

In the Matter of NEIL J. KUNST, LLOYD M. NORTON, AND LORETTA S. KUNST, D/B/A CONNOR FOUNDRY COMPANY and INTERNATIONAL MOLDERS AND FOUNDRY WORKERS OF NORTH AMERICA, LOCAL #213, A. F. OF L.

Case No. 7-R-1779.—Decided July 14, 1944

Warner, Norcross & Judd, by Mr. Lawson E. Becker, of Grand Rapids, Mich., for the Company.

Mr. Lester Campbell, of Grand Rapids, Mich., 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 International Molders and Foundry Workers of North America, Local #213, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Neil J. Kunst, Lloyd M. Norton, and Loretta S. Kunst, d/b/a Connor Foundry Company, Grand Rapids, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Cecil Pearl, Trial Examiner. Said hearing was held at Grand Rapids, Michigan, on June 22, 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. 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

Connor Foundry Company is a copartnership with its principal place of business at Grand Rapids, Michigan, where it is engaged in

the manufacture of grey iron castings. Approximately 53 percent of the raw materials used by the Company is shipped to it from points outside the State of Michigan. The Company sells products valued in excess of \$15,000, monthly, practically all of which are shipped to points within the State of Michigan.

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

II. THE ORGANIZATION INVOLVED

International Molders and Foundry Workers of North America, Local #213, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

During May 1944 the Union requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. The Company refused this request until such time as the Union is certified by the Board.

On November 22, 1943, an election was held among the employees of the Company involved herein with only the Union on the ballot. A majority of the voters voted against the Union. The Company contends that no election should be held at this time, and that the petition should be dismissed, because of the short period that has elapsed since the November 22, 1943, election. The record shows that there are 40 employees in the appropriate unit and that the Union has obtained 27 new authorization cards since the November 22, 1943, election. We find the position taken by the Company to be untenable.¹

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 agreement with a stipulation of the parties, that all employees of the Company, excluding office employees and all 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

¹ See *Matter of Automatic Products Company*, 40 N. L. R. B. 941.

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 Neil J. Kunst, Lloyd M. Norton; and Loretta S. Kunst, d/b/a Connor Foundry Company, Grand Rapids, Michigan, 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 Seventh 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 International Molders and Foundry Workers of North America, Local #213, affiliated with the American Federation of Labor, for the purposes of collective bargaining.