

In the Matter of THE GENEVA METAL WHEEL COMPANY and UNITED
ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA (CIO)

Case No. 8-R-1462.—Decided May 22, 1944

Mr. Kenneth D. Carter, of Cleveland, Ohio, and Mr. H. A. Carter, of Geneva, Ohio, for the Company.

Mr. Fred Haug, of Cleveland, Ohio, and Mr. R. J. Stoneburner, of Geneva, Ohio, for the CIO.

Mr. William Strong, of counsel to the Board.

DECISION,

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Electrical, Radio & Machine Workers of America (CIO), herein called the CIO, alleging that a question affecting commerce had arisen concerning the representation of employees of The Geneva Metal Wheel Company, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Frank L. Danello, Trial Examiner. Said hearing was held at Cleveland, Ohio, on April 25, 1944. The Company and the CIO appeared and participated.¹ 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

The Geneva Metal Wheel Company, an Ohio corporation with its main office and place of business at Geneva, Ohio, is engaged in the

¹ Although served with Notice of Hearing, neither the International Association of Machinists, AFL, herein called the IAM, nor the United Steelworkers of America, CIO, appeared at the hearing.

manufacture of metal wheels. During the year 1943 the Company purchased for use at its plant about 250 tons of pig iron and about 500 tons of steel per month, about 15 percent of which was obtained from sources outside the State of Ohio. During the same period approximately 50 percent of the finished products of the Company was sold and shipped to points outside the State of Ohio.

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

II. THE ORGANIZATIONS INVOLVED

United Electrical, Radio & Machine Workers of America, affiliated with the Congress of Industrial Organizations and the International Association of Machinists, affiliated with the American Federation of Labor, are labor organizations admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of the Company's employees.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.²

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 CIO seeks a unit composed of all employees of the Company, including watchmen, but excluding clerical and supervisory employees. The Company agrees, except that it would exclude the watchmen.

The Company employs four non-militarized watchmen, two on the day shift and two on the night shift. The watchmen stand at the gates and check the entering employees. One of the watchmen on each shift also tends the plant boilers. On the day shift the watchmen also perform ordinary maintenance work after checking in the employees. In addition, the watchmen patrol the premises. It is evident that the watchmen are in part maintenance employees. We shall include them in the unit.

²The Field Examiner reported that the Union submitted 109 authorization cards 95 of which bore the names of persons appearing on the Company's pay roll of April 8, 1944, which contained the names of 152 employees in the appropriate unit.

The IAM submitted 36 authorization cards 28 of which bore the names of persons appearing on the aforesaid pay roll.

We find that all employees of the Company, including watchmen, but excluding clerical 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.

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.³

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 The Geneva Metal Wheel Company, 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 Eighth 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 they desire to be represented by United Electrical, Radio & Machine Workers of America, affiliated with the Congress of Industrial Organizations, or by International Association of Machinists, affiliated with the American Federation of Labor, for the purposes of collective bargaining, or by neither.

³ Although the IAM did not appear at the hearing, its submission to the Field Examiner of evidence of its designation by certain of the employees in the unit indicates that it has an interest in this proceeding. We assume, unless the contrary is shown at a future date, that the IAM desires to appear on the ballot. We shall include it on the ballot.