

In the Matter of LARKIN PACKER COMPANY and INTERNATIONAL  
ASSOCIATION OF MACHINISTS, DISTRICT No. 9, AFL

Case No. 14-R-878.—Decided March 30, 1944

*Messrs. J. J. Larkin and R. H. McRoberts*, of St. Louis, Mo., for  
the Company.

*Messrs. W. C. Riley and Russell L. Davis*, of St. Louis, Mo., for  
the AFL.

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

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Association of Machinists, District No. 9, AFL, herein called the AFL, alleging that a question affecting commerce had arisen concerning the representation of employees of Larkin Packer Company, St. Louis, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Harry G. Carlson, Trial Examiner. Said hearing was held at St. Louis, Missouri, on February 29, 1944. The Company and the Union appeared and participated.<sup>1</sup> 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, a Missouri corporation, is engaged in the manufacture of oil and gas well drilling equipment and machine tools and

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<sup>1</sup> Although served with Notice of Hearing and a copy of the petition, the Well Drilling and Machine Tool Equipment Union of the United States of America, herein called WDU, did not appear or participate in any manner.

production equipment. During 1943 the Company manufactured finished products valued in excess of \$1,000,000, about 75 percent of which was shipped to points outside the State of Missouri. Approximately 85 percent of the raw materials used by the Company originated at points outside that State. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

International Association of Machinists, District No. 9, affiliated with the American Federation of Labor, 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 AFL as the exclusive bargaining representative of certain of the Company's employees on the ground that the Company is a party to a 2-year contract with the WDU executed in August 1943.<sup>2</sup> On February 4, 1944, WDU members present at a special meeting of the WDU voted unanimously to disband that organization, and sent to the Company written notice to that effect. We find that in view of the dissolution of the WDU, the contract is not a bar to a present determination of representatives.<sup>3</sup>

A statement of a Board agent, introduced into evidence at the hearing, indicates that the AFL represents a substantial number of employees in the unit hereinafter found appropriate.<sup>4</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 the parties, that all production and maintenance employees of the Company, excluding office and clerical employees, superintendents, foremen, and all 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.<sup>5</sup>

<sup>2</sup> The Company raised the same objection at the hearing.

<sup>3</sup> See e g, *Matter of Hueneme Wharf & Warehouse Company*, 39 N. L. R. B. 636, and *Matter of Willard Storage Battery Company*, 46 N. L. R. B. 425

<sup>4</sup> The Field Examiner reported that the AFL submitted 136 authorization cards and that there are approximately 200 employees in the alleged appropriate unit.

<sup>5</sup> The Company employs certain "working foremen" and "working supervisors," whose duties and authority are not clear. If they exercise powers which place them within our

## 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 Larkin Packer Company, St. Louis, Missouri, 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 Fourteenth 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 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 or not they desire to be represented by International Association of Machinists, District No. 9, AFL, for the purposes of collective bargaining.

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definition of supervisory employees, they are to be excluded from the unit; otherwise they are included.