

IN THE MATTER OF WACO AIRCRAFT COMPANY *and* INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (CIO)

*Case No. 8-R-1355.—Decided March 30, 1944*

*Landis, Ferguson, Bieser and Greer, by Mr. Rowan A. Greer, of Dayton, Ohio, and Messrs. C. J. Brukner, Russell Pearson, and Hugh R. Perry, of Troy, Ohio, for the Company.*

*Mr. David A. Guberman, of Toledo, Ohio, Mr. Harold A. Tull, of Troy, Ohio, and Mr. Howard Seren, of Lima, Ohio, 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 the International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, (CIO), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of the Waco Aircraft Company, Troy, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Louis Plost, Trial Examiner. Said hearing was held at Troy, Ohio, on March 7, 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

Waco Aircraft Company, an Ohio corporation, manufactures aircraft and aircraft parts at Troy, Ohio. The value of the raw ma-

terials used by the Company during 1943 was in excess of \$7,000,000; approximately 80 percent of the raw materials was received from points outside the State of Ohio. The value of finished products of the Company during the same period was more than \$14,000,000, approximately 98 percent of which was shipped to destinations 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 Union, United Automobile, Aircraft and Agricultural Implement 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 Union 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

We find, in substantial agreement with a stipulation of the parties, that all employees of the Company in its Troy, Ohio, plant, excluding office and clerical employees, shop-clerical employees, checkers, tool designing department employees, watchmen, guards, fire chief, foremen, assistant foremen, 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.<sup>2</sup>

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<sup>1</sup> The Field Examiner reported that the Union submitted 346 authorization cards, and that there were about 993 employees in the alleged appropriate unit.

<sup>2</sup> The parties stipulated to include group leaders in the unit. The record fails to reveal their duties. Group leaders are included in the unit provided that their duties are not such as to bring them within our definition of supervisory employees; otherwise, they are excluded.

## 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 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 Waco Aircraft Company, Troy, Ohio, 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 Eighth 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 payroll period immediately preceding the date of this Direction, including employees who did not work during the said payroll 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 International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.