

In the Matter of BENDIX PRODUCTS DIVISION, BENDIX AVIATION CORPORATION and BENDIX LOCAL 9, (UAW-CIO)

Case No. 13-R-2281

AMENDMENT TO DECISION

AND

SECOND DIRECTION OF ELECTION

June 29, 1944

On May 17, 1944, the Board issued a Decision and Direction of Election in the above-entitled proceeding.¹ On May 27, 1944, the Company filed a petition with the Board asking that the Board reconsider its Decision and establish a separate appropriate unit for tool designers.² On June 1, 1944, the Board issued a stay of election and an order to show cause why the petition of the Company should not be granted insofar as it seeks an amendment of the said Decision by establishing a separate unit for tool designers. Thereafter, the Union filed an answer to which the Company filed a reply. The Board has considered the petition of the Company, the Union's answer, and the Company's reply thereto, and upon a reconsideration of the record is of the opinion, and finds, that a separate unit for tool designers is appropriate. Accordingly, the Decision is hereby amended as follows:

(1) By striking from Section IV, the second paragraph thereof and substituting therefor the following, to wit:

The tool designers in Department 23 are responsible for the drafting of designs for new jigs, fixtures, and tools, work in groups of 2 to 10 men under the supervision of group leaders, and receive up to \$1.77 per hour; their work is creative, technical, and highly skilled. In view of the divergence in skill and rate of pay between the tool designers and other employees in the general production and maintenance unit, we are of the opinion, and find, that the tool designers as a group could properly function

¹ 56 N L R B 602.

² Under the terms of the original Decision, tool designers are to be included in the larger production and maintenance group if they select the Union as their bargaining representative.

56 N. L. R. B., No. 322.

as a separate bargaining unit. Accordingly, we shall find an appropriate unit limited to tool designers.

(2) By striking from Section IV, the fourth paragraph thereof and substituting therefor the following, to wit;

We find that all hourly rated employees of the Company's Department 23 employed as tool designers, but excluding group leaders, chief designers-group leaders, 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, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

Since the election originally directed was stayed and the time for the holding thereof has elapsed, we shall issue a Second Direction of Election. We shall direct that the election be held among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of our Second Direction of Election, subject to the limitations and additions set forth in the Direction.

SECOND 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 Bendix Products Division, Bendix Aviation Corporation, South Bend, Indiana, an election by secret ballot shall be conducted as early as possible, but not later than thirty 30 days from the date of this Second 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 appropriate unit who were employed during the pay-roll period immediately preceding the date of this Second 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 Bendix Local 9 (UAW-CIO), for the purposes of collective bargaining.