

IN THE MATTER OF MINES EQUIPMENT COMPANY and UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA, C. I. O.

Case No. 14-R-919.—Decided May 31, 1944

Messrs. John Hanlon, and Daniel Bartlett, of St. Louis, Mo., for the Company.

Messrs. William Sentner and Clarence Bingaman, of St. Louis, Mo., for the Union.

Mr. Max M. Goldman, 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, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Mines Equipment Company, St. Louis, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Harry G. Carlson, Trial Examiner. Said hearing was held at St. Louis, Missouri, on May 3, 1944. The Company and the Union 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

Mines Equipment Company, a Missouri corporation, is engaged in the manufacture of electrical connectors, instrument lights, and cable vulcanizers, at two plants in St. Louis, Missouri. During the last

6 months of 1943 the Company purchased raw materials consisting of rubber, brass, copper, steel, and aluminum, valued at about \$1,500,000, of which 85 percent was shipped to it from points outside the State of Missouri. Sales of its finished products during the same period amounted to approximately \$4,000,000 in value, of which 90 percent was shipped 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

United Electrical, Radio & Machine Workers of America, affiliated with the Congress of Industrial Organizations, is a labor organization 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 its Kingshighway plant employees until the Union has been certified by the Board in an appropriate unit.

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.<sup>1</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

The Union seeks a unit of all the Company's Kingshighway plant employees, excluding watchmen, guards, office clerical, and supervisory employees. The Company contends that the unit sought by the Union is inappropriate, and that the employees of both the Kingshighway and Clayton plants, excluding employees in the classifications the Union would exclude, and the machine shop employees at the Clayton plant, constitute an appropriate unit. The employees of the machine shop are currently represented by the Union as a result of a consent election. The Union is at present negotiating a contract covering these employees. The Company has no other collective bargaining history, and it does not appear from the record that self-

<sup>1</sup> The Field Examiner reported that the Union submitted 124 membership cards; that the names of 89 persons appearing on the cards were listed on the Company's pay roll, which contained the names of 240 employees in the appropriate unit, and that the cards were dated as follows: 34 in 1943, 50 in 1944, and 5 undated

organization has extended beyond the Kingshighway plant and the machine shop in the Clayton plant.

As stated above, the Company conducts its operations in two plants. One plant is known as the No. 1, or Kingshighway plant, and the other, as the No. 2, or Clayton plant. The general offices, including the personnel department, are located at the Clayton plant. All hiring is done through the personnel department. The hours, working conditions, and pay of the employees of both plants are comparable. In the main, the general level of skill required at both plants is about the same, and some transfers of employees between plants have been made. Employees from the Clayton plant perform the watchman and maintenance services for the Kingshighway plant.

However, the plants are located 2 miles apart. The Kingshighway plant is primarily engaged in assembling, and the Clayton plant, in fabricating and processing. The Kingshighway plant also does some assembling work on products fabricated by other companies. The right to discharge is decentralized, so that the Kingshighway plant superintendent has the authority to discharge employees under his supervision. The transfers that are made between plants are principally of a permanent nature, and the employees of each plant are listed separately on the Company's pay rolls. In view of the absence of collective bargaining history on a broader basis, the substantially independent operations at each plant, and the limited extent of self-organization among the Company's employees, we are of the opinion that the unit sought by the Union is at present appropriate for the purposes of collective bargaining.<sup>2</sup> Our findings that a unit confined to the Kingshighway plant is appropriate will not, however, preclude a finding at some latter date that a larger and more inclusive unit is then appropriate.

We find that all employees of the Company's Kingshighway plant, excluding all office clerical employees, guards, watchmen, and 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

<sup>2</sup> See *Matter of Standard Overall Company*, 53 N. L. R. B. 960

Election herein, subject to the limitations and additions set forth in the Direction.

The Union's request that it appear on the ballot as the "UE-CIO" is hereby granted. In the event it is certified, however, it shall be designated as its name appears in Section II, *supra*.

### 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 Mines Equipment Company, St. Louis, 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 the UE-CIO, for the purposes of collective bargaining.