

In the Matter of E. A. PETERSEN, d/b/a CHICAGO DIE MOLD MFG. Co.
and UAW-AFL AMALGAMATED LOCAL 286

Case No. 13-R-2460.—Decided June 15, 1944

Mr. Marion G. Kudlick, of Chicago, Ill., for the Company.
Messrs. Angelo Meiso and Frank Potzmann, of Chicago, Ill., for
the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by UAW-AFL Amalgamated Local 286, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of E. A. Petersen, d/b/a Chicago Die Mold Mfg. Co., Chicago, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George S. Freudenthal, Jr., Trial Examiner. Said hearing was held at Chicago, Illinois on May 19, 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. During the course of the hearing the Company moved to dismiss the petition. The Trial Examiner reserved ruling thereon. 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.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

E. A. Petersen, d/b/a Chicago Die Mold Mfg. Co., is engaged in the manufacture of molded plastic products at Chicago, Illinois. During 1943 the Company purchased raw materials valued at about

56 N. L. R. B., No. 250.

\$235,000, approximately 65 percent of which was shipped to it from points outside the State of Illinois. During the same period the Company manufactured products valued in excess of \$1,000,000, approximately 35 percent of which was shipped to points outside the State of Illinois.

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

II. THE ORGANIZATION INVOLVED

UAW-AFL Amalgamated Local 286 is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive bargaining representative of its employees.

On March 2, 1944, a consent election was held among the employees of the Company resulting in 78 votes being cast against the Union and 46 for the Union. Thereafter, the Regional Director found that the Company had interfered with the conduct of the election and set it aside. On May 12, 1944, the Union filed its petition herein. The Company contends that no election should be held because of the Union's defeat in the election of March 2, 1944. Inasmuch as the election on March 2, 1944, was set aside because of the Company's interference therewith we find the Company's position to be untenable.

We find that the Union represents a substantial number of employees of the Company inasmuch as 46 employees voted for it on March 2, 1944. There are approximately 142 employees in the unit hereinafter found to be appropriate.

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 agreement with the parties, that all production and maintenance employees of the company, excluding clerical employees, guards, foremen, subforemen, chief shipping clerk, and any 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 means of 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 E. A. Petersen, d/b/a Chicago Die Mold Mfg. Co., 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 UAW-AFL Amalgamated Local 286, for the purposes of collective bargaining.