

In the Matter of SIMPSON ELECTRIC COMPANY *and* INTERNATIONAL UNION, UNITED AUTOMOBILE WORKERS OF AMERICA, LOCAL 286, A. F. OF L.

*Case No. 13-R-2195.—Decided February 17, 1944*

*Fyffe & Clarke*, by *Mr. Albert J. Smith*, of Chicago, Ill., for the Company.

*Messrs. Angelo Inciso and Anthony Doria*, of Chicago, Ill., for the Union.

*Mr. Armin Uhler*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Union, United Automobile Workers of America, Local 286, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Simpson Electric Company, Chicago, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before R. N. Denham, Trial Examiner. Said hearing was held at Chicago, Illinois, on January 5, 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

Simpson Electric Company is an Illinois corporation with its principal office and place of business at Chicago, Illinois, where it is engaged in the manufacture and sale of electric measuring instruments.

The Company uses brass, magnetic steel, resistance wire, bakelite parts and miscellaneous materials, the value of which exceeds \$50,000 per year, and more than 50 percent of which originates outside the State of Illinois. The value of the products manufactured by the Company exceeds \$75,000 annually and more than 50 percent thereof is shipped to destinations outside the State of Illinois. At present the Company employs approximately 900 employees and its entire production is absorbed by the United States Government.

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

## II. THE ORGANIZATION INVOLVED

International Union, United Automobile Workers of America, Local 286, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

On or about November 29, 1943, the Union requested recognition from the Company as the exclusive representative of its employees in the unit alleged to be appropriate. The Company refused to recognize the Union unless certified by the Board.

A statement prepared by the Regional Director and introduced into evidence at the hearing indicates that the union represents a substantial number of employees in the unit hereinafter found 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 are in agreement that the appropriate unit should include all production and maintenance employees and should exclude supervisory and clerical employees, watchmen, and guards. Under the heading of clerical employees the Union seeks to exclude all office employees,<sup>2</sup> time clerks, time-study men, and expeditors.<sup>3</sup> On the other hand, the Union desires to have included in the unit all stockroom and shipping room employees, whether or not their duties are partly of a clerical nature.

<sup>1</sup> The Regional Director reported that the Union submitted 243 authorization cards all of which bore apparently genuine original signatures, that the names of 217 persons appearing on the cards were listed on the Company's pay roll of December 11, 1943, which contained the names of approximately 700 employees in the appropriate unit; and that the cards were dated September 1943.

<sup>2</sup> It is not intended to exclude certain production employees who devote a minor part of their time to compiling production data.

<sup>3</sup> It is the intention to exclude all expeditors who do not as a rule assist manually in forwarding materials through the plant.

The Union also asks that tool and die makers<sup>4</sup> be excluded from the unit, while the Company insists upon their inclusion, as production employees. The Union's request is concerned with the possibility of a jurisdictional dispute which may arise at the instance of the International Association of Machinists, a sister union with jurisdiction to represent employees in this classification. The record indicates that it has been the practice of the Union to forego inclusion of tool and die makers in industrial units in order to avoid the disruptive effects of conflicts with craft unions which customarily represent them. The record further indicates that the Union has not attempted to organize the Company's tool and die makers, a group of skilled workers, because it understands that they are opposed to representation by the Union in a plant-wide unit. Under these circumstances we shall grant the Union's request for their exclusion.

We find that all production and maintenance employees of the Company, including stockroom and shipping room employees, but excluding tool and die makers, clerical employees (including time clerks, time-study men, and expeditors), watchmen and guards, 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

The Union requests that the Company's pay roll of January 3, 1944, be used for the purpose of determining eligibility to vote in the election. The Company, on the other hand, insists that eligibility be determined on the basis of the pay roll immediately preceding the date of our Direction of Election.

We do not think that the record requires a departure from our usual practice of using a current pay-roll date. We shall, therefore, 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

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<sup>4</sup> There are approximately 15 employees in this classification in the Company's plant.

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Simpson Electric Company, Chicago, Illinois, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of the Direction, under the direction and supervision of the Regional Director for the Thirteenth Region, acting in the 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 International Union, United Automobile Workers of America, Local 286, affiliated with the American Federation of Labor, for the purposes of collective bargaining.