

In the Matter of O'KEEFE & MERRITT MANUFACTURING COMPANY and  
O'KEEFE & MERRITT DIVISION, LOCAL 2018, AFFILIATED WITH UNITED  
STEELWORKERS OF AMERICA, CIO

*Case No. 21-R-2298.—Decided April 29, 1944*

*Mr. Cecil W. Collins*, of Los Angeles, Calif., for the Company.  
*Messrs. G. J. Conway* and *Gilbert A. Anaya*, both of Maywood,  
Calif., for the CIO.

*Mr. E. N. Kapy*, of Inglewood, Calif., for the Club.

*Mr. Glenn L. Moller*, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by O'Keefe & Merritt Division, Local 2018, affiliated with United Steelworkers of America, CIO, herein called the CIO, alleging that a question affecting commerce had arisen concerning the representation of employees of O'Keefe & Merritt Manufacturing Company, Los Angeles, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George H. O'Brien, Trial Examiner. Said hearing was held at Los Angeles, California, on March 29, 1944. The Company, the CIO, and the Five and Over Club, herein called the Club, 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

O'Keefe & Merritt Manufacturing Company is a California corporation, with its office and principal place of business in Los Angeles, 56 N. L. R. B., No. 19.

California. Prior to the war the Company manufactured gas stoves and other gas appliances, valued in excess of \$2,000,000 annually. More than 10 percent of the Company's products was shipped from the Company's plant in Los Angeles, to points outside the State of California. The principal raw materials used by the Company is steel, all of which was obtained from rolling mills located in California, but which obtained their steel from points outside the State of California.

The Company presently manufactures motors for the United States Army, using annually in this work raw materials valued at more than \$500,000, about 50 percent of which is shipped to the Company's plant from points outside the State of California.

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

## II. THE ORGANIZATION INVOLVED

O'Keefe & Merritt Division, Local 2018, United Steelworkers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

Whether or not the Five and Over Club, which intervened in this proceeding, solely for the purpose of opposing the direction of any election among the Company's employees, is a labor organization cannot be determined from the record. In view of our dismissal of the petition herein, resolution of this question is unnecessary.

## III. THE ALLEGED QUESTION CONCERNING REPRESENTATION

On February 11, 1944, the CIO requested recognition as the exclusive bargaining representative of the Company's production and maintenance employees. The Company refused to recognize the CIO on the ground that it has an existing contract with the Five and Over Club.

Although it is clear that the alleged contract would not be a bar to a determination of representatives, since it is neither written nor for a definite term, an examination of the evidence upon which the CIO's representation claim is based leads us to the conclusion that no sufficient showing has been made to warrant further investigation. A statement by the Trial Examiner, incorporated into the record after the hearing pursuant to a stipulation of the parties, indicates that the CIO submitted 142 application-for-membership cards, 82 of which bore the apparently genuine signatures of persons listed on the Company's pay roll of March 18, 1944, and that said pay roll contained the names of 481 employees in the bargaining unit alleged by the CIO to be appropriate.

In view of the insubstantial showing of representation made by the CIO, we find that no question has arisen concerning the representation of employees of the Company at this time, and shall order that the petition be dismissed without prejudice to its renewal at such time as the CIO is able to make a substantial showing of representation among the employees of the Company.

#### ORDER

Upon the basis of the foregoing findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of O'Keefe & Merritt Manufacturing Company, Los Angeles, California, filed by O'Keefe & Merritt Division, Local 2018, affiliated with the United Steelworkers of America, CIO, be, and it hereby is, dismissed without prejudice.