

In the Matter of IROQUOIS CHINA COMPANY and DISTRICT 50, UNITED  
MINE WORKERS OF AMERICA

*Case No. 3-R-703.—Decided January 10, 1944*

*Mr. Milton A. Nixon*, for the Board.

*Hancock, Dorr, Ryan & Shove*, by *Mr. C. E. Dorr*, of Syracuse, N. Y., for the Company.

*Mr. Stanley Denlinger*, of Akron, Ohio and *Mr. Andrew Hisney*, of Syracuse, N. Y., 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 District 50, United Mine Workers of America, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Iroquois China Company, Syracuse, New York, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Peter J. Crotty, Trial Examiner. Said hearing was held at Syracuse, New York, on November 29, 1943. The Board, 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

Iroquois China Company is a New York corporation engaged in the manufacture of vitrified china at Syracuse, New York. During the first 10 months of 1943, the Company purchased raw materials valued at about \$42,478, practically all of which was shipped to it from

54 N. L. R. B., No. 67.

points outside the State of New York. During the same period the Company manufactured products valued at about \$590,000, approximately 84 percent of which was shipped to points outside the State of New York. The Company admits, for the purpose of this proceeding, that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

District 50, United Mine Workers of America, is a labor organization, 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.<sup>1</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

The parties agreed at the hearing that all production and maintenance employees of the Company, including watchmen, but excluding supervisory and office employees, constitute an appropriate unit.

There are two employees in the factory, King and Carlin, whom the Union would exclude as clerical employees. King works in the clay department. About half of her time is spent in tabulating the number of pieces of china produced. She also does some finishing work and other miscellaneous duties. Carlin works in the decorating shop, stamping and filling ware, passing out work to other employees, and in other ways assisting in keeping ware flowing in the production line. Neither King nor Carlin has any supervisory authority. It appears that these two employees are essentially factory clerks; they are engaged a substantial amount of time in production duties and their clerical duties are an integral part of the production process. We shall include them in the unit.

<sup>1</sup>The Field Examiner reported that the Union presented 70 membership application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of November 7, 1943. There are approximately 170 employees in the appropriate unit.

We find that all production and maintenance employees of the Company, including watchmen and factory clerks, but excluding office employees and all supervisory employees who have 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 Iroquois China Company, Syracuse, New York, 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 Third 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 District 50, United Mine Workers of America, for the purposes of collective bargaining.