

In the Matter of ILLINOIS MEAT COMPANY and UNITED PACKINGHOUSE  
WORKERS OF AMERICA, LOCAL 56, C. I. O.

*Case No. 13-R-2338.—Decided May 3, 1944*

*Mr. David Silbert*, of Chicago, Ill., for the Company.

*Mr. R. R. Martinez*, of Chicago, Ill., for the Union.

*Mr. William R. Cameron*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Packinghouse Workers of America, Local 56, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Illinois Meat Company, Chicago, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Mozart G. Ratner, Trial Examiner. Said hearing was held at Chicago, Illinois, on April 7, 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 Company moved to dismiss the petition on the ground, in substance, that the Board had failed to proceed to final disposition of consolidated Cases Nos. R-5433 (13-R-1617) and 13-C-2234, involving the Company and the Union, prior to the issuance of its order severing the aforesaid cases and granting the motion of the Union to withdraw its petition in Case No. R-5433.<sup>1</sup> The Trial Examiner reserved ruling upon this motion for the Board. The motion is hereby denied. 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.

<sup>1</sup> Prior to the withdrawal of the petition in Case No. R-5433, the Board had pending before it objections filed by the Union to the consent election held on May 11, 1943. The Union has filed a waiver of any right to contest the results of any election that may be directed in the present case on any ground set forth in Case No. 13-C-2234.

Upon the entire record in the case, the Board makes the following:

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE COMPANY

Illinois Meat Company, an Illinois corporation with plant and principal offices in Chicago, Illinois, is engaged in the business of processing hogs, fresh pork, hams, bacon, and other meat items. It has contracts to supply meat to the Army and Navy, and also under the Lend-Lease program. During the year 1943 the Company's purchases amounted to \$8,000,000, of which 80 percent in value was shipped to the Company from points outside the State of Illinois. During the same period the Company's sales of finished products amounted in value to \$9,000,000, of which 60 percent was shipped to points outside the State of Illinois. The Company employs at its plant at 3939 South Wallace Street, Chicago, Illinois, which alone is involved in this proceeding, approximately 550 employees. The Company concedes that it is engaged in commerce within the meaning of the Act.

#### II. THE ORGANIZATION INVOLVED.

United Packinghouse Workers of America, Local 56, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

#### III. THE QUESTION CONCERNING REPRESENTATION

On February 22, 1944, the Union notified the Company by letter of its claim to represent a majority of the Company's production and maintenance employees and requested a collective bargaining conference. The Company refused the request of the Union.

A statement of the Field Examiner introduced in evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>2</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 accordance with the stipulation of the parties, that all hourly paid and piece-work production and maintenance employees of the Company, including hourly paid checkers and scalers,

<sup>2</sup> The Field Examiner reported that the Union submitted 266 designation cards, of which 189 are dated in February 1944. There are approximately 479 employees in the appropriate unit.

but excluding executives, superintendents, assistant superintendents, foremen, assistant foremen, general office employees, truck drivers, watchmen, guards, plant clerks, timekeepers, gang checkers, weekly paid checkers and scalers, technical men, shipping clerks, hog buyers, assistant hog buyers, 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 Illinois Meat 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 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 United Packinghouse Workers of America, Local 56, C. I. O., for the purposes of collective bargaining.