

In the Matter of J. R. PROKSA, A. J. PROKSA AND EDITH CHAMBERS  
D/B/A EVEREDE TOOL COMPANY and INTERNATIONAL ASSOCIATION OF  
MACHINISTS, DIE & TOOL MAKERS LODGE #113, A. F. OF L.

*Case No. 13-R-2323.—Decided April 8, 1944*

*Fyffe & Clarke, by Mr. Albert J. Smith, of Chicago, Ill., for the  
Company.*

*Mr. P. L. Siemiller, of Chicago, Ill., for the Union.*

*Mr. Louis Cokin, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition and amended petition duly filed by International Association of Machinists, Die & Tool Makers Lodge #113, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of J. R. Proksa, A. J. Proksa and Edith Chambers d/b/a Everede Tool Company, Chicago, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Francis X. Helgesen, Trial Examiner. Said hearing was held at Chicago, Illinois, on March 20, 1944. The Company and the Union appeared, participated, and 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 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

J. E. Proksa, A. J. Proksa and Edith Chambers d/b/a Everede Tool Company, is a co-partnership operating a plant at Chicago, Illinois, where it is engaged in the manufacture of tool holders, jigs, fix-

tures, gauges, bits, dies, and boring bars. During 1943 the Company purchased raw materials valued in excess of \$25,000, substantially all of which was shipped to it from points outside the State of Illinois. During the same period the Company manufactured products valued in excess of \$150,000, approximately 75 percent of which was shipped to points outside the State of Illinois. 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, Die & Tool Makers Lodge #113, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

On February 4, 1944, the Union requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. The Company refused this request.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be 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 urges that all toolroom, production, and maintenance employees of the Company, including apprentices, but excluding executives, office and clerical employees, and supervisors, constitute an appropriate unit. The Company took no position with respect to the unit. Evidence introduced at the hearing indicates that the employees claimed by the Union constitute a well-defined homogeneous group.

We find that all toolroom, production, and maintenance employees of the Company, including apprentices, but excluding office and clerical employees, executives, 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>1</sup> The Field Examiner reported that the Union presented 14 authorization cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of March 5, 1944. There are 24 persons in the appropriate unit.

## V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of 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 J. R. Proksa, A. J. Proksa and Edith Chambers d/b/a Everede Tool 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 such 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 International Association of Machinists, Die & Tool Makers Lodge #113, A. F. of L., for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.