

In the Matter of GOODMAN MANUFACTURING COMPANY and PATTERN
MAKERS LEAGUE OF NORTH AMERICA, AFL, CHICAGO ASSOCIATION

Case No. 13-R-2315.—Decided April 4, 1944

Fyffe & Clarke, by *Mr. John Harrington*, of Chicago, Ill., for the Company.

Mr. Gunnar Hallstrom and *Mr. Joseph J. Zyrkowski*, of Chicago, Ill., for the Union.

Mr. William Strong, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Pattern Makers League of North America, AFL, Chicago Association, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Goodman Manufacturing Company, Chicago, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Francis X. Helgeson, Trial Examiner. Said hearing was held at Chicago, Illinois, on March 3, 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

Goodman Manufacturing Company is an Illinois corporation maintaining plant and offices in Chicago, Illinois, where it is engaged in the manufacture and distribution of underground mining machin-

ery. During 1943, of the raw materials purchased by the Company, valued in excess of \$500,000, more than 50 percent was secured from sources in States other than the State of Illinois. During 1943 also, the value of finished products exceeded \$1,000,000, of which more than 50 percent was sold and shipped to customers in States other than Illinois.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Pattern Makers League of North America, Chicago Association, 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 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.¹

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 pattern makers and pattern makers' apprentices, excluding foremen and supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action. The Company assumes no position as to an appropriate unit, but asserts that the unit sought by the Union is inappropriate since it does not include certain woodworkers, shellac workers, and a laborer who, together with the pattern makers and their apprentices, compose the non-supervisory personnel of the Company's Pattern Making Department. There is no history of collective bargaining at the plant. The pattern makers and pattern makers' apprentices constitute a well defined and recognized craft. The Union does not admit into membership the categories of employees as to whose exclusion the Company objects, and has not sought to organize such employees.

¹ The Field Examiner reported that the Union submitted a designation petition which bore 11 signatures, and that there are 13 persons in the alleged appropriate unit.

We shall exclude the woodworkers, shellac workers, and the laborer from the pattern makers' unit.

We find that all pattern makers and pattern makers' apprentices, excluding all other employees in the Pattern Making Department and elsewhere of the Company, and excluding 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.

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 Goodman Manufacturing Company, Chicago, Illinois, 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 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 Pattern Makers League of North America, Chicago Association, affiliated with the American Federation of Labor, for the purposes of collective bargaining.