

In the Matter of WHEELER PRODUCTS COMPANY and UNITED STEEL-  
WORKERS OF AMERICA (C. I. O.)

*Case No. 1-R-1860.—Decided June 15, 1944*

*Mr. Max Winograd*, of Providence, R. I., for the Company.

*Mr. Harold Roitman*, of Boston, Mass., for the Union.

*Mrs. Margaret L. Fassig*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America (C. I. O.), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Wheeler Products Company, Providence, Rhode Island, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John W. Coddair, Jr., Trial Examiner. Said hearing was held at Providence, Rhode Island, on May 18, 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

Wheeler Products Company is a partnership engaged in the manufacture of various metal products. The office and sole place of business of the Company is located at 430 Kinsley Avenue, Providence, Rhode Island.

The principal raw materials used by the Company in its business consist of a wide variety of metals in raw stock form, which are either

bought in the open market or are sent to the Company by prime contractors for processing. Practically all of the Company's purchases of raw materials are made within the State of Rhode Island, but more than 50 percent in volume of the materials received by the Company from contractors for processing is sent from points located outside the State of Rhode Island. The total value of the processing performed by the Company for its contractors and of the products manufactured by the Company for an annual period is in excess of \$20,000, over 50 percent of which is shipped to points outside the State of Rhode Island.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

United Steelworkers 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 employees in the agreed appropriate unit because the Company questions the Union's claim of majority representation of such 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.<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

We find, in accordance with a stipulation of the parties, that all of the Company's production workers, including machinists, lathe operators, drill press operators, milling machine operators, inspectors, assemblers, and tool makers, but excluding office and clerical employees, shipping clerks, storekeepers, salesmen, watchmen, caretakers, maintenance employees, executive employees, administrative employees, and all or any supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, con-

<sup>1</sup> The Field Examiner reported that the Union submitted 40 application cards; that the names of 37 persons appearing on the cards were listed on the Company's pay roll of April 13, 1944, which contained the names of 65 employees in the appropriate unit.

stitute 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 Wheeler Products Company, Providence, Rhode Island, 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 First 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 United Steelworkers of America (C. I. O.) for the purposes of collective bargaining.