

IN THE MATTER OF MU-SWITCH CORPORATION *and* UNITED ELECTRICAL,  
RADIO AND MACHINE WORKERS OF AMERICA, CIO

*Case No. 1-R-1734.—Decided March 15, 1944*

*Sugerman & Schneider*, by *Mr. Edward Schneider*, of Boston, Mass., for the Company.

*Mr. Leonard C. Lewin*, of Boston, Mass., for the Union.

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

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Electrical, Radio and Machine Workers of America, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Mu-Switch Corporation, Canton, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John W. Coddaire, Jr., Trial Examiner. Said hearing was held at Boston, Massachusetts, on February 18, 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

The Company is engaged in the manufacture of an electrical switch used in various types of aircraft. The annual value of raw materials used by the Company exceeds \$100,000, more than 50 percent of which is brought to the plant from outside of Massachusetts, and the annual value of its products exceeds \$700,000, more than 50 percent of which is shipped to points outside of Massachusetts.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

United Electrical, Radio and Machine Workers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of the Company's employees until the Company has been certified by the Board in an appropriate unit.

A statement of a Board agent, 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 Union seeks a unit composed of all employees of the Company, including "working foreladies," but excluding executives, clerical, and supervisory employees. The Company takes no position as to the unit.

The record does not clearly reveal the authority and powers of the "working foreladies." If they fall within our usual definition of a supervisory employee, they shall be excluded; if they do not fall within that definition, they are to be included.

We find that all employees of the Company, excluding executives, clerical, 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 employees in the appropriate unit who were employed during the payroll period immediately preceding the date of the Direction of Elec-

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<sup>1</sup>The Field Examiner reported that the Union submitted 78 authorization cards and that there are about 150 persons in the alleged appropriate unit.

tion herein, subject to the limitations and additions set forth in the Direction.<sup>2</sup>

### 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 Mu-Switch Corporation, Canton, Massachusetts, 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 First 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 the 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 United Electrical, Radio and Machine Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.

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<sup>2</sup> Part-time employees, whose inclusion the Union sought and the Company did not oppose, shall be eligible to participate in the election.