

In the Matter of THE J. S. YOUNG COMPANY and CONGRESS OF
INDUSTRIAL ORGANIZATIONS

Case No. 5-R-1457.—Decided February 16, 1944

Semmes, Bowen & Semmes, by *Mr. William MacMillan*, of Baltimore, Md., for the Company.

Mr. Frank J. Bender, of Baltimore, Md., for the Union.

Mr. Glenn L. Moller, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Congress of Industrial Organizations, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The J. S. Young Company, Baltimore, Maryland, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George L. Weasler, Trial Examiner. Said hearing was held at Baltimore, Maryland, on January 11, 1944. 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 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 J. S. Young Company is a Maryland corporation with its sole plant and place of business located in Baltimore, Maryland, where it is engaged in the manufacture of licorice and tannery and dyewood extracts. In connection with its operations the Company imports from numerous foreign countries the various raw materials from which its

products are made. Said imports normally amount in value to in excess of \$250,000 per year. Approximately 90 percent of the Company's products is sold and shipped from the Baltimore plant to points outside the State of Maryland.

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

II. THE ORGANIZATION INVOLVED

Congress of Industrial Organizations is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On or about November 30, 1943, the Union wrote to the Company, requesting recognition as the exclusive bargaining representative of the Company's employees. The Company has refused to grant such recognition to the Union, until it has been certified by the Board in an appropriate unit.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing and a statement by the Trial Examiner, made subsequent to the hearing pursuant to stipulation of the parties, indicate 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

In conformance with the stipulation of the parties, we find that all production and maintenance employees of the Company, but excluding 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 em-

¹ The Field Examiner reported that the Union submitted 41 authorization cards bearing apparently genuine original signatures of persons listed on the Company's pay roll of December 21, 1943, which contained the names of 77 employees in the appropriate unit. The Trial Examiner reported that the signatures on all the aforesaid cards appear to be genuine original signatures of employees listed on the aforesaid pay roll.

ployees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction 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 J. S. Young Company, Baltimore, Maryland, 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 Fifth 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 Congress of Industrial Organizations for the purposes of collective bargaining.