

In the Matter of SHORE PRODUCTS COMPANY and LOCAL 351, INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, C. I. O.

Case No. 7-R-1687.—Decided March 11, 1944

Mr. Albert M. Stern, of Detroit, Mich., for the Company.

Mr. Paul Silver, of Detroit, Mich., for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Local 351, International Union, United Automobile, Aircraft and Agricultural Implements Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Shore Products Company, Detroit, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Sylvester J. Pheney, Trial Examiner. Said hearing was held at Detroit, Michigan, on February 17, 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 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

Shore Products Company operates a plant at St. Clair Shores, Michigan, where it is engaged in the assembling of wire harnesses. All materials used by the Company are shipped to it from Essex Wire Company, Highland Park, Michigan. After the materials have been

assembled they are returned to the Essex Wire Company. The Essex Wire Company ships all of the harnesses to the Ford Motor Company in the State of Michigan. The latter incorporates the harnesses in airplanes which it produces for commerce, pursuant to contracts with the United States War Department.¹ About 75 percent of the raw materials used by the Company is shipped to the Essex Wire Company from points outside the State of Michigan. The Company sells products valued in excess of \$50,000 annually.

On these facts we find, contrary to the contention of the Company, that its operations affect commerce within the meaning of the Act.²

II. THE ORGANIZATION INVOLVED

Local 351, International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

During January 1944, the Union requested of the Company recognition as the exclusive bargaining representative of certain of its employees. The Company refused this request until such time as the Union is certified by the Board.

A statement of the Trial Examiner, read into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.³

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 production and maintenance employees at the St. Clair Shores plant of the Company, including plant clerks, but excluding office and clerical employees, plant-protection 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

¹ See *Newport News Shipbuilding and Drydock Co. v. N. L. R. B.*, 101 F. (2d) 841 (C. C. A. 4).

² See *Matter of New Market Steel Company*, 54 N. L. R. B. 90; *Matter of Crown Cork & Seal Company, Inc.*, 53 N. L. R. B. 741

³ The Trial Examiner reported that the Union presented 83 authorization cards bearing apparently genuine signatures. There are approximately 90 employees in the appropriate unit.

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 means of 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 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 Shore 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 any 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 351, International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.

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