

In the Matter of **BALDOR MANUFACTURING COMPANY and UNITED STEEL-
WORKERS OF AMERICA, C. I. O.**

Case No. 14-R-821.—Decided January 22, 1944

Messrs. Wallace Cooper and O. A. Baumann, of St. Louis, Mo., for the Company.

Mr. Ralph V. Miller, of Granite City, Ill., for the Union.

Mr. Max M. Goldman, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Baldor Manufacturing Company, Greenville, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before David Karasick, Trial Examiner. Said hearing was held at St. Louis, Missouri, on November 27, 1943. The Company and the Union appeared and participated. 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 an 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

Baldor Manufacturing Company, an Illinois corporation with its principal office in St. Louis, Missouri, operates a plant at Greenville, Illinois, with which this proceeding is concerned. The Company is engaged in the manufacture of rectifying equipment used for battery charges. During the first 10 months of 1943 the Company purchased

materials for use at its Greenville plant, consisting of electrical sheet steel, gray iron castings, and copper wire fittings, exceeding \$75,000 in value, approximately 66 percent of which was shipped to the Greenville plant from sources outside the State of Illinois.

All finished products of the Company are sold through the Baldor Electric Company, St. Louis, Missouri, to the United States Army. The two companies are owned by substantially the same interests.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Steelworkers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of its employees at its Greenville, Illinois, plant until the Union has been certified by the Board in an appropriate unit.

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 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 and the Company stipulated at the hearing that all employees of the Company, excluding the watchman,² office clerical employees, and supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action, constitute an appropriate unit for the purpose of collective bargaining.

The watchman in addition to patrolling the plant at night, spends some of his time in the performance of certain janitorial services, such as sweeping the building and firing the furnace. He is neither

¹ The Regional Director reported that the Union submitted 29 authorization cards which bore apparently genuine original signatures; that the names of 28 persons appearing on the cards were listed on the Company's pay roll of November 1, 1943, which contained the names of 28 employees in the appropriate unit; and that the cards were dated between October 7 and October 9, 1943.

² The Union, however, indicated that the watchman is eligible for membership in its organization, and at the hearing evinced a desire to have the Board pass on his exclusion.

deputized nor armed. There is no evidence that his duties as watchman place him in a confidential relationship to the management of the Company. Under the circumstances and in accordance with our usual policy we are of the opinion that the watchman should be included in the unit.³

We find that all employees of the Company, including the watchman, 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 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. The Union requested that it appear on the ballot as United Steelworkers of America, C. I. O. The request is hereby granted.

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 Baldor Manufacturing Company, Greenville, 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 Fourteenth 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,

³ See *Matter of Illinois Tool Works*, 21 N. L. R. B. 660, 663; *Matter of Hoosier Panel Company*, 45 N. L. R. B. 478, 480; *Matter of Pittsburgh Limestone Corporation*, 53 N. L. R. B. 810

but excluding those employees 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 Steelworkers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.