

In the Matter of THE NATIONAL SUPPLY COMPANY and AMERICAN
FEDERATION OF LABOR

Case No. 8-R-1425

SUPPLEMENTAL DECISION

AND

ORDER

July 12, 1944

On May 23, 1944, the Board issued its Decision and Direction of Election herein¹ in which it found that a unit composed of the militarized guards employed by the Company was appropriate for collective bargaining and directed an election therein. Thereafter, upon motion of International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, C. I. O., herein called the CIO, based upon information that not only the guards but also the watchmen had been sworn in as members of the Auxiliary Military Police, the Board on June 9, 1944, ordered that the record herein be reopened and a new hearing held. Said hearing was held upon due notice in Toledo, Ohio, on June 20, 1944, before Thomas E. Shroyer, Trial Examiner. 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:

SUPPLEMENTAL FINDINGS OF FACT

Contrary to the understanding of the parties at the time of the original hearing herein, the watchmen employed by the Company, as well as the guards with whom the petition was concerned, were then members of the Auxiliary Military Police. Our finding in the Decision and Direction of Election that the guards constitute a unit appropriate for collective bargaining separate and apart from the watchmen, who are presently represented in a unit of production and main-

¹56 N. L. R. B. 816.

57 N. L. R. B., No. 34.

tenance employees, was, therefore, based upon a mistake of fact, for the only mark of differentiation warranting the separation of guards from watchmen for the purposes of collective bargaining, as we found in said Decision, was the militarization of guards and the supposed non-militarization of watchmen. The two groups must, therefore, be considered as one for the purposes of this Decision.

On June 12, 1944, the United States Army issued certificates of meritorious service to all members of the Company's plant-protection force, effecting their honorable discharge from the Auxiliary Military Police. The American Federation of Labor, petitioner herein, contends that despite the removal of the distinguishing characteristic of militarization, these employees constitute a separate bargaining unit. We do not agree. The watchmen employed by the Company have for a number of years been represented in a unit with the maintenance and production employees, and the CIO presently holds a contract covering the employees in that unit. Absent militarization, no reason appears for segregating either the watchmen or the guards from the established unit.²

In the light of the facts above stated, we find that the unit sought to be established by the petition herein is inappropriate and therefore, that no question now exists concerning the representation of employees in an appropriate bargaining unit. Accordingly we shall dismiss the petition.

ORDER

Upon the basis of the above findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives filed by the American Federation of Labor, be, and it hereby is, dismissed.

MR. GERARD D. REILLY took no part in the consideration of the above Supplemental Decision and Order.

² See *Matter of Bell Telephone Laboratories, Incorporated*, 55 N. L. R. B. 87; *Matter of Commonwealth Edison Company* (Supplemental Decision) 55 N. L. R. B. 732.