

In the Matter of RAYMOND MANUFACTURING COMPANY, DIVISION OF ASSOCIATED SPRINGS CORPORATION and RAYMOND LODGE #1445, INTERNATIONAL ASSOCIATION OF MACHINISTS, A. F. L.

*Case No. 6-R-955.—Decided June 16, 1944*

*Mr. S. Russell Mink*, of Bristol, Conn., and *Mr. E. W. Feldt*, of Corry, Pa., for the Company.

*Mr. H. I. Smith*, of Pittsburgh, Pa., and *Mr. George R. Nelson*, of Jamestown, N. Y., for the Union.

*Mr. Jack Mantel*, of counsel to the Board.

## DECISION

AND

## DIRECTION OF ELECTION

### STATEMENT OF THE CASE

Upon a petition duly filed by Raymond Lodge #1445, International Association of Machinists, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Raymond Manufacturing Company, Division of Associated Springs Corporation, Corry, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before W. G. Stuart Sherman, Trial Examiner. Said hearing was held at Erie, Pennsylvania, on May 23, 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

Associated Springs Corporation, a Delaware Corporation, operates a plant at Corry, Pennsylvania, known as Raymond Manufacturing 56 N. L. R. B., No. 264.

Company, where the Company is engaged in the manufacture of various types of springs and metal stampings. During the year preceding April 1, 1944, the Company purchased raw materials, for use at its Corry plant, valued in excess of \$600,000, of which approximately 90 percent was shipped from points outside the Commonwealth of Pennsylvania. During the same period, the Company manufactured finished products valued in excess of \$2,000,000, of which approximately 70 percent was sold and shipped to points outside the Commonwealth of Pennsylvania.

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

## II. THE ORGANIZATION INVOLVED

Raymond Lodge #1445, International Association of Machinists, affiliated with the American Federation of Labor, 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 the employees of the Company until the Union has been certified by the Board in an appropriate unit.

A statement of a Field Examiner, 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 substantial accordance with the agreement of the parties, that all production and maintenance employees of the Company, at its Corry, Pennsylvania, plant, including watchmen and inspectors, but excluding executive, technical, office and factory clerical employees, militarized plant-protection employees, foremen, assistant foremen, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, consti-

<sup>1</sup> The Field Examiner reported that the Union submitted 249 authorization and membership cards; that as of May 2, 1944, there were 516 employees in the appropriate unit; and that the cards were dated between January and April 1944, 3 being dated prior to January 1944, and 2 undated.

tute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.<sup>2</sup>

#### 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 Raymond Manufacturing Company, Division of Associated Springs Corporation, Corry, Pennsylvania, 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 Sixth 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 Raymond Lodge #1445, International Association of Machinists, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

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<sup>2</sup> This unit is similar to that in which a consent election was held on April 23, 1943, Case No. 6-R-699.