

In the Matter of AIRPATH INSTRUMENT COMPANY and INTERNATIONAL
ASSOCIATION OF MACHINISTS, DISTRICT No. 9, A. F. L.

Case No. 14-R-912.—Decided May 3, 1944

Messrs. W. C. Riley and Nelson Briner, of St. Louis, Mo., for the Union.

Messrs. J. O. Phelps and George W. Cottrill, of Robertson, Mo., for the Company.

Mr. A. Sumner Lawrence, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Association of Machinists, District No. 9, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Airpath Instrument Company, Robertson, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Keith W. Blinn, Trial Examiner. Said hearing was held at St. Louis, Missouri, on March 29, 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 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

Airpath Instrument Company, a Missouri corporation, has its principal office and place of business at Lambert Field, St. Louis, Missouri, where it is engaged in the manufacture, sale, and distribution of airplane compasses and other aircraft parts. During the calendar

year 1943, the Company purchased for use at its St. Louis plant raw materials valued at approximately \$15,000, of which approximately 30 percent was obtained from points outside the State of Missouri. During the same period, the Company manufactured and sold finished products valued at approximately \$200,000, of which approximately 60 percent was shipped from the Company's St. Louis plant to points outside the State of Missouri.

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, is a labor organization, affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On or about February 23, 1944, the Union requested that the Company recognize it as exclusive bargaining representative for the Company's employees. The Company declined to grant the Union's request for recognition.

A statement of a Field Examiner for the Board, introduced in evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be 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

We find, in substantial accordance with a stipulation of the parties, that all employees of the Company, including the engineer-draftsman, but excluding office and clerical employees and supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action,² constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

¹ The Field Examiner reported that the Union had submitted 28 designations dated February 1944, of which 22 bore the apparently genuine original signatures of persons whose names are on a current pay roll of the Company, containing 46 names within the claimed appropriate unit.

² Excluded under the category of supervisory employees are the president, vice president, production manager, and manager of the gear division.

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 our Direction of Election herein, subject to the limitations and additions set forth therein.

It is requested by the Company that employees who are members of the armed forces of the United States be permitted to vote by mail. The Union opposes the Company's request. In accordance with our established policy, recently affirmed after a full review of the reasons in support thereof,³ we shall deny the Company's request and permit to vote only those employees on military leave who present themselves in person at the polls.

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 Airpath Instrument Company, Robertson, 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 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, A. F. L., for the purposes of collective bargaining.

³ See *Matter of Mine Safety Appliance Co., Callery Plant, Callery, Pa.*, 55 N L R B 1190.