, the Union requested the Company to recognize it as the exclusive collective bargaining representative of certain of the Company's employees. The Company refused this request.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the Union 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

The Union urges that all employees at the Mixed Car Warehouse and garage of the Company, including warehousemen, car loaders, laborers, mechanics, maintenance men, and interplant truckers at the garage, but excluding supervisory and office clerical employees, constitute an appropriate unit. The Company did not oppose the unit requested by the Union in the instant case but reiterated the position taken by it in prior cases involving the Company that all its plants should constitute a single unit.

The garage and Mixed Car Warehouse of the Company are under the supervision of the same superintendent and foreman and the employees at the Mixed Car Warehouse and the garage serve all company plants. Under all the circumstances, we conclude that a single unit of employees at the Mixed Car Warehouse and the garage is appropriate.

We find that all employees at the Mixed Car Warehouse and garage of the Company, including warehousemen, car loaders, laborers, mechanics, maintenance men, and interplant truckers at the garage,

¹The Regional Director reported that the Union presented 18 application membership cards bearing apparently genuine signatures of persons whose names appear on the September 23, 1943, pay roll of the Company. There are approximately 34 employees in the appropriate unit.

but excluding office 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 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Deere and Company, Moline, 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 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 United Farm Equipment and Metal Workers of America, C. I. O., for the purposes of collective bargaining.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.