

In the Matter of DETROIT STEEL PRODUCTS COMPANY and LOCAL 351,  
INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICUL-  
TURAL IMPLEMENT WORKERS OF AMERICA (UAW-CIO)

*Case No. 7-R-1679.—Decided March 6, 1944*

*Mr. H. D. Palmer*, of Detroit, Mich., for the Company.

*Mr. Paul Silver*, of Detroit, Mich., for the United.

*Mr. William R. Roe*, of Detroit, Mich., for the Teamsters.

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

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Local 351, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, (UAW-CIO), herein called the United, alleging that a question affecting commerce had arisen concerning the representation of employees of Detroit Steel Products Company, Detroit, Michigan; herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert I. Weiner, Trial Examiner. Said hearing was held at Detroit, Michigan, on February 9, 1944. The Company, the United, and Local 247, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL, herein called the Teamsters, 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

Detroit Steel Products Company operates 2 plants at Detroit, Michigan, where it is engaged in the manufacture of automobile springs, bridges, and hatches. During 1943, about 75 percent of the raw mate-

rials used by the Company at its Detroit plants, totally valued at more than \$2,000,000, came from sources outside the State of Michigan, and about 75 percent of the Company's finished products, totally valued at more than \$2,000,000, was shipped 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 ORGANIZATIONS INVOLVED

Local 351, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America (UAW-CIO), affiliated with the Congress of Industrial Organizations, and Local 247, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, affiliated with the American Federation of Labor, are labor organizations admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the United as the exclusive bargaining representative of the Company's outside truck drivers until the United has been certified by the Company in an appropriate unit. The Teamsters contends that a contract it claims to have with the Company is a bar to this proceeding.

For about 3 years the Teamsters has been recognized orally by the Company as the exclusive bargaining agent of the employees in the unit we hereinafter find appropriate. No written agreement of any kind has ever been executed between the Company and the Teamsters. We have heretofore held that a collective agreement which has not been reduced to writing and signed is not a bar to a determination of representatives.<sup>1</sup> Accordingly we find that the present oral agreement constitutes no bar to this proceeding.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the United 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 all the parties that all outside truck drivers employed at the Detroit plants of the

<sup>1</sup> See *Matter of Eicor, Inc, etc.*, 46 N. L. R. B. 1035.

<sup>2</sup> The Regional Director reported that the United submitted 3 authorization cards all of which bore apparently genuine original signatures; that the names of 3 persons appearing on the cards were listed on the Company's pay roll of January 12, 1944, which contained the names of 3 employees in the appropriate unit. The Teamsters conceded that it has no members in good standing among the employees in the appropriate unit.

Company, excluding 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.

#### 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 Detroit Steel Products Company, Detroit, 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 they desire to be represented by Local 351, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America (UAW-CIO), affiliated with the Congress of Industrial Organizations, or by Local 247, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, affiliated with the American Federation of Labor, for the purposes of collective bargaining, or by neither.

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