

IN the Matter of ASSOCIATED SPRING CORPORATION *and* INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, LOCAL 712, C. I. O.

Case No. 1-R-1681.—Decided January 5, 1944

Mr. S. R. Mink, of Bristol, Conn., for the Company.

Mr. Samuel E. Angoff, of Boston, Mass., and *Mr. Alexander Benevick*, of Bristol, Conn., 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 Union, United Automobile, Aircraft and Agricultural Implement Workers of America, Local 712, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Associated Spring Corporation, Bristol, Connecticut, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert E. Greene, Trial Examiner. Said hearing was held at Bristol, Connecticut, on December 17, 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

Associated Spring Corporation is a Delaware corporation operating divisions at Chicago, Illinois; Ann Arbor, Michigan; Corry, Penn-
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sylvania; Detroit, Michigan; and Bristol, Connecticut. We are here concerned with three of its Bristol, Connecticut, divisions, namely, F. W. Manross & Son, Dunbar Brothers, and Wallace Barnes Company. The Company purchases raw materials for use at its Bristol divisions valued in excess of \$1,000,000 annually, practically all of which are shipped to it from points outside the State of Connecticut. During 1943 the Company manufactured springs at its Bristol divisions valued in excess of \$5,000,000, over 50 percent of which was shipped to points outside the State of Connecticut. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, Local 712, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

During November 1943, the Union requested of the Company recognition as the exclusive collective bargaining representative of certain of its employees. The Company refused this request until such time as the Union is certified by the Board.

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

We find, in substantial agreement with a stipulation of the parties, that all production and maintenance employees at the F. W. Manross & Son, Dunbar Brothers, and Wallace Barnes Company, divisions of the Company, including shipping and receiving employees, set-up men, and inspectors, but excluding employees at the Forestville Rolling Mill, executives, office and clerical employees at the main office and factory offices, draftsmen and other technical employees, guards,

¹The Regional Director reported that the Union presented 530 membership-application cards. A spot check of 10 percent of said cards against names appearing on the Company's pay roll of November 18, 1943, showed that 52 of the 53 cards checked bore the names of persons who appear on that pay roll. There are approximately 1,590 employees in the appropriate unit.

watchmen, 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 Associated Spring Corporation, Bristol, Connecticut, 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 First 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 Union, United Automobile, Aircraft and Agricultural Implement Workers of America, Local 712, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.