

In the Matter of YOUNG ANILINE WORKS, INC. and CONGRESS OF
INDUSTRIAL ORGANIZATIONS

Case No. 5-R-1464.—Decided February 29, 1944.

Messrs. Semmes, Bowen & Semmes, by William D. MacMillan, of Baltimore, Md., for the Company.

Messrs. Frank J. Bender and Peter Jackson, of Baltimore, Md., for the Union.

Mr. Joseph W. Kulkis, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon 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 Young Aniline Works, Inc., 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. The hearing was held at Baltimore, Maryland, on February 1, 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, and to file briefs with the Board. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Young Aniline Works, Inc., a Maryland corporation, has its office and place of business in Baltimore, Maryland, where it is engaged in the manufacture of aniline dyes. During the year 1942 the Company purchased for use at its Baltimore, Maryland plant, raw ma-

terials consisting of aniline oil, beta naphthol, H acid, and coal by-products, valued at approximately \$500,000, all of which was obtained from States other than the State of Maryland. During the same period, the Company produced at its Baltimore plant, finished products valued in excess of \$750,000, of which more than 90 percent was shipped to points outside the State of Maryland. The Company admits 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

The parties have stipulated that the Union has made no formal request of the Company for recognition as the collective bargaining representative of the Company's employees prior to the filing of the petition, but that had such a request been made, the Company would have refused to extend recognition to the Union unless and until the Union has been certified by the Board.

A statement of the 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 appropriate.¹

We find that a question affecting commerce had 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, substantially in accordance with the agreement of the parties, that all production and maintenance employees of the Company, 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 report of the Field Examiner shows that the Union submitted 24 application cards bearing apparently genuine signatures of 24 persons; 24 of which appear on the December 14, 1943, pay roll of the Company, which contains the names of 29 persons within the appropriate unit.

ployees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of our 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 Young Aniline Works, Inc., 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 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 the CIO² for the purposes of collective bargaining.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Election.

² The Union expressed a preference at the hearing that its name appear on the ballot as set forth in the Direction of Election.