

In the Matter of McINERNEY PLASTICS COMPANY and LOCAL 687, INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW-CIO)

*Case No. 7-R-1650.—Decided February 14, 1944*

*Mr. Robert N. Alt, and Mr. Sam C. Oldenburg, of Grand Rapids, Mich., for the Company.*

*Mr. D. R. Sherwood, of Grand Rapids, Mich., for the Union.*

*Mr. William Strong, of counsel to the Board.*

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Local 687, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America (UAW-CIO), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of McInerney Plastics Company, Grand Rapids, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert J. Weiner, Trial Examiner. Said hearing was held at Grand Rapids, Michigan, on January 18, 1944. 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

The Company, a Michigan corporation, is engaged at Grand Rapids, Michigan, in the manufacture of parts for airplanes and automobiles, and other products. The Company uses monthly raw materials valued

at about \$40,000, all of which come from sources outside the State of Michigan, and produces finished products valued in excess of \$40,000 monthly, 15 percent of which is sent to points outside that State.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

Local 687, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, UAW, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.<sup>1</sup>

## III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of the Company's employees in effect until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found 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 factory employees of the Company, excluding superintendent, assistant superintendents, foremen, assistant foremen, clerical, technical and professional employees, timekeepers, time-study men, employees in the sales, accounting, personnel and industrial relations departments, plant-protection employees, firemen, draftsmen, estimators and planning engineers, kitchen and cafeteria employees, 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.<sup>3</sup>

<sup>1</sup> The Company has raised certain objections to representation of its employees by the Union. Without detailing these objections, we are of the opinion that they are without merit.

<sup>2</sup> The Regional Director reported that the Union submitted 67 membership application cards all of which bore apparently genuine original signatures; that the names of 50 persons appearing on the cards were listed on the Company's pay roll of December 30, 1943, which contained the names of 110 employees in the appropriate unit.

<sup>3</sup> The stipulation of the parties further provides for the inclusion in the unit of one Ruth Hanna. The record is silent as to the functions of Hanna. Since unit determinations deal

## 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.

## 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 McInerney Plastics Company, Grand Rapids, 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 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 Local 687, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, UAW, affiliated with the Congress of Industrial Organizations for the purposes of collective bargaining.

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with categories of employees rather than individuals, we make no finding as to the inclusion or exclusion of Hanna.