

In the Matter of KALAMAZOO RAILWAY SUPPLY Co. and LOCAL 834,  
UNITED AUTOMOBILE WORKERS OF AMERICA, A. F. OF L.

*Case No. 7-R-1585.—Decided January 6, 1944*

*Mr. Edwin F. Steffens*, of Lansing, Mich., for the Company.

*Mr. Claud Brice*, of Kalamazoo, Mich., 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 Local 834, United Automobile Workers of America, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Kalamazoo Railway Supply Co., Kalamazoo, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Frederick P. Mett, Trial Examiner. Said hearing was held at Kalamazoo, Michigan, on November 30, 1943. The Company and the Union appeared at and participated in the hearing.<sup>1</sup> 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:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Kalamazoo Railway Supply Co. is a Michigan corporation with its principal place of business at Kalamazoo, Michigan, where it is engaged in the manufacture of railway equipment. The Company

<sup>1</sup>Although Michigan Wood and Metal Craftsman #12, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, and International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, C. I. O., were served with notice of hearing, they did not appear.

purchases raw materials for its Kalamazoo plant valued at about \$278,000, annually, approximately 80 percent of which is shipped to it from points outside the State of Michigan. During the same period the Company manufactures products valued at about \$570,000, approximately 80 percent of which is delivered to points outside the State of Michigan. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

Local 834, United Automobile Workers of America, 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 25, 1943, the Union requested the Company to recognize it as the exclusive collective bargaining representative 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.<sup>2</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 employees at the Kalamazoo plant of the Company, excluding office and plant clerical employees, superintendents, foremen, assistant 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

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.

<sup>2</sup>The Regional Director reported that the Union presented 71 authorization cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of August 8, 1943. There are approximately 90 employees in the appropriate unit.

The parties are in disagreement with respect to the eligibility of John Ritter. The Union urges that he be deemed eligible to vote while the Company contends that he should be ineligible. The record discloses that Ritter has the authority to recommend the hire and discharge of employees. We, therefore, find that Ritter is a supervisory employee and is ineligible to vote in the election.

### 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 Kalamazoo Railway Supply Co., Kalamazoo, 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 or not they desire to be represented by Local 834, United Automobile Workers of America, A. F. of L., for the purposes of collective bargaining.