In the Matter of Clawson & Bals, Inc., and United Steelworkers of America, CIO

Case No. 13-R-2293.—Decided March 27, 1944

Mr. J. A. Barry, of Chicago, Ill., for the Company. Mr. Oakley H. Mills, of Chicago, Ill., for the CIO. Mr. R. L. Siemiller, of Chicago, Ill., for the IAM. Mr. William Strong, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, CIO, herein called the CIO, alleging that a question affecting commerce had arisen concerning the representation of employees of Clawson & Bals, Inc., Chicago, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John R. Hill, Trial Examiner. Said hearing was held at Chicago, Illinois, on February 25, 1944. The Company, the CIO, and International Association of Machinists, District No. 8 and Die and Tool Makers Lodge No. 113, herein called the IAM, 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, an Illinois corporation, is a wholly owned subsidiary of Bohn Aluminum and Brass Corporation, a Michigan corporation. 55 N. L. R. B., No. 140.

The Company owns and operates a plant in Chicago, Illinois, where it is engaged in the manufacture and rebabbitting of connecting rods and the rebabbitting of motor bearings, and operates 14 service units in 13 States. This proceeding is concerned only with the Chicago plant. During 1943 the Company used raw materials values in excess of \$100,000, of which approximately 90 percent came from outside the State of Illinois, and manufactured finished products valued in excess of \$150,000, of which approximately 50 percent was shipped to points outside Illinois. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

United Steelworkers of America, affiliated with the Congress of Industrial Organizations and Industrial Association of Machinists, District No. 8 and Die and Tool Makers Lodge No. 113, 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 CIO as the exclusive bargaining representative of certain of the Company's employees on the ground that it has a contract with the IAM, District No. 8, covering the employees in the unit sought by the CIO. The contract in question provides that it shall be effective from February 3, 1942, to February 3, 1943, "and thereafter unless thirty (30) days written notice is given by either party desiring a change," and further provides that it can be opened at any time upon 30 days' notice, for wage adjustments. We find that the contract does not consitute a bar to the present investigation of representatives.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the CIO represents a substantial number of employees in the unit hereinafter found appropriate.²

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) (7) of the Act.

IV. THE APPROPRIATE UNIT

The CIO seeks a unit composed of all production and maintenance employees of the Company, including a watchman, shipping and -

¹The IAM, Lodge No 113, has an oral contract with the Company. However, the employees covered by the Lodge No 113 contract are specifically excluded from the unit sought by the CIO

² The Field Examiner reported that the CIO submitted 60 authorization cards and that there are 61 employees in the alleged appropriate unit.

receiving room employees, but excluding plant and office clerical employees, draftsmen, toolroom employees, superintendents, and foremen. The Company does not disagree, but assumes no position. The IAM agrees as to the inclusions and exclusions.³ The unit sought by the CIO is the same as that recognized by the Company and the IAM for the past several years.

We find that all production and maintenance employees of the Company, including the watchman,⁴ shipping and receiving room employees, but excluding plant and office clerical employees, draftsmen, toolroom employees, superintendents, foremen, and any other 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 Clawson & Bals, Inc., Chicago, Illmois, 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 Thirteenth 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

³ Lodge No 113 is interested only in the toolroom employees, which the CIO would exclude from the unit

⁴ The record is not clear as to the militarized or non-militarized status of the watchman; he is included only if non-militarized, otherwise he is excluded.

this Direction, including employees who did not work during said 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 United Steelworkers of America, CIO, or by International Association of Machinists, District Lodge No. 8, A. F. of L., for the purposes of collective bargaining, or by neither.