

In the Matter of W. B. JARVIS COMPANY and INTERNATIONAL UNION,
UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA, UAW-CIO

Case No. 7-R-1724.—Decided May 8, 1944.

Messrs. D. A. Warner, L. A. Jarvis, D. H. Osborn, and J. M. Messing,
of Grand Rapids, Mich., for the Company.

Mr. John Stobbe, of Grand Rapids, Mich., for the UAW.

Mr. John H. Vander Wal, of Grand Rapids, Mich., for the
Independent.

Mr. Joseph E. Gubbins, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, UAW-CIO, herein called the UAW, alleging that a question affecting commerce had arisen concerning the representation of employees of the W. B. Jarvis Company, Grand Rapids, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Harold A. Cranefield, Trial Examiner. Said hearing was held at Grand Rapids, Michigan, on April 13, 1944. The Company, the UAW, and the Employees Union of the W. B. Jarvis Company, herein called the Independent, 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

W. B. Jarvis Company, a Michigan corporation, operates a plant at Grand Rapids, Michigan, where it is engaged in the production of war materials; the Grand Rapids plant is the only one involved herein.

During the year ending June 30, 1943, the Company used approximately 3,000,000 pounds of armor plate at its Grand Rapids plant, about 33 percent of which was shipped to the plant from points outside the State of Michigan. During the same period approximately 900,000 unfinished mess trays were shipped to the Grand Rapids plant for further fabrication, all of which were shipped from points outside the State of Michigan. Approximately 20 percent of the above-mentioned armor plate and substantially all mess trays were shipped to points outside the State of Michigan after fabrication.

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

II. THE ORGANIZATIONS INVOLVED

International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

Employees Union of the W. B. Jarvis Company, unaffiliated, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the UAW as the exclusive bargaining representative of its employees until the UAW is certified by the Board.

The record shows that the Company and the Independent entered into a series of bargaining agreements covering the employees involved herein, the first of which was negotiated in 1936. At present, there is an existing contract between the Company and the independent which will expire by its terms on May 14, 1944. The Company and the Independent do not assert that the existing agreement precludes a present determination of representatives. In view of this fact and since the agreement is about to expire, we find that it does not constitute a bar to the instant proceeding.

A statement prepared by a Field Examiner, introduced in evidence at the hearing, indicates that the UAW 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.

¹ The Field Examiner reported that the UAW submitted 142 designation cards. There are approximately 275 employees in the unit alleged by the UAW to be appropriate. The Independent submitted no evidence of membership, apparently relying on its contract to show its interest in the proceeding.

IV. THE APPROPRIATE UNIT

The parties stipulated and we find that all production and maintenance employees of the Company at its Grand Rapids, Michigan, plant, excluding office employees, time-study men, timekeepers, laboratory employees, nurses, clock men, plant guards, chief engineer, assistant engineers, superintendents, assistant superintendents, general foremen, and all supervisory employees who have 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 W. B. Jarvis Company, Grand Rapids, Michigan, 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 Seventh 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 they desire to be represented by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America; UAW-CIO, or by Employees Union of the W. B. Jarvis Company, for the purposes of collective bargaining, or by neither.