

In the Matter of THE HUMPHRYES MANUFACTURING COMPANY and
UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA,
C. I. O.

Case No. 8-R-1349.—Decided January 7, 1944

Mr. D. W. Raley, of Canton, Ohio, and *Mr. R. C. Fensch*, of Mansfield, Ohio, for the Company.

Mr. Fred Haug, of Cleveland, Ohio, and *Mr. Steve Thoma*, of Mansfield, Ohio, 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 Electrical, Radio & Machine Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Humphryes Manufacturing Company, Mansfield, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Louis Plost, Trial Examiner. Said hearing was held at Mansfield, Ohio, 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

The Humphryes Manufacturing Company is an Ohio corporation with its principal place of business at Mansfield, Ohio, where it is engaged in the manufacture of magnesium castings. Approximately

20 percent of the raw materials used by the Company is shipped to it from points outside the State of Ohio. During 1943 the Company shipped finished products valued at about \$650,000, to points outside the State of Illinois. The Company admits 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 is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of the Company's employees until such time as the Union is certified by the Board.

A statement of a Field Examiner of the Board, 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 accordance with a stipulation of the parties, that all production and maintenance employees and those directly associated with production at the Mansfield plant of the Company, excluding clerical employees, wood and metal pattern makers and pattern makers' apprentices, plant-protection employees, laboratory 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 find that the question concerning representation which has arisen can best be resolved by means of an election by secret ballot. The Union urges that the pay roll immediately preceding the date

¹The Field Examiner reported that the Union presented 271 membership application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of November 27, 1943. There are approximately 514 employees in the appropriate unit.

of the hearing be used to determine eligibility to vote. Inasmuch as no persuasive reason appears as to why we should depart from our usual practice, we shall direct that those eligible to vote shall be 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 The Humphries Manufacturing Company, Mansfield, Ohio, 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 supervisions of the Regional Director for the Eighth 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 Electrical, Radio & Machine Workers of America, affiliated with the C. I. O., for the purposes of collective bargaining.